



**RESOURCE MANAGEMENT  
AGENCY  
COUNTY OF TULARE  
PLANNING COMMISSION  
SUMMARY**

**PLANNING COMMISSION**

**CHAIRMAN:** Gil Aguilar  
**VICE-CHAIR:** Wayne Millies

**COMMISSIONERS:**  
Ed Dias  
Bill Whitlatch  
Nancy Pitigliano  
John Elliott  
Melvin Gong  
Vacancy

**AIRPORT LAND USE COMMISSIONERS  
(ALUC)**

Bill Whitlatch  
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<b>Project Number:</b> GPA 16-005, PZC 16-007 & PPM 16-030	<b>Agenda Date:</b> March 28, 2018	
<b>Applicant:</b> Simon, Dutton, and Qualls	<b>Agenda Item Number:</b>	
<b>Agent:</b> Forester, Weber & Associates, LLC	<b>AGENDA ITEM TYPE</b>	
<b>Subject:</b> (1) Initial Study & Mitigated Negative Declaration (IS/MND) consistent with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines and adoption of the Mitigation Monitoring and Reporting Program (MMRP) for GPA 16-005, PZC 16-007 & PPM 16-030; (2) General Plan Amendment to change the land use designation from Agriculture to Rural Residential on a 7.50 acre portion of a 27.66 acre parcel; (3) Zone Change to change the zone from AE-40 to R-A-87 on the same 7.50 acres; (4) Tentative Parcel Map to divide a 27.66-acre parcel into three parcels and a remainder: Parcel 1 = 2.50 acres, Parcel 2 = 2.50 acres, Parcel 3 = 2.50 acres and a Remainder Parcel = 20.16 acres; and (5) Five 5 Tentative Map Exceptions, on property located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia. Assessor's Parcel Number 079-190-017.  <b>Exceptions:</b> Five (5) exceptions requested – (1) Tentative Parcel Map Lot and (4) Private Vehicle Access Easement Exceptions Requested and Recommended for Approval by the RMA Director  <b>Waiver:</b> N/A  <b>Environmental Review:</b> Initial Study / Mitigated Negative Declaration  <b>Motion(s):</b> Five Motions	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
	<b>ACTION REQUESTED</b>	
	Resolution –Board of Supervisors	
	Resolution – Planning Commission Recommendation to the Board of Supervisors	X
<b>Contact Person:</b> Dana Mettlen	Decision - Director	

**RECOMMENDATIONS:**

**That the Planning Commission:**

1. Hold a public hearing;
2. Recommend the Board of Supervisors certify and adopt the Mitigated Negative Declaration consistent with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines; and adopt the Mitigation Monitoring and Reporting Program for GPA 16-005, PZC 16-007 & PPM 16-030; and



**SUBJECT:** GPA 16-005 & PZC 16-007 & PPM 16-030 – Qualls, Dutton, Simon

3. Recommend the Board of Supervisors approve General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.50-acre portion of a 27.66-acre parcel; and
4. Recommend the Board of Supervisors approve Zone Change No. PZC 16-007 on a 7.50-acre portion of a 27.66-acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and
5. Recommend the Board of Supervisors conditionally approve Tentative Parcel Map No. PPM 16-030, with the requirement to file a final map; and
6. Recommend the Board of Supervisors approve Exception No. PPX 16-030, one Lot Exception and four Road Exceptions for Tentative Parcel Map No. PPM 16-030.

**PLANNING COMMISSION ALTERNATIVES:**

**Alternative No. 1:** Move to recommend approval, subject to modifications as discussed by the Planning Commission

**Alternative No. 2:** Move to recommend denial

**Alternative No. 3:** Refer back to Staff for further study and report

**ENVIRONMENTAL SUMMARY:**

An Initial Study and Mitigated Negative Declaration (IS/MND) have been approved for this project by the Environmental Assessment Officer indicating that the project will not have a significant effect on the environment. (See Attachment 11 – IS/MND). Eleven (11) Mitigation Measures (including additional clarifications to the Mitigation Measures for Biological Resources) have been included and are made Conditions of Approval on the parcel map #5-15. The IS/MND, State Clearing House Number (SCH #2017121043), was circulated for responsible agency and public comment commencing December 18, 2017 and ending on January 16, 2018. Although not required under CEQA for IS/MND's, all comments have been responded to by staff in Attachment 6, Staff Report, Exhibit A - *Memorandum of Responses to Comments*.

**PROJECT SUMMARY:**

At this regularly scheduled meeting, the Planning Commission will recommend the following items for consideration of approval to the Board of Supervisors. The Board of Supervisors will then conduct a future public hearing where it will consider the matter consistent with the law:

Staff has been in discussions with the applicant and neighbors since 2012. This Project was initiated by the Board of Supervisors on June 14, 2016. The Project consists of an Initial Study & Mitigated Negative Declaration (IS/MND) consistent with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines and adoption of the Mitigation Monitoring and Reporting Program (MMRP) for GPA 16-005 & PZC 16-007 & PPM 16-030; (2) General Plan Amendment to change the land use designation from Agriculture to Rural Residential on a 7.50 acre portion of a 27.66 acre parcel; (3) Zone Change to change the zone from AE-40 to R-A-87 on the same 7.50 acres; and (4) Tentative Parcel Map to divide a 27.66-acre parcel into three parcels and a remainder: Parcel 1 = 2.50 acres, Parcel 2 = 2.50 acres, Parcel 3 = 2.50 acres and Remainder Parcel = 20.16 acres, and (5) Five Tentative Map Exceptions ("the Project") requested by Paula Simon, Sonjia Dutton & Berwyn Qualls, 844 N. High Road, Palm Springs, CA 92262 (Agent: Forester, Weber & Associates, 1620 W. Mineral King Avenue, Visalia, CA 93291) on property located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia. Assessor's Parcel Number 079-190-017.



**GENERAL PLAN CONSISTENCY:**

The County's General Plan Amendment Policy provides that *the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies and the general plan and not obstruct their attainment* (Policies and Procedures 391).

It is noted that the County has a drastic shortage of housing within the Unincorporated portions of the County under the 2012 General Plan Update (2030), and cannot meet the requirements of the Housing Element Update's (2015) housing attainment goals for the Regional Housing Needs Assessment. The General Plan is focused on Agricultural Protections, but allows for development around Cities in the Urban Area Boundaries. The proposed Project is consistent with the following applicable Tulare County General Plan Policies: (a) PF-1.2 Location of Urban Development; (b) PF-4.19 Future Land Use Entitlements in a CACUAB; (c) AG-1.14 Right-to-Farm Noticing; (d) LU-1.10 Roadway Access; (e) ERM-1.1 Protection of Rare and Endangered Species; (f) ERM-6.1 Evaluation of Cultural and Archaeological Resources; (g) ERM-6.8 Solicit Input from Local Native Americans; (h) AQ-2.2 Indirect Source Review; (i) AQ-4.2 Dust Suppression Measures; (j) HS-8.18 Construction Noise; (k) HS-8.19 Construction Noise Control; (l) WR-1.1 Groundwater Withdrawal; (m) WR-2.2 National Pollutant Discharge Elimination System (NPDES) Enforcement; (n) WR-2.3 Best Management Practices (BMPs); (o) WR-2.4 Construction Site Sediment Control; (p) WR-3.3 Adequate Water Availability. Please refer to the staff report for the analysis.

The County Adopted Visalia Land Use Plan (VCAC) under Section 2.4 Cities (Figure 2.4-B of the Tulare County General Plan) is consistent with the Visalia Land Use Plan (GPA 92-007 B/C). In addition to this fact, the Tulare County General Plan Land Use designation for the existing parcel (APN 079-190-017) is currently designated as "Valley Agriculture." This APN is within the County Adopted Visalia Urban Area Boundary (CACUAB – See Figure 2.4-B of the General Plan). As such, the 2012 General Plan Update, and the Visalia Land Use Plan (VCAC, GPA 92-007 B/C), provide the land use mechanisms for development proposals within the CACUAB of Visalia. However, the current October 14, 2014 Visalia (2030) General Plan Update does not designate any properties outside its "Tier 3" Development Area. Regardless, the project requires consistency with the Tulare County GPU Policies in the Planning Framework Element at PF-4.1 CACUAB's for Cities, which states "*...and the Urban Area Boundary will generally have an agricultural land use designation or rural residential land use designation in conformity with Land Use Policy LU 3.8: Rural Residential Interface, [emphasis added]. LU-3.8 Rural Residential Interface - the County shall minimize potential land use conflicts at the interface between urban development and existing developed rural-residential areas.*" The County has adopted stringent policies regarding development around cities (see PF-4.2) that apply to those projects within the Urban Development Boundary; however, such policies have not been adopted within an Urban Area Boundary. The Project meets the UAB requirements because of the implementation of the larger 2.5 acre parcels. Moreover, consistent with the County's Memorandum of Understanding (the MOU) with the City of Visalia, a consultation notice was sent to the City of Visalia, which subsequently provided a "no comment" response letter. As such, the County, by way of the City's response, concluded that the City had no objection to the proposed project.

As noted in General Plan Policy PF 4.19, a project, within a UAB, may be suitable for a General Plan Amendment, if appropriate under the requirements of the Rural Valley Lands Plan (RVLP), or similar checklist, unless the County has worked with the city to identify and structure an acceptable alternative



General Plan land use or zoning classification. The project received a preliminary RVLP evaluation of fourteen (14) points. The Project was re-evaluated as required by the RVLP Process and considered a comment that resulted in a one-point count increase from the preliminary evaluation (an increase from 14 to 15 points) as the final RVLP evaluation. This was based on the Qualls, Dutton, and Simon Individual Water Rights, which are still available to be sold, as the applicant is not interested in continuing to farm these parcels. It is noted that if the number of points accumulated is eleven (11), or less, the parcel is automatically considered for nonagricultural zoning, if greater than 11 but less than 17, the Board of Supervisors is given discretion to approve non-agricultural zoning on a project by project basis (See Attachment 7-RVLP Checklist).

General Plan Initiation No. GPI 14-003 was approved by the Board of Supervisors on June 14, 2016. (See Attachment 10-GPI and Comments). Public comments were submitted regarding the project, and incorporated into the record of these proceedings. The majority of the following factors to be considered from the GPI discussions have been addressed during the processing of this Project and have been resolved to the satisfaction of the RMA Director and staff:

(1) Surrounding Setting: The surrounding properties to the north, west, and east are developed with rural residential housing. This area has been substantially developed with rural residential development, as shown in the aerial photo located in Attachment 8 Maps and Graphics. The remaining larger properties to the northwest and south are in agricultural production.

As it was outside of any Urban Boundary at the time, the area was zoned AE-40 in 1978 during the blanket countywide rezoning from the grandfathered A-1 zone to Exclusive Agriculture Zones. The area remained in the "RVLP Plan" area until it was included within the UAB during the 1992 Visalia Land Use Plan (GPA #92-07B/C).

The existing homes directly north of the project site were created by gift deeds in 1984. The lots between within the Ave. 328 / Ben Maddox north of the Project were created mostly by certificates of compliance between 1976 and 1983. The properties to the east were created as Lots 1, 2, 3, & 4 of Parcel Map No. 344, recorded on 05/30/1973 in Book 4, Page 44 of Maps. The approximately 22 lots to the west were divided around 1971. Of the 61 lots on this block besides those on Ray Court and / or along Road 138 roughly 50 were divided prior to the adoption of the Rural Valley Lands Plan and are outside any land use plan adopted for Visalia.

Staff has analyzed all the surrounding parcels and finds the units allowed by this Project would not significantly alter the surrounding area or lead to the conversion of surrounding farmland. The southern ±20 acres of the project site are believed to have been last farmed in 2011 based on Google Imagery. Whereas, it is unknown when the northern 7.5 (the proposed three – 2 1/2-acre parcels) were last actively farmed in prior to 1994 according to Google Imagery.

(2) Water: There is adequate, sustainable water and water quality according to Ken Schmidt, the hydro-geologist for the Project. The proposed homes would require new wells to be constructed. New wells would require approval from Health and Human Services and testing for water quality and sustainability prior to approval of the homes during that phase of the project (Final Parcel Map).

(3) Easement Access: Access to the site (a Private Vehicle Access Easement, PVAE) runs south approximately 1,288 feet from Avenue 328 and tapers from 55' to 45' near the southern end of the



**SUBJECT:** GPA 16-005 & PZC 16-007 & PPM 16-030 – Qualls, Dutton, Simon

PVAE. It is noted that the applicant owns this property. A 45' easement between adjoining property owners then runs south another 332 feet south from the above endpoint, then east approximately 1,300 feet, to its termination. The pavement width is approximately 20' along the access way. The RMA Director has recommended to the Planning Commission and Board of Supervisors that all exceptions be granted for this Project under Ordinance Code Section 7-01-2230(a)(3).

(4) Emergency Access: Currently, access to the site is along a private drive (PVAE), with a pavement width of approximately 20'. The Tulare County Fire Department has confirmed that the PVAE is adequate to meet emergency access/egress purposes.

The GPI and IS/MND comments and other comments received by the County discussed increased traffic, aesthetics, property devaluation, street signs, profitability, maintenance of the easement, Mathews Ditch, additional housing limits, pesticide and fertilizer use on adjacent farms, prior legal action and fencing issues. (See Attachment<sup>10</sup>) A majority of these comments are private matters between the parties; however, where relevant to these proceeding, the County General Plan, Zoning Code, or Subdivision Map Act or the California Environmental Quality Act, the comments from the GPI and IS/MND have been responded to in the staff presentation, the staff report, agenda item, resolutions, and specifically in a memorandum of *responses to comments* to be included in the record of proceedings.

#### **ZONING CONSISTENCY:**

GPA & PZC: The project is General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.66 acre parcel; Zone Change No. PZC 16-007 on a 7.29-acre portion of a 27.66 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map No. PPM 16-030 to divide a 27.66-acre parcel into three parcels and a remainder: Parcel 1 = 2.50 acres, Parcel 2 = 2.50 acres, Parcel 3 = 2.50 acres and Remainder Parcel = 20.16 acres, with exceptions and the requirement to file a final map.

The surrounding properties to the north, west and east are developed with rural residential housing despite being zoned AE-40 (only 4 of the surrounding 61 properties are zoned correctly). (See Graphics, Numbered Parcel Map). This area has been substantially developed with rural residential development through certificates of compliance and smaller parcel maps, with only one subdivision. The only remaining large acreage parcels on this block include one property to the northwest, one immediately to the south, and two further to the south. This indicates that this block is slowly developing out, which may be indicative of the increased development requirements.

Applicant will be required to apply for an Agricultural Conservation Easement, with associated fees, to the Tulare County Resource Management Agency (RMA), for no less than 7.5 acres of on-site farmland prior to the issuance of building permits.

The site is not within an agricultural preserve, and is not under a Williamson Act Contract.

Access is provided by a Private Vehicular Access Easement from Avenue 328 that will be improved as required, through approved exceptions (see Exceptions below), and as a matter of this hearing.



**SUBDIVISION MAP & DEVELOPMENT STANDARD CONSISTENCY**

**Tentative Parcel Map:**

This Project will divide one 27.66-acre parcel into three Parcels and a Remainder Parcel: Parcel 1 = 2.50 acres, Parcel 2 = 2.50 acres, Parcel 3 = 2.50 acres, Remainder Parcel = 20.16 acres.

**Subdivision Ordinance:**

The RMA Director / Public Works Director, and the Planning and Development Director (the Resource Management Agency, RMA, Director), make the following findings for Tulare County Ordinance Code Section 7-01-2230(a)(3) requiring the easement and roadway to be in conformance with applicable road standards outlined in the county improvement standards (January, 1973), unless there is an exception. Under the County Subdivision Ordinance, the Planning and Development Director (RMA Director) makes the following findings to assist the Planning Commission and Board of Supervisors in granting the exceptions. For the record, staff found examples for all the below exceptions that were granted on similar projects from 2010 to 2018, including for Ray Ct. – Elbow Creek Estates (TSM 669 - 1988). (See Attachment 4 and 5, Exceptions / Parcel Map Resolutions, and Attachment 6 Exhibit B – Prior Exceptions Granted). Also for the record, there are no limitations on the amount of parcels / lots that can be placed on a Private Vehicular Access Easement in the County's Subdivision Ordinance Section 7-01-1000 et seq. And the City of Visalia has a 150-unit limitation for traffic planning purposes.

**Exceptions Requested:**

- (1) Lot Exception: Section 7-01-1355(c) requires that residential lots have a minimum of forty (40) feet frontage on a street. This Exception is appropriate because the parent parcel does not have direct access to Avenue 328; therefore, these parcels could not comply with this Section of the Subdivision Ordinance. Similar lot exceptions have been approved in the past by this Planning Commission (e.g., PPM 15-008, PPM 14-027, and PPM 15-003).

**Road Exceptions:**

- (2) (Easement Width) Section 7-01-2230(a)(3) states that if more than four (4) parcels will be served, which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-2025 of this Chapter for the category of a County Road that it would be classified if it were being dedicated to the County. Correspondence from the Public Works Branch indicates that a typical Private Vehicular Access Easement (PVAE) Class I county road standard is 32 feet paved width within a 56-foot wide easement. This Exception is appropriate because the 32-foot wide Class I standard width for pavement can be maintained without the additional easement width; thereby preserving the existing 45-foot easement width, which is part of the Memorandum of Agreement (Attachment 10 – GPI Comments). Previously, the Planning Commission has approved similar road exceptions (PPM 11-010, PPM 14-043, PPM 15-038, PPM 16-028, PPM 15-006, PPM 15-007).
- (3) (Pavement Width) Section 7-01-2230(a)(3) states that if more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-



2025 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County. Public Works correspondence indicates that the Private Vehicular Access Easement (PVAE) serving Parcels 1, 2, 3, and the Remainder be improved to a Class I county road standard (32 feet paved width within a 56-foot wide easement). However, there are special circumstances or conditions affecting the property because adjacent property owners are unwilling to provide additional land to widen the easement width of the PVAE which is essential for this driveway to be improved to a Class I County road standard. Therefore, the RMA Director can make the findings for the exception consistent with the existing 45-foot easement width that currently provides a pavement width of 20 feet. This is consistent with the existing private easements on the surrounding properties, which are less than 20 feet and serve more than 5 lots. The California subdivision map act only requires access to properties so that they do not become land locked parcels. The PVAE as constructed would provide access and the County Road Standards are based on providing access, parking (8'), sidewalks (4'), gutter and curbs, and a variable travel width of 12'. The County finds that the tentative map does not require sidewalks, curb or gutter, as it is not within an Urban Development Boundary, so the travel width of approximately 20 feet would be sufficient. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. The granting of the exception is in accordance with the purposes prescribed in Article I of the Subdivision Ordinance of the County of Tulare and the Subdivision Map Act. The granting of the exception is consistent with the General Plan.

- (4) Road Exceptions (Length) Section 7-01-2230(c)(1) states if any parcel created, which does not have the required minimum frontage on a County maintained road, is less than ten (10) acres in area, the length of the easement shall not exceed...six hundred sixty (660) feet in non-mountainous areas. This Exception is appropriate because the existing PVAE already exceeds 660 feet from Avenue 328; therefore, the extended length of the PVAE is unavoidable, the roadway has been found adequate by the County Fire Department, and the project meets all the standards for approval of the exception. (See Attachment No. 4). Previously, the Planning Commission has approved similar road length exceptions (PPM 10-036, PPM 10-046, PPM 11-010, PPM 13-005, PPM 17-030).
- (5) Road Exception (Turn Around): Section 7-01-2025(a) All improvements shall conform to the applicable standards of materials and design which are set forth in the booklet entitled "Improvement Standards of Tulare County" as such standards have been adopted by the Board of Supervisors and are amended from time to time by resolution of the Board of Supervisors. Page 8 of the Improvement Standards states, "Cul-de-sacs in valley areas shall not be more than six hundred and sixty (660) feet in length and shall terminate with a circular turnaround constructed as shown on Plate A-20 of Section IV. The Exception is appropriate because the Project will provide a modified turnaround to be offset, rather than "centered"; as depicted on the Tentative Parcel Map, and the fire department was satisfied with the condition of the existing roadway and cul-de-sac as designed.

This Tentative Parcel Map will require that a Final Map be submitted within two years of approval.

Fire Protection: Provided by the Tulare County Fire Department Station 8, Ivanhoe, approximately 3 miles east.



**SUBJECT:** GPA 16-005 & PZC 16-007 & PPM 16-030 – Qualls, Dutton, Simon

Police Protection: Provided by the Tulare County Sheriff located in Visalia.

Wastewater: Septic tank – leach line systems.

Water Service: Domestic wells.

**PUBLIC NOTICE:**

Government Code §65009(b) requires the County to include in any public notice pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: “If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of Tulare at, or prior to, the public hearing.”

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**SUBJECT:** GPA 16-005 & PZC 16-007 & PPM 16-030 – Qualls, Dutton, Simon

  
Dana Mettlen, Planner III

**PROJECT PROCESSING DIVISION**



Aaron Bock, Chief Planner

**PROJECT PROCESSING DIVISION**

Hector Guerra, Chief Planner  
**ENVIRONMENTAL PLANNING**

Michael Washam, Associate Director  
**RESOURCE MANAGEMENT AGENCY**



**ATTACHMENTS:**

- Attachment No.1 – Draft Resolution recommending the Board of Supervisors adopt a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for GPA 16-005 & PZC 16-007 & PPM 16-030
- Attachment No. 2 – Draft Resolution recommending the Board of Supervisors approve General Plan Amendment No. GPA 16-005  
Exhibit A – Visalia Area Plan (1992)
- Attachment No. 3 – Draft Resolution recommending the Board of Supervisors approve Zone Change No. PZC 16-007  
Exhibit A – Zone Change Ordinance Map
- Attachment No. 4 - Draft Resolution recommending the Board of Supervisors approve Exception No. PPX 16-030
- Attachment No. 5 – Draft Resolution recommending the Board of Supervisors conditionally approve Tentative Map No. PPM 16-030, with the requirement to file a final map
- Attachment No. 6 – Staff Report  
Exhibit A – *Memorandum of Response to Comments*  
Exhibit B - *Prior Exceptions Granted*
- Attachment No. 7 – RVLVP Parcel Evaluation
- Attachment No. 8 – Maps and Graphics
- Attachment No. 9 – Consulting Agency Lists and Correspondence
- Attachment No. 10 – General Plan Initiation
- Attachment No. 11 – Initial Study / Mitigated Negative Declaration
- Attachment No. 12 – Location and Property Ownership Maps for Hearing Notification
- Attachment No. 13 – Public Hearing Notice
- Attachment No. 14 – Notice of Determination



Attachment No. 1

Draft Resolution Recommending the BOS Adopt  
an MND and MMRP

DRAFT



BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A RECOMMENDATION FOR )  
APPROVAL OF MITIGATED NEGATIVE )  
DECLARATION AND MITIGATION MONITORING )  
REPORTING PROGRAM FOR THE SIMON/DUTTON/ ) RESOLUTION NO. ~  
QUALLS PROJECT - GENERAL PLAN AMENDMENT )  
NO. GPA16-005, ZONE CHANGE NO. PZC 16-007, )  
AND PARCEL MAP NO. PPM 16-030 )

Resolution of the Planning Commission of the County of Tulare to recommend to the Board of Supervisors certification and adoption of the Initial Study / Mitigated Negative Declaration (IS/MND or MND), and the Mitigation Monitoring Reporting Program (MMRP) for the Simon/Dutton/Qualls Project – General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030 requested by Paula Simon, Sonjia Dutton, and Berwyn Qualls, 844 N. High Road, Palm Springs, CA 92262, to change the land use designation from Agriculture to Rural Residential and change the zoning from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum) on a 7.29-acre portion of a 27.83 acre parcel, and to divide a 27.83-acre parcel into three parcels (2.23 acres each) and a remainder parcel (20.97 acres), contingent upon the Board of Supervisors' approval of GPA 16-005 & PZC 16-007, with the requirement to file a final map, located south of Avenue 328 and east of Road 132, northeast of the City of Visalia (APN 079-190-017).

WHEREAS, the applicants filed with Tulare County Resource Management Agency ("RMA") an application to acquire entitlement for the division on one parcel into four parcels to allow three home sites and a remainder parcel including amending the General Plan Land Use Designation to Rural Residential, the Zoning District from Exclusive Agriculture - 40 Acre Minimum (AE 40) to R-A-87 (Rural Residential - 87,000 square feet minimums) pursuant to Section 65905 of the Government Code and regulations contained in Section 16 of the Tulare County Ordinance No. 352, and a Tentative Parcel Map to create 3 lots and a remainder under the County Tentative Subdivision Map Act (Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County), with exceptions included and recommended for approval under Section 7-01-2230(a)(3) to Section 7-01-2025(a); and

WHEREAS, the Planning Commission has given notice of the proposed General Plan Amendment as provided in Sections 65353 and 65090 of the Government Code of the State of California and as provided for in the County's California Environmental Quality Act Guidelines; and

WHEREAS, this resolution of the Tulare County Planning Commission relates to the recommendation to the Board of Supervisors to certify and adopt the Initial Study / Mitigated Negative Declaration (IS/MND or MND) and the Mitigation Monitoring Reporting Program



(MMRP) for the Simon/Dutton/Qualls Project as being in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the County's Procedures Implementing CEQA; and

WHEREAS, this resolution certifies that an Initial Study for a Mitigated Negative Declaration has been prepared for the purpose of the proposed General Plan Amendment, Change of Zone, and Parcel Map; and

WHEREAS, the proposed project information was referred to various public agencies and pertinent departments for review and recommendations; and

WHEREAS, a Mitigated Negative Declaration (Exhibit "A") and Mitigation Monitoring Reporting Program (Exhibit "B") were prepared by Tulare County staff and reviewed and approved for public review by the Tulare County's Environmental Assessment Officer; submitted for a 30-day public review, comment and response on December 18, 2017; and

WHEREAS, on December 18, 2017, Tulare County distributed the Notice of Completion and Environmental Document Transmittal to the State Clearinghouse, with the requisite number of copies of the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program mailed to affected public agencies and interested parties, indicating a 30-day review period commencing on December 18, 2017, and ending on January 16, 2018; and

WHEREAS, ten (10) comments were submitted in response to the Mitigated Negative Declaration: three (3) from Trustee Agencies, two (2) from the State Clearinghouse, and ~ showed up in opposition of the proposed Project. The Initial Study/Mitigated Negative Declaration prepared for the proposed Project adequately addressed all of the CEQA-related concerns that were mentioned in the comments that related to: air quality; traffic, safety, and emergency access; biological species; land use and planning; water availability; and agricultural lands. Staff responded to these comments finding that they did not raise any new issues and that these concerns were speculative and not based on evidence. In addition, staff responded in a memo to all of the comments (Attachment 5, Exhibit "B") and presented these responses to the Planning Commission; and

WHEREAS, the Initial Study and Mitigated Negative Declaration included an analysis of the environmental factors potentially affected by the proposed Project; and

WHEREAS, the proposed Project, without mitigation, could have a significant effect on one environmental factor: Biological Resources. The eleven (11) Mitigation Measures included as part of the Mitigated Negative Declaration reduces the potential impact to these resources to less than significant; and

WHEREAS, the Planning Commission also finds and certifies that there are project features that have been incorporated into the project, as Conditions of Approval, related to aesthetics, agricultural resources, cultural resources, geology/soils, water quality, traffic, and



tribal cultural resources, that further reduce potential impacts from this project to those resources below any thresholds of significance; and

WHEREAS, on [Month, Date], 2018, a Notice of Public Hearing and Completion of Environmental Documents were duly published in the Visalia Times-Delta, a newspaper of general circulation in Tulare County, and the Porterville Recorder; and

WHEREAS, in accordance with state law and local ordinance, RMA Staff has given due notice of the public hearing regarding the proposed Mitigated Negative Declaration and Mitigation Monitoring Reporting Program that would be held for the purpose of receiving comment on the environmental documents (SCH #2017121043) for the proposed General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030, as described herein; and

WHEREAS, at the [Month, Date], 2018, meeting of the Planning Commission, public testimony was received and recorded from [name, company], representing the applicants, about the proposal. Additionally, testimony was received and recorded from ~ persons in opposition to the proposed project.

WHEREAS, at the [Month, Date], 2018, meeting of the Planning Commission, General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030 were also recommended for conditional approval.

WHEREAS, the Planning Commission finds that staff has made the Mitigation Measures a condition for approval of General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030, also known as Conditions of Approval 46 – 56, which are incorporated into the Final Parcel Map; and

#5 - 15

WHEREAS, the Planning Commission certifies that based on the substantial evidence in the record as presented by staff and documented in the Initial Study/Mitigated Negative Declaration that the project, as mitigated, will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Planning Commission further finds that the public review period for the Mitigated Negative Declaration closed January 16, 2018, and that the public hearing for the Mitigated Negative Declaration, General Plan Amendment, Zone Change, and Parcel Map No. PPM 16-030 was conducted at a regular meeting of the Planning Commission held on [Month, Date], 2018.
2. The Planning Commission further finds and declares [Month, Date], 2018, the Planning Commission duly opened and conducted the public hearing. During said hearing, evidence was submitted by County Staff, the applicant, and the public; and



said evidence was independently reviewed and considered by the Planning Commission.

3. The Planning Commission finds that prior to taking action on the project, it independently reviewed and considered the information contained in the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and other relevant evidence presented thereto (including the Staff Report made a part hereof); the Planning Commission further finds that the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program prepared for the Simon/Dutton/Qualls Project is adequate and has been prepared and completed in compliance with CEQA, the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15070 through Section 15074 and the County's procedures for implementing CEQA.
4. Accordingly, the Planning Commission, after considering all of the evidence presented and based on substantial evidence, hereby recommends to the Board of Supervisors the certification and adoption of the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Simon/Dutton/Qualls Project – General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030, in compliance with CEQA, the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15070 through Section 15074 and the County's procedures for implementing CEQA.

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner ~, at a regular meeting of the Planning Commission on [Month, Date], 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

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Michael Washam, Secretary



Attachment No. 2

Draft Resolution Recommending the BOS Approve  
General Plan Amendment No. GPA 16-005



BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE )  
VISALIA AREA LAND USE PLAN ) RESOLUTION NO.  
CASE NO. GPA 16-005 )

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve General Plan Amendment No. GPA 16-005, submitted by Paula Simon, Sonjia Dutton, and Berwyn Qualls, 844 N. High Road, Palm Springs, CA 92262 for a general plan amendment to amend the Visalia Area Land Use Plan, a component of the Tulare County Land Use Element of the General Plan, to change the land use designation from "Agriculture" to "Rural Residential" on a 7.50-acre portion of a 27.66-acre parcel on property located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia (APN 079-190-017).

WHEREAS, the Planning Commission has given notice of the proposed General Plan Amendment as provided in Sections 65353 and 65090 of the Government Code of the State of California and as provided for in the County's California Environmental Quality Act Guidelines; and

WHEREAS, staff has made such investigation of fact bearing upon the proposed General Plan Amendment to assure action consistent with the procedures and purposes set forth in the California Government Code, the State General Plan Guidelines, and the Tulare County General Plan; and

WHEREAS, a public notice was printed in the Visalia Times Delta on ~, 2018, at least ten days prior to the public hearing before the Planning Commission on ~, 2018; and

WHEREAS, staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this proposed General Plan Amendment; and

WHEREAS, the Planning Commission recognizes the need and desirability to conduct reviews of, and consider amendments to, the General Plan to accommodate the changing needs of the County; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on ~, 2018; and

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare; and

WHEREAS, at the ~, 2018, meeting of the Planning Commission, ~ spoke in support of the proposal and ~ spoke in opposition to the proposal.



NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby adopts the following findings of fact as to the reasons for approval of this General Plan Amendment:

1. The applicants have requested a General Plan Amendment No. GPA 16-005 to reclassify a 7.50-acre portion of a 27.66-acre parcel from "Agriculture" to "Rural Residential," located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia (APN 079-190-017).
2. The Board of Supervisors allowed the project to proceed as a General Plan Amendment, with the approval of General Plan Initiation No. GPI 14-003 on June 14, 2016 by Resolution No. 2016-0488.
3. An Initial Study & Mitigated Negative Declaration (IS/MND) consistent with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, and a Mitigation Monitoring and Reporting Program (MMRP), were prepared for the project. Accordingly, the Planning Commission, after considering all of the evidence presented and based on substantial evidence, recommended the Board of Supervisors certify and adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Simon/Dutton/Qualls Project – General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030 by Resolution No. ~ on ~, 2018.
4. The Planning Commission recommended the Board of Supervisors approve Zone Change No. PZC 16-007 on a 7.50-acre portion of a 27.66 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum) by Resolution No. ~ on ~, 2018.
5. The Planning Commission recommended the Board of Supervisors conditionally approve Tentative Parcel Map No. PPM 16-030, with exceptions and the requirement to file a final map, by Resolution No. ~ on ~, 2018.
6. The site is currently zoned AE-40 (Exclusive Agricultural – 40 acre minimum) and contains no improvements. The properties to the north, west, and east are all developed with rural residential housing; and the property to the south is in agricultural production. The area was zoned AE-40 in 1978 during the blanket countywide rezoning from the grandfathered A-1 zone to Exclusive Agriculture Zones, as it was outside of any Urban Boundary at that time. The area remained in the RVLP plan area until it was included within the UAB during the 1992 Visalia Land Use Plan (GPA #92-07B/C). The existing homes directly north of the project site were created by gift deeds in 1984. The majority of lots further north were created between 1976 and 1983. The properties to the east were created as Lots 1, 2, 3, & 4 of Parcel Map No. 344, recorded on 05/30/1973 in Book 4, Page 44 of



Maps. The lots to the west were divided around 1971. The majority of these lots were divided prior to the adoption of the Rural Valley Lands Plan.

7. The applicants also filed Change of Zone No. PZC 16-007 to change the existing AE-40 Zone to R-A-87 (Rural Residential – 87,000 sq. ft. minimum). This General Plan Amendment and Zone Change would enable the applicants to divide the property into three rural residential lots and a Remainder Parcel. The applicants will be required to submit an application for an Agricultural Conservation Easement, with associated fees, to the Tulare County Resource Management Agency (RMA) for no less than 7.3 acres of on-site Prime farmland prior to the issuance of building permits.
8. The Visalia Land Use Plan General Plan Land Use designation for the parcel is currently Agriculture and within the Visalia Urban Area Boundary (UAB). As such, the General Plan Update and the Visalia Land Use Plan (GPA 92-007 B/C) provide the land use mechanism for development projects within this area. The project requires consistency with the GPU Policies in the Planning Framework Element Section 2.4 Cities and the Visalia Land Use Plan. The County has adopted stringent policies regarding development around cities that apply to those projects within the Urban Development Boundary, however, not within an Urban Area Boundary. A consultation notice was sent to the City of Visalia and they responded with a “no comment.”
9. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Development Impact Fees. New Development may be subject to County Development Impact fees.

B. This Planning Commission, after considering all of the evidence presented, found that the proposed General Plan Amendment will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND, BE IT FURTHER RESOLVED as follows:

C. This Planning Commission hereby recommends the Board of Supervisors approve General Plan Amendment No. GPA 16-005 to change the land use designation from “Agriculture” to “Rural Residential” on a 7.50-acre portion of a 27.66-acre parcel, on property located within the Visalia Urban Area Boundary.

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner ~, at a regular meeting of the Planning Commission on ~, 2018, by the following roll call vote:

AYES:



NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

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Michael Washam, Secretary

EXHIBIT NO. A

**AMENDMENT GPA 16-005**

**VISALIA AREA LAND USE PLAN**

DRAFT

Approved and Adopted:

Tulare County Board of Supervisors  
Resolution No. 2018-\_\_\_\_\_ – ~, 2018



**AMENDMENT TO THE  
TULARE COUNTY GENERAL PLAN  
LAND USE PLAN VISALIA  
GPA 16-005**

**I. INTRODUCTION**

This document amends the Land Use Element of the Tulare County General Plan for the Visalia Area by adopting a revised general plan land use designation. The amendment will change the land use designation from "Agriculture" to "Rural Residential" on 7.50 acres of land.

**II. BACKGROUND**

The area was zoned AE-40 in 1978 during the blanket countywide rezoning from the grandfathered A-1 zone to Exclusive Agriculture Zones, as it was outside of any Urban Boundary at that time. The area remained in the Rural Valley Lands Plan (RVLP) plan area until it was included within the Urban Area Boundary (UAB) during the 1992 Visalia Area Land Use Plan (GPA #92-007B/C, adopted by BOS Reso. No. 96-0335 on 04/23/96)). As such, the General Plan Update and the Visalia Area Land Use Plan (GPA 92-007 B/C) provide the land use mechanism for development projects within this area. The Visalia Land Use Plan General Plan Land Use designation for the parcel is currently Agriculture and within the Visalia Urban Area Boundary (UAB).

General Plan Initiation No. GPI 14-003 was approved by the Board of Supervisors on June 14, 2016. Public comments were submitted regarding the project. The majority of the following factors would need to be addressed during the processing of a parcel map application and will require resolution prior to approval of any division of land.

The general plan amendment request was made to allow the 7.50-acre site to be rezoned to create three rural residential parcels and one agriculture parcel (remainder), conforming to the Tulare County General Plan.

**III. SUPERSEDE**

This plan amendment supersedes the Visalia Area Land Use Plan, adopted April 23, 1996, insofar as the General Plan Land Use Designation is concerned for the subject 7.50 acres. No other map changes are hereby made to the Visalia Area Land Use Plan.

**IV. LAND USE DESIGNATIONS**

This amendment changes the land use designation for the 7.50 acres located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of

Visalia from “Agriculture” to “Rural Residential.” The property involved consists of Assessor’s Parcel Number 079-190-017.

**IV. POLICIES**

This amendment does not supersede any portion of the text of any policy in the Visalia Area Land Use Plan. Only the land-use designation for these 7.50 acres will be changed and all policies pertaining to rural residential are hereby applicable to the 7.50 acres subject to the amendment.

**V. REVIEW AND REVISION**

General Plan land use designations are subject to periodic review. Review of the land use designation adopted by GPA 16-005 will occur as a response to the growth of the community and as changing local conditions dictate.

**VI. IMPLEMENTATION**

Concurrent with this general plan amendment, zoning to implement the land use designation will be applied to the site as recommended and as adopted by the Board of Supervisors in Resolution No. 2018-\_\_\_\_\_, Ordinance No. \_\_\_\_\_ to R-A-87 (Rural Residential – 87,000 sq. ft. minimum). (Reference Case No. PZC 16-007)



DRAFT

Attachment No. 3

Draft Resolution Recommending the BOS  
Approve PZC 16-007

DRAFT



BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE ) RESOLUTION NO.  
ZONING REGULATIONS CASE NO. PZC 16-007 )  
SIMON, DUTTON, QUALLS )

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a petition submitted by Paula Simon, Sonjia Dutton, and Berwyn Qualls, 844 N. High Road, Palm Springs, CA 92262 for a requested change of zone from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum) on a 7.50-acre portion of a 27.66-acre parcel on property located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia (APN 079-190-017).

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance; and

WHEREAS, the Planning Commission has given notice of the proposed change of zone boundaries or classifications as provided in Section 18 of said Ordinance No. 352 and as provided in Section 65854 of the Government Code of the State of California; and

WHEREAS, Staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this Ordinance amendment; and

WHEREAS, a public notice was printed in the Visalia Times Delta on ~, 2018, at least ten days prior to the public hearing before the Planning Commission on ~, 2018; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on ~, 2018; and

WHEREAS, at that meeting of the Planning Commission, public testimony was received and recorded from ~, who spoke in support of the project, and ~ spoke in opposition to the project.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration (IS/MND) that was prepared for the project Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the Change of Zone.

1. The applicants have requested a Change of Zone from AE-40 (Exclusive Agricultural – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum) on a 7.50-acre portion of a 27.66-acre parcel from “Agriculture” to “Rural Residential,” located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia (APN 079-190-017).
2. The Board of Supervisors allowed the project to proceed with the approval of General Plan Initiation No. GPI 14-003 on June 14, 2016 by Resolution No. 2016-0488.
3. An Initial Study & Mitigated Negative Declaration (IS/MND) consistent with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, and a Mitigation Monitoring and Reporting Program (MMRP), were prepared for the project. Accordingly, the Planning Commission, after considering all of the evidence presented and based on substantial evidence, recommended the Board of Supervisors certify and adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Simon/Dutton/Qualls Project – General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030 by Resolution No. ~ on ~, 2018.
4. The site is currently zoned AE-40 (Exclusive Agricultural – 40 acre minimum) and contains no improvements. The properties to the north, west, and east are all developed with rural residential housing; and the property to the south is in agricultural production. The area was zoned AE-40 in 1978 during the blanket countywide rezoning from the grandfathered A-1 zone to Exclusive Agriculture Zones, as it was outside of any Urban Boundary at that time. The area remained in the RVLP plan area until it was included within the UAB during the 1992 Visalia Land Use Plan (GPA #92-07B/C). The existing homes directly north of the project site were created by gift deeds in 1984. The majority of lots further north were created between 1976 and 1983. The properties to the east were created as Lots 1, 2, 3, & 4 of Parcel Map No. 344, recorded on 05/30/1973 in Book 4, Page 44 of Maps. The lots to the west were divided around 1971. The majority of these lots were divided prior to the adoption of the Rural Valley Lands Plan.
5. The Zone Change would enable the applicants to divide the property into three rural residential lots and a remainder parcel. The applicants will be required to submit an application for an Agricultural Conservation Easement, with associated fees, to the Tulare County Resource Management Agency (RMA) for no less than 7.3 acres of on-site Prime farmland prior to the issuance of building permits.



6. The Planning Commission recommended the Board of Supervisors approve General Plan Amendment No. GPA 16-005 to change the land use from "Agriculture" to "Rural Residential" on a 7.50-acre portion of a 27.66-acre by Resolution No. ~ on ~, 2018.
7. The Planning Commission recommended the Board of Supervisors conditionally approve Tentative Parcel Map No. PPM 16-030, with exceptions and the requirement to file a final map, by Resolution No. ~ on ~, 2018.
8. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Development Impact Fees. New Development may be subject to County Development Impact fees.

C. This Planning Commission, after considering all of the evidence presented, found that the proposed Zone Change will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND, BE IT FURTHER RESOLVED as follows:

D. This Planning Commission hereby recommends that the Board of Supervisors approve Amendment to the Tulare County Zoning Ordinance, No. 352 via Case No. PZC 16-007 to change the zone on a 7.50-acre portion of a 27.66-acre parcel from AE-40 to R-A-87, on property located within the Visalia Urban Area Boundary.

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner ~, at a regular meeting of the Planning Commission on ~, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

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Michael Washam, Secretary

# EXHIBIT NO. A

AE-40

Road 132

AE-40

Avenue 328

SITE  
R-A-87

R-A-87

Road 138

AE-40

AE-40

AE-40

Avenue 320

AE-40

R-A-87

AE-40

AE-40



APN: 079-190-017 & APPROX 7.50 AC.  
Portion of 079-190-017  
Zone Change from AE-40 to R-A-87  
(PZC 16-007)

0 200 400 600 800 Feet



ORDINANCE NO. \_\_\_\_\_  
AMENDING A PORTION OF PART 423  
SEC 9, T 18 S, R 25 E, M.D.B. & M.  
OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

TULARE COUNTY BOARD OF SUPERVISORS  
ADOPTED: / /



Attachment No. 4

Draft Resolution Recommending Approval  
of Exception No. PPX 16-030

DRAFT

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF EXCEPTION	)	RESOLUTION NO.
NO. PPX 16-030	)	
SIMON, DUTTON, QUALLS	)	

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve one Lot Exception and four Road Exceptions for Tentative Parcel Map No. PPM 16-030, submitted by Paula Simon, Sonjia Dutton, and Berwyn Qualls, 844 N. High Road, Palm Springs, CA 92262 (Agent: Forester, Weber & Associates, LLC, 1620 W. Mineral King Avenue, Suite B, Visalia, CA 93291) from the provisions of Section 7-01-1355(c), Section 7-01-2230(a)(3), Section 7-01-2230(c), and (Section 7-01-2025(a) for Tentative Parcel Map No. PPM 16-030, said exceptions pertaining to lots and roads (APN 079-190-017).

WHEREAS, the Planning Commission convened on March 28, 2018 to consider the above described application for exceptions; and

WHEREAS, the Planning Commission considered the staff report and found the facts and findings contained therein to be essentially true and correct; and

WHEREAS, all attached exhibits are incorporated by reference herein; and

WHEREAS, a public notice was printed in the Visalia Times Delta on ~, 2018, at least ten days prior to the public hearing before the Planning Commission on ~, 2018; and

WHEREAS, a public hearing was held in the Board of Supervisors Chambers and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on ~, 2018; and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from ~ in support of the proposal and ~ spoke in opposition to the proposal; and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from ~ in support of the proposal and ~ spoke in opposition to the proposal; and

WHEREAS there is substantial evidence in the record provided by the Resource Management Director, under Section 7-01-2230(a)(3) of the Tulare County Code, for the Planning Commission to make the following findings for all of the Exceptions enumerated in Resolution Findings (1) through (5) below, as required for approval of exceptions under Section 7-01-2645; and

WHEREAS there is substantial evidence in the record under Section 7-01-2645 (a) That



there are special circumstances or conditions affecting the property.

The Planning Commission finds that because of the nature of the Project being within the center of a block thereby making it impossible to front on a public roadway, or have direct access to a public roadway, the Project is surrounded by existing development on three sides, with an existing Private Vehicle Access Easement, which was agreed to by existing owners of properties who are currently in opposition to the Project, and because of the impossibility of providing additional PVAE width or pavement width due to those in opposition and the neighboring ditch, and where the geometrics of the existing PVAE have been approved by the Fire Department and Public Works as being satisfactory, this creates special circumstances to grant all the exceptions requested, and

WHEREAS there is substantial evidence in the record under Section 7-01-2645 (b) That the exception is appropriate for the proper design and/or function of the subdivision.

The Planning Commission finds that because the PVAE is consistent with many of the public roadways that exist throughout the County and is consistent with prior exceptions granted by the Planning Commission, and as it currently exists for the 6 units along the PVAE, and that adding the potential 4 units along the PVAE has been found by the Traffic Consultant to not significantly impact the Level of Service of the County Roads, and has been found by the County Fire Department and Public Works to allow the existing PVAE design to be accessible, safe and to not create or overly burden the existing parcels, the existing design of the PVAE is appropriate for the Project to grant all the exceptions requested; and

WHEREAS there is substantial evidence in the record under Section 7-01-2645 (c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

The Planning Commission finds that because the limited impact of adding 29 trips a day, with only 5 at peak hour trips, along a PVAE that would be classified as consistent with the Public Roadways of the County that the increase of 4 parcels will not detrimentally impact any of neighbors by causing them to remove any landscaping or having the pavement width moved any closer to their homes, and that no credible evidence has been provided to overcome the substantial evidence in the record that the granting of the exceptions would not be injurious to any properties or persons, or negatively impact the agriculture within the surrounding block in order to grant all the exceptions requested; and

WHEREAS there is substantial evidence in the record under Section 7-01-2645(d) that the granting of the exception is in accordance with the purposes prescribed in Article 1 of this Chapter and the Subdivision Map Act.

The Planning Commission finds that because the limited impact of adding 29 trips a day, with only 5 at peak hour trips, along a PVAE that would be classified as consistent with the Public Roadways of the County where many subdivisions already exist, and because the State Subdivision Map Act only requires that there is access and because other agencies / jurisdictions (such as Visalia) allow up to 100's of units along 20 foot wide, 40 to 45 foot PVAE's that the granting of this exception is consistent with Article 1 and the Subdivision Map Act; and

WHEREAS there is substantial evidence in the record under Section 7-01-2645(e) that the granting of the exception is consistent with the General Plan.

The Planning Commission finds that because the limited impact of adding 29 trips a day, with only 5 at peak hour trips that the traffic impacts are consistent with the General Plan requirement of 100 peak hour trips being generated prior to a Traffic Impact Analysis being required. That Project being within the Urban Area Boundary of Visalia allows for Rural Residential Development, and because the Project is outside the Urban Development Boundary that no additional frontage improvements would be necessary, consistent with Urban Development Boundary requirements. That the Project has met all the requirements of the Rural Valley Lands Plan and is sufficient as a part of a Rural Residential Community as to not be detrimental to public health, safety or welfare, under the County General Plan.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

1. The following exceptions from the subdivision ordinance were requested:

a. (1) Lot Exception:

Section 7-01-1355(c) Each residential lot shall have a minimum of forty (40) feet frontage on a street.

*The Planning Commission specifically finds that there are special circumstances or conditions affecting the property in that the parent parcel does not have a minimum of 40 feet of frontage on a county road; instead, it is provided access to a County road via a private vehicular access easement. Therefore, these parcels could not comply with this Section of the Subdivision Ordinance and the granting*



*of the exception is necessary for the development of the land. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. The granting of the exception is in accordance with the purposes prescribed in Article I of the Subdivision Ordinance of the County of Tulare and the Subdivision Map Act. The granting of the exception is consistent with the General Plan.*

**b. Road Exceptions:**

(2) Section 7-01-2230(a)(3) (Easement Width) If more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-2025 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County. Public Works correspondence indicates that the Private Vehicular Access Easement (PVAE) serving Parcels 1, 2, 3, and the Remainder shall be improved to a Class I county road standard (32 feet paved width within a 56-foot wide easement).

*The Planning Commission specifically finds that there are special circumstances or conditions affecting the property. This Exception is appropriate because the 32-foot wide Class I standard width for pavement can be maintained without the additional easement width; thereby preserving the existing 45-foot easement width. The California subdivision map act only requires access to properties so that they do not become land locked parcels. The PVAE as constructed would provide access and the County Road Standards are based on providing access, parking (8'), sidewalks (4'), gutter and curbs, and a variable travel width of 12'. The County finds that the tentative map does not require sidewalks, curb or gutter, as it is not within an Urban Development Boundary, so the travel width of approximately 20 feet would be sufficient. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. The granting of the exception is in accordance with the purposes prescribed in Article I of the Subdivision Ordinance of the County of Tulare and the Subdivision Map Act. The granting of the exception is consistent with the General Plan.*

(3) Section 7-01-2230(a)(3) (Pavement Width) If more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-2025 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County. Public Works correspondence indicates that the Private Vehicular Access Easement (PVAE) serving Parcels 1, 2, 3, and the Remainder shall be improved to a Class I county road standard (32 feet paved width within a 56-foot wide



easement).

*The Planning Commission specifically finds that there are special circumstances or conditions affecting the property because adjacent property owners are unwilling to provide additional land to widen the easement width of the PVAE so that it can be improved to a Class I county road standard. The existing 45-foot easement width currently provides a pavement width of 20 feet. This is consistent with the existing private easements on the surrounding properties, which are less than 20 feet and serve more than 5 lots. The California subdivision map act only requires access to properties so that they do not become land locked parcels. The PVAE as constructed would provide access and the County Road Standards are based on providing access, parking (8'), sidewalks (4'), gutter and curbs, and a variable travel width of 12'. The County finds that the tentative map does not require sidewalks, curb or gutter, as it is not within an Urban Development Boundary, so the travel width of approximately 20 feet would be sufficient. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. The granting of the exception is in accordance with the purposes prescribed in Article I of the Subdivision Ordinance of the County of Tulare and the Subdivision Map Act. The granting of the exception is consistent with the General Plan.*

(4) Section 7-01-2230(c)(1) If any parcel created, which does not have the required minimum frontage on a County maintained road, is less than ten (10) acres in area, the length of the easement shall not exceed...six hundred sixty (660) feet in non-mountainous areas.

*The Planning Commission specifically finds that there are special circumstances or conditions affecting the property. The existing PVAE, which provides access to five residential parcels and one agricultural parcel, already exceeds 660 feet from Avenue 328; therefore, the extended length of the PVAE is unavoidable. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. The granting of the exception is in accordance with the purposes prescribed in Article I of the Subdivision Ordinance of the County of Tulare and the Subdivision Map Act. The granting of the exception is consistent with the General Plan.*

(5) Section 7-01-2025(a) All improvements shall conform to the applicable standards of materials and design which are set forth in the booklet entitled "Improvement Standards of Tulare County" as such standards have been adopted by the Board of Supervisors and are amended from time to time by resolution of the Board of Supervisors. Page 8 of the Improvement Standards states, "Cul-de-sacs in valley areas shall not be more than six hundred and sixty (660) feet in length and shall terminate with a circular turnaround constructed as shown on



Plate A-20 of Section IV.

*The Planning Commission specifically finds that there are special circumstances or conditions affecting the property. The Project will provide a modified turnaround to be offset, rather than "centered"; as depicted on the Tentative Parcel Map. This design feature has been approved by the Tulare County Fire Department. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. The granting of the exception is in accordance with the purposes prescribed in Article I of the Subdivision Ordinance of the County of Tulare and the Subdivision Map Act. The granting of the exception is consistent with the General Plan.*

2. The Planning Commission, after consideration of all evidence presented, found that approval of said exceptions will promote the orderly growth of the unincorporated portions of the County and will assure the health, safety, and welfare of the people of the County.

AND, BE IT RESOLVED THAT:

A. The Planning Commission hereby finds said exceptions to be categorically exempt from the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures.

B. The Planning Commission hereby recommends the Board of Supervisors approve Exception No. PPX 16-030.

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner ~, at a regular meeting of the Planning Commission on ~, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

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Michael Washam, Secretary

DRAFT



Attachment No. 5

Draft Resolution Recommending the BOS Approve  
Tentative Parcel Map No. PPM 16-030

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF TENTATIVE PARCEL	)	RESOLUTION NO.
MAP NO. PPM 16-030	)	
SIMON, DUTTON, QUALLS – FINAL MAP	)	

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors conditionally approve Tentative Parcel Map No. PPM 16-030, with exceptions and the requirement to file a final map, submitted by Paula Simon, Sonjia Dutton, and Berwyn Qualls, 844 N. High Road, Palm Springs, CA 92262 to divide a 27.66-acre parcel into 3 parcels and a remainder: Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres, and the Remainder Parcel = 20.97 acres on property located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia (APN 079-190-017).

WHEREAS, the Planning Commission has given public notice of the proposed tentative parcel map as provided in Section 7-01-2305 of the Ordinance Code of Tulare County; and

WHEREAS, the Planning Commission considered the staff report and found the facts and findings contained therein to be essentially true and correct; and

WHEREAS, all attached exhibits are incorporated by reference herein; and

WHEREAS, a public notice was printed in the Visalia Times Delta on ~, 2018, at least ten days prior to the public hearing before the Planning Commission on ~, 2018; and

WHEREAS, a public hearing was held in the Board of Supervisors Chambers and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on ~, 2018; and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from ~ in support of the proposal and ~ spoke in opposition to the proposal; and

WHEREAS, the Planning Commission reviewed said parcel map for conformity to the regulations contained in Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

1. An Initial Study & Mitigated Negative Declaration (IS/MND) consistent with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, and a Mitigation Monitoring and Reporting Program (MMRP), were prepared for the project. Accordingly, the Planning Commission, after considering all of the



evidence presented and based on substantial evidence, recommended the Board of Supervisors certify and adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Simon/Dutton/Qualls Project – General Plan Amendment No. GPA 16-005, Zone Change No. PZC 16-007, and Parcel Map No. PPM 16-030 by Resolution No. ~ on ~, 2018.

2. Entitlement is found in Section 4.D: R-A (Rural Residential Zone), which allows the creation of new parcels so long as they meet the minimum area requirement established in the zone. This division of land is consistent with Ordinance No. 352 in that all of the parcels being created meet the minimum 87,000 sq. ft. established in the R-A Zone
3. This division of land would divide a 27.66-acre parcel into 3 parcels and a remainder: Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres, and the Remainder Parcel = 20.97 acres, on property located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia.
4. The Planning Commission recommended the Board of Supervisors approve General Plan Amendment No. GPA 16-005 to change the land use from “Agriculture” to “Rural Residential” on a 7.50-acre portion of a 27.66-acre by Resolution No. ~ on ~, 2018.
5. The Planning Commission recommended the Board of Supervisors approve a Change of Zone from AE-40 (Exclusive Agricultural – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum) on a 7.50-acre portion of a 27.66-acre parcel by Resolution No. ~ on ~, 2018.
6. Exceptions from the Subdivision Ordinance were requested:

a. Lot Exception:

Section 7-01-1355(c) Each residential lot shall have a minimum of forty (40) feet frontage on a street. This Exception is appropriate because the parent parcel does not have direct access to a public street; therefore, these parcels could not comply with this Section of the Subdivision Ordinance.

b. Road Exceptions:

Section 7-01-2230(a)(3) (Easement Width) If more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-2025 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County. Public Works correspondence indicates that the Private Vehicular Access Easement (PVAE) serving Parcels 1, 2, 3, and the Remainder shall be improved to

a Class I county road standard (32 feet paved width within a 56-foot wide easement). This Exception is appropriate because the 32-foot wide Class I standard width for pavement can be maintained without the additional easement width; thereby preserving the existing 45-foot easement width.

Section 7-01-2230(a)(3) (Pavement Width) If more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-2025 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County. Public Works correspondence indicates that the Private Vehicular Access Easement (PVAE) serving Parcels 1, 2, 3, and the Remainder shall be improved to a Class I county road standard (32 feet paved width within a 56-foot wide easement). This Exception is inappropriate because the increased number of parcels being served (9 total) will require the PVAE be improved to a Class 1 county road standard pertaining to pavement width being 32 feet.

Section 7-01-2230(c)(1) If any parcel created, which does not have the required minimum frontage on a County maintained road, is less than ten (10) acres in area, the length of the easement shall not exceed...six hundred sixty (660) feet in non-mountainous areas. This Exception is appropriate because the existing PVAE already exceeds 660 feet from Avenue 328; therefore, the extended length of the PVAE is unavoidable.

Section 7-01-2025(a) All improvements shall conform to the applicable standards of materials and design which are set forth in the booklet entitled "Improvement Standards of Tulare County" as such standards have been adopted by the Board of Supervisors and are amended from time to time by resolution of the Board of Supervisors. Page 8 of the Improvement Standards states, "Cul-de-sacs in valley areas shall not be more than six hundred and sixty (660) feet in length and shall terminate with a circular turnaround constructed as shown on Plate A-20 of Section IV. The Exception is appropriate because the Project will provide a modified turnaround to be offset, rather than "centered"; as depicted on the Tentative Parcel Map.

7. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map will promote the orderly growth of the unincorporated portions of the County and will assure the health, safety, and welfare of the people of the County.
8. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees. New Development may be subject to County Development Impact fees.



9. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of PPM 16-030; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.

AND, BE IT RESOLVED THAT:

A. The Planning Commission hereby finds said parcel map to be categorically exempt from the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures.

B. The Planning Commission hereby recommends the Board of Supervisors approve Tentative Parcel Map No. PPM 16-030, pursuant to Sections 7-01-2360 and 7-01-2365, subject to the following conditions:

**General Conditions:**

1. Failure to cause the recording of a final parcel map for an approved or conditionally approved vesting tentative parcel map (Exhibit A) within two (2) years after the date of its approval or conditional approval shall cause the parcel map to expire, in accordance with the Tulare County Subdivision Ordinance. However, upon application by the owner or his authorized agent, the time at which the approval of final parcel map expires may be extended for a period or periods not exceeding a total of five years by the Planning Commission.
2. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the attached Right to Farm Notice (Exhibit "B") shall be placed in a prominent location on the final map for acknowledgement by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the final map.



**Public Works Conditions:**

3. An improvement plan with profile shall be prepared for any necessary changes to the PVAE, notwithstanding the exceptions. The improvement plan shall be designed and stamped by a licensed civil engineer or a licensed architect and shall show detailed information on the construction of the PVAE including curve radii, drainage facilities and erosion control measures as needed. The improvement plan shall be approved by the Tulare County RMA – Engineering Branch before construction of the PVAE improvements.
4. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a county road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs shall be borne by the county. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a county road.

**Mitigation Measures:**

- \*5. ***Mitigation Measure 3.3.1a [BIO-1 of the IS/MND] (Pre-construction Surveys).*** Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance on each of the four separate parcels. These surveys will be conducted in accordance with the USFWS *Standardized Recommendations*. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately to determine the best course of action.
- \*6. ***Mitigation Measure 3.3.1b [BIO-2 of the IS/MND] (Avoidance).*** Should a kit fox be found using the site during preconstruction surveys, the project will avoid the habitat occupied by the kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified.
- \*7. ***Mitigation Measure 3.3.1c [BIO-3 of this IS/MND] (Minimization).*** Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.



- \*8. *Mitigation Measure 3.3.1d [BIO-4 of the IS/MND] (Mortality Reporting).*** The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.
- \*9. *Mitigation Measure 3.3.2b [BIO-5 of the IS/MND] (Preconstruction Surveys).*** If ground disturbance must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. Should a 30-day window of no activity occur on any given parcel (within the breeding season), the surveys should be redone. The surveys will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save the Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.
- \*10. *Mitigation Measure 3.3.2c [BIO-6 of the IS/MND] (Establish Buffers).*** Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.
- \*11. *Mitigation Measure 3.3.3a [BIO-7 of the IS/MND] (Temporal Avoidance).*** Tree removal (if necessary) should occur after September 30, and before April 1, outside the maternal roosting season.
- \*12. *Mitigation Measure 3.3.3b [BIO-8 of the IS/MND] (Preconstruction Surveys).*** If removal of trees must occur between April 1 and September 30 (general maternity bat roost season), a qualified biologist will survey affected trees for the presence of bats within 30 days prior to these activities. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.
- \*13. *Mitigation Measure 3.3.3c [BIO-9 of the IS/MND] (Minimization).*** If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted via partial dismantlement of trees prior to full removal

under the direction of a qualified biologist to ensure that no adverse impact to any bats occurs as a result of construction activities.

**\*14. Mitigation Measure 3.3.3d [BIO-10 of the IS/MND] (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 50 to 100 feet as determined by the biologist.

**\*15. Mitigation Measure 3.3.3e [BIO-11 of the IS/MND] (Consultation if Maternity Roosts Cannot be Avoided).** If maternal roosts are determined to be present and must be removed, the bats will be excluded from the roosting site before the roost is removed. An exclusion plan, addressing exclusion methods, and roost removal procedures will be developed by a qualified biologist before implementation. Exclusion methods may include use of one-way doors at roost entrances or sealing roost entrances when a site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g. during hibernation or while females in maternity colonies are nursing young).

**16. Project will convert more than five acres (7.5 acres) of Prime Farmland to non-agricultural use. County Board of Supervisors Resolution No. 2016-0323 requires the applicant testablish an agricultural conservation easement on 7.5± acres of the remainder property.**

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner ~, at a regular meeting of the Planning Commission on ~, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

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Michael Washam, Secretary



Attachment No. 6

Staff Report

DRAFT

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY**  
**-Planning and Project Processing Division-**  
**Staff Report**

**General Plan Amendment No. GPA 16-005,**  
**Change of Zone No. PZC 16-007, and**  
**Tentative Parcel Map No. PPM 16-030**

**I. GENERAL:**

**1. Applicants:**

Paula Simon, Sonjia Dutton, & Berwyn Qualls  
844 N. High Road  
Palm Springs, CA 92262

**2. Agent:**

Forester, Weber & Associates, LLC  
1620 W. Mineral King Avenue, Suite B  
Visalia, CA 93291

**3. Requested Action:**

The project is General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.66 acre parcel; Zone Change No. PZC 16-007 on a 7.29-acre portion of a 27.66 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map No. PPM 16-030 to divide a 27.66-acre parcel into three parcels and a remainder: Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres and Remainder Parcel = 20.97 acres, with the requirement to file a final map, contingent upon the Board of Supervisors' approval of GPA 16-005 & PZC 16-007.

**4. Location:**

South of Avenue 328 and east of Road 132, northeast of the City of Visalia in Tulare County (APN 079-190-017), Section 9, Township 18S, Range 25E, MDB&M.

**II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:**

**1. Zoning and Land Use:**

The existing zoning is AE-40 (Exclusive Agriculture – 40 acre minimum). The AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which



are a necessary and integral part of intensive and extensive agricultural operations. The minimum parcel size permitted to be created in this zone is, with certain exceptions, forty (40) acres.

The requested zone is R-A-87 (Rural Residential – 87,000 sq. ft. minimum). The rural residential zone is intended for one-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system. The minimum parcel size permitted to be created in this zone is 87,000 sq. ft. (2 acres).

**2. Land Use Characteristics:**

The site is located within the County Adopted Urban Area Boundary of Visalia (CAUAB).

The existing land use is “Valley Agriculture.” This designation establishes areas for intensive agricultural activities on prime valley agricultural soils, and other productive or potentially productive valley lands where commercial agricultural uses can exist without conflicting with other uses, or where conflicts can be mitigated.

Minimum Parcel Size: 10-80 Acres

Maximum Density: 1 dwelling unit per 10 acres

The requested land use is “Rural Residential.” This designation establishes areas for single family dwellings and farm worker housing located away from cities and communities in agricultural or rural areas where dispersed residential development on 1-5 acre parcels is set forth in community or sub-area plans. Typical allowed uses include: detached single-family dwellings and secondary dwellings; agricultural uses such as crop production, orchards and vineyards, grazing, and animal raising; and necessary public utility and safety facilities. This designation is primarily located at the edges of UDBs in the lower foothill and valley regions.

Maximum Density: 1 Dwelling Unit/1 Acres if average slope is less than 30 percent.  
1 Dwelling Unit/10 Acres if average slope is 30 percent or greater.

**3. General Plan Elements and General Plan Consistency:**

The Project is located within the Urban Area Boundary for the City of Visalia.

The proposed Project is consistent with the following applicable Tulare County General Plan Policies:

**Planning Framework:**

**PF-1.2 Location of Urban Development**

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

1. Within incorporated cities and CACUDBs;
2. Within the UDBs of adjacent cities in other counties, unincorporated communities, planned community areas, and HDBs of hamlets;

3. Within foothill development corridors as determined by procedures set forth in Foothill Growth Management Plan;
4. Within areas set aside for urban use in the Mountain Framework Plan and the mountain sub-area plans; and
5. Within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan.

*Analysis: The proposed Project is consistent with this policy because the project is located "within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan." (See Attachment 3, Rural Valley Lands Plan (RVLP) Parcel Evaluation.)*

#### **PF-4.19 Future Land Use Entitlements in a CACUAB**

As an exception to the County policies that the Rural Valley Lands Plan (RVLP) does not apply within CACUDBs and is only advisory within CACUABs, the County may work with an individual city to provide that no General Plan amendments or rezonings will be considered to change the current land use designation or zoning classification of any parcel within a CACUAB unless appropriate under the requirements of the Rural Valley Lands Plan (RVLP)

*Analysis: The proposed Project is consistent with this policy because an RVLP Analysis was performed for the site and the parcel received ~ points, indicating that it was suitable for non-agricultural zoning (See Attachment 3 Rural Valley Lands Plan (RVLP) Parcel Evaluation).*

#### **AG-1.14 Right-to-Farm Noticing**

The County shall condition discretionary permits for special uses and residential development within or adjacent to agricultural areas upon the recording of a Right-to-Farm Notice (Ordinance Code of Tulare County, Part VII, Chapter 29, Section 07-29-1000 and following) which is an acknowledgment that residents in the area should be prepared to accept the inconveniences and discomfort associated with normal farming activities and that an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area.

*Analysis: The proposed Project is consistent with this policy because the tentative parcel map will be conditioned with the requirement that the signed Right to Farm be recorded as an Exhibit to the Resolution approving the project.*

#### **Land Use:**

##### **LU-1.10 Roadway Access**

The County shall require access to public roadways for all new development.

*Analysis: The proposed Project is consistent with this policy because there is existing access to Avenue 328, which is sufficiently improved. In addition, the IS/MND Transportation/Traffic analysis that was performed for the Project indicated that there*



would be “No Impact” and “Less Than Significant Impact” to the roadway system intersection at Avenue 328 and Road 132.

**Environmental Resources Element:**

**ERM-1.1 Protection of Rare and Endangered Species**

The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government, through compatible land use development.

*Analysis: The proposed Project is consistent with this policy because Mitigation Measures have been incorporated into the project, for example Pre-construction Surveys and Minimization regarding potential impacts to San Joaquin kit fox. Refer to the IS/MND and Mitigation Monitoring Reporting Program.*

**ERM-6.1 Evaluation of Cultural and Archaeological Resources**

The County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards.

*Analysis: The proposed Project is consistent with this policy because the IS/MND provides documentation that a Cultural Resources Assessment was prepared for the project site indicating that no archaeological or other cultural resources were identified as a result of the study.*

**ERM-6.8 Solicit Input from Local Native Americans**

The County shall continue to solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

*Analysis: The proposed Project is consistent with this policy because a Sacred Lands File search was conducted on May 17, 2017 by the Native American Heritage Commission, which then provided results indicating “negative results,” meaning that no sacred lands are located within or near the USGS Quadrangle where the Project is located.*

**Air Quality:**

**AQ-2.2 Indirect Source Review**

The County shall require major development projects, as defined by the SJVAPCD, to reasonably mitigate air quality impacts associated with the project. The County shall notify developers of SJVAPCD Rule 9510 – Indirect Source Review requirements and work with SJVAPCD to determine mitigations, as feasible, that may include, but are not limited to the following:

1. Providing bicycle access and parking facilities,
2. Increasing density,
3. Encouraging mixed use developments,
4. Providing walkable and pedestrian-oriented neighborhoods,
5. Providing increased access to public transportation,

6. Providing preferential parking for high-occupancy vehicles, car pools, or alternative fuels vehicles, and
7. Establishing telecommuting programs or satellite work centers.

*Analysis: The proposed Project is consistent with this policy because the mere size of the project (i.e., three potential rural residential sites) would not result in the exceedance of an Air District thresholds and, depending upon a final determination by the Air District, does not appear to meet rule applicability requirements.*

#### **AQ-4.2 Dust Suppression Measures**

The County shall require developers to implement dust suppression measures during excavation, grading, and site preparation activities consistent with SJVAPCD Regulation VIII – Fugitive Dust Prohibitions. Techniques may include, but are not limited to, the following:

1. Site watering or application of dust suppressants,
2. Phasing or extension of grading operations,
3. Covering of stockpiles,
4. Suspension of grading activities during high wind periods (typically winds greater than 25 miles per hour), and
5. Revegetation of graded areas.

*Analysis: The proposed Project is consistent with this policy because the San Joaquin Valley Air Pollution Control District (SJVAPCD) requires concerted efforts to reduce project-related emissions, including compliance with the following rules and regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4102 (Nuisance), Rule 4641 (Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 9510 (Indirect Source Review).*

#### **Health and Safety:**

##### **HS-8.18 Construction Noise**

The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors.

*Analysis: The proposed Project is consistent with this policy because a condition of approval will be added to the tentative parcel map that construction shall occur only during normal business hours, typically from 8:00 a.m. to 5:00 p.m.*

##### **HS-8.19 Construction Noise Control**

The County shall ensure that construction contractors implement best practices guidelines (i.e. berms, screens, etc.) as appropriate and feasible to reduce construction-related noise-impacts on surrounding land uses.



*Analysis: The proposed Project is consistent with this policy because a condition of approval will be added to the tentative parcel map that construction shall occur only during normal business hours, typically from 8:00 a.m. to 5:00 p.m.*

**Water Resources:**

**WR-1.1 Groundwater Withdrawal**

The County shall cooperate with water agencies and management agencies during land development processes to help promote an adequate, safe, and economically viable groundwater supply for existing and future development within the County. These actions shall be intended to help the County mitigate the potential impact on ground water resources identified during planning and approval processes.

*Analysis: The proposed Project is consistent with this policy because the IS/MND provides documentation that the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. A technical memorandum was prepared by Kenneth D. Schmidt and Associates Groundwater Quality Consultants which concludes that sufficient groundwater exists via well extraction to provide sufficient groundwater for 40 years for the three proposed residences.*

**WR-2.2 National Pollutant Discharge Elimination System (NPDES) Enforcement**

The County shall continue to support the State in monitoring and enforcing provisions to control non-point source water pollution contained in the U.S. EPA NPDES program as implemented by the Water Quality Control Board.

*Analysis: The proposed Project is consistent with this policy because the Project engineering and design features would be required to be compliant with California Building Code and Waste Discharge Requirements to ensure proper preventative measures are implemented to prevent adverse impacts to hydrology.*

**WR-2.3 Best Management Practices (BMPs)**

The County shall continue to require the use of feasible BMPs and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities, agricultural operations requiring a County Permit and urban runoff in coordination with the Water Quality Control Board.

*Analysis: The proposed Project is consistent with this policy because a grading and drainage plan is required by County Engineering prior to the onset of any ground disturbing activities.*

**WR-2.4 Construction Site Sediment Control**

The County shall continue to enforce provisions to control erosion and sediment from construction sites.

*Analysis: The proposed Project is consistent with this policy because a grading and drainage plan is required by County Engineering prior to the onset of any ground disturbing activities.*

#### **WR-3.3 Adequate Water Availability**

The County shall review new development proposals to ensure the intensity and timing of growth will be consistent with the availability of adequate water supplies. Projects must submit a Will-Serve letter as part of the application process, and provide evidence of adequate and sustainable water availability prior to approval of the tentative map or other urban development entitlement.

*Analysis: The proposed Project is consistent with this policy because the technical memorandum that was prepared by Kenneth D. Schmidt and Associates Groundwater Quality Consultants concludes that sufficient groundwater exists via well extraction to provide sufficient groundwater for 40 years for the three proposed residences (see IS/MND). The area contains adequate water supply for the proposed Project; as such, the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.*

#### **4. Planning Commission Policies and Precedents:**

The Planning Commission makes a recommendation to the Board of Supervisors for General Plan Amendments and Changes of Zone.

### **III. HISTORY AND PROJECT FACTS:**

#### **1. History:**

On June 7, 2016 the BOS approved General Plan Initiation No. GPI 14-003, allowing the applicants to proceed with the Project.

#### **2. Project Summary:**

**GPA & PZC:** The project is General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.66 acre parcel; Zone Change No. PZC 16-007 on a 7.29-acre portion of a 27.66 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map No. PPM 16-030 to divide a 27.66-acre parcel into three parcels and a remainder: Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres and Remainder Parcel = 20.97 acres, contingent upon the Board of Supervisors' approval of GPA 16-005 & PZC 16-007, with the requirement to file a final map.

The surrounding properties to the north, west and east are developed with rural residential housing. This area has been substantially developed with rural residential development. The properties to the northwest and south are in agricultural production.



Applicant will be required to submit an application for an Agricultural Conservation Easement, with associated fees, to the Tulare County Resource Management Agency (RMA) for no less than 7.3 acres of on-site Prime farmland prior to the issuance of building permits.

The site is not within an agricultural preserve and is not under a Williamson Act Contract.

Access is provided by a Private Vehicular Access Easement from Avenue 328 that will be improved to a Class I County road.

**Tentative Parcel Map:**

This Project will divide one 27.66-acre parcel into three Parcels and a Remainder Parcel: Parcel 1 = 2.50 acres, Parcel 2 = 2.50 acres, Parcel 3 = 2.50 acres, Remainder Parcel = 20.16 acres.

**Subdivision Ordinance**

**Exceptions Requested:**

**Lot Exception:**

Section 7-01-1355(c) Each residential lot shall have a minimum of forty (40) feet frontage on a street. This Exception is appropriate because the parent parcel does not have direct access to a public street; therefore, these parcels could not comply with this Section of the Subdivision Ordinance.

**Road Exception:**

Section 7-01-2230(a)(3) (Easement Width) If more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-2025 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County. Public Works correspondence indicates that the Private Vehicular Access Easement (PVAE) serving Parcels 1, 2, 3, and the Remainder shall be improved to a Class I county road standard (32 feet paved width within a 56-foot wide easement). This Exception is appropriate because the 32-foot wide Class I standard width for pavement can be maintained without the additional easement width; thereby preserving the existing 45-foot easement width.

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of parcels being served (9 total) will require the PVAE be improved to a Class 1 county road standard pertaining to pavement width being 32 feet. An exception to road2way improvements was not recommended by Public Works.

Section 7-01-2230(c)(1) If any parcel created, which does not have the required minimum frontage on a County maintained road, is less than ten (10) acres in area, the length of the easement shall not exceed...six hundred sixty (660) feet in non-mountainous areas. This Exception is appropriate because the existing PVAE already exceeds 660 feet from Avenue 328; therefore, the extended length of the PVAE is unavoidable.

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This Tentative Parcel Map will require that a Final Map be submitted within two years of approval.

**3. Other Facts:**

**Fire Protection:** Provided by the Tulare County Fire Department Station 8, Ivanhoe, approximately 3 miles east.

**Police Protection:** Provided by the Tulare County Sheriff located in Visalia.

**Wastewater:** Septic tank – leach line systems.

**Water Service:** Domestic wells.

**IV. ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION:** (see attached documents)

**V. ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (see attached documents) were prepared for the project.



## **VI. SUBSEQUENT ACTIONS:**

### **1. Appeals:**

All Planning Commission actions on Special Use Permits are final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 calendar days after the date on which the decision is made. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

### **2. School Impact Fees:**

The subject site is located within the Visalia Unified School District which has implemented developer's fees for all assessable space for new residences and expansions to existing residences; and for chargeable covered and enclosed space for new commercial and industrial development pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the construction of new commercial or industrial structures, and/or installation or construction of new or expanded residential structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]

NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

### **3. Storm Water Permit:**

A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of more than one acre or which is less than one acre but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities may be required. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

4. Air Impact Assessment:

The San Joaquin Valley Air Pollution Control District (District) has adopted the Indirect Source Review (Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at [www.valleyair.org](http://www.valleyair.org) under “Land Use/Development” and then under “Indirect Source Review”, or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District’s ISR Group at 559-230-6000.

5. Water Impact Assessment:

If your activities or discharges from your property or business affect California’s surface, coastal, or ground waters, you will need to apply for a permit from the Regional Water Quality Control Board (RWQCB). If you are discharging pollutants (or proposing to) into surface water, you must file a complete National Pollutant Discharge Elimination System (NPDES) with the RWQCB. Other types of discharges, such as those affecting groundwater or from diffused sources (e.g., erosion from soil disturbance or waste discharges to land) are handled by filing a Report of Waste Discharge with the RWQCB. For specified situations, some permits may be waived and some discharge activities can be handled through enrollment in an existing general permit. For assistance in determining whether or not your project requires a discharge permit call the Fresno Branch Office at 559-445-5116 or visit [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley).



Attachment No. 6

Staff Report

DRAFT

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY**  
**-Planning and Project Processing Division-**  
**Staff Report**

**General Plan Amendment No. GPA 16-005,  
Change of Zone No. PZC 16-007, and  
Tentative Parcel Map No. PPM 16-030**

**I. GENERAL:**

**1. Applicants:**

Paula Simon, Sonjia Dutton, & Berwyn Qualls  
844 N. High Road  
Palm Springs, CA 92262

**2. Agent:**

Forester, Weber & Associates, LLC  
1620 W. Mineral King Avenue, Suite B  
Visalia, CA 93291

**3. Requested Action:**

The project is General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.66 acre parcel; Zone Change No. PZC 16-007 on a 7.29-acre portion of a 27.66 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map No. PPM 16-030 to divide a 27.66-acre parcel into three parcels and a remainder: Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres and Remainder Parcel = 20.97 acres, with the requirement to file a final map, contingent upon the Board of Supervisors' approval of GPA 16-005 & PZC 16-007.

**4. Location:**

South of Avenue 328 and east of Road 132, northeast of the City of Visalia in Tulare County (APN 079-190-017), Section 9, Township 18S, Range 25E, MDB&M.

**II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:**

**1. Zoning and Land Use:**

The existing zoning is AE-40 (Exclusive Agriculture – 40 acre minimum). The AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which



are a necessary and integral part of intensive and extensive agricultural operations. The minimum parcel size permitted to be created in this zone is, with certain exceptions, forty (40) acres.

The requested zone is R-A-87 (Rural Residential – 87,000 sq. ft. minimum). The rural residential zone is intended for one-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system. The minimum parcel size permitted to be created in this zone is 87,000 sq. ft. (2 acres).

## **2. Land Use Characteristics:**

The site is located within the County Adopted Urban Area Boundary of Visalia (CAUAB).

The existing land use is “Valley Agriculture.” This designation establishes areas for intensive agricultural activities on prime valley agricultural soils, and other productive or potentially productive valley lands where commercial agricultural uses can exist without conflicting with other uses, or where conflicts can be mitigated.

Minimum Parcel Size: 10-80 Acres

Maximum Density: 1 dwelling unit per 10 acres

The requested land use is “Rural Residential.” This designation establishes areas for single family dwellings and farm worker housing located away from cities and communities in agricultural or rural areas where dispersed residential development on 1-5 acre parcels is set forth in community or sub-area plans. Typical allowed uses include: detached single-family dwellings and secondary dwellings; agricultural uses such as crop production, orchards and vineyards, grazing, and animal raising; and necessary public utility and safety facilities. This designation is primarily located at the edges of UDBs in the lower foothill and valley regions.

Maximum Density: 1 Dwelling Unit/1 Acres if average slope is less than 30 percent.

1 Dwelling Unit/10 Acres if average slope is 30 percent or greater.

## **3. General Plan Elements and General Plan Consistency:**

The Project is located within the Urban Area Boundary for the City of Visalia.

The proposed Project is consistent with the following applicable Tulare County General Plan Policies:

### **Planning Framework:**

#### **PF-1.2 Location of Urban Development**

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

1. Within incorporated cities and CACUDBs;
2. Within the UDBs of adjacent cities in other counties, unincorporated communities, planned community areas, and HDBs of hamlets;

3. Within foothill development corridors as determined by procedures set forth in Foothill Growth Management Plan;
4. Within areas set aside for urban use in the Mountain Framework Plan and the mountain sub-area plans; and
5. Within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan.

*Analysis: The proposed Project is consistent with this policy because the project is located "within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan." (See Attachment 3, Rural Valley Lands Plan (RVLP) Parcel Evaluation.)*

#### **PF-4.19 Future Land Use Entitlements in a CACUAB**

As an exception to the County policies that the Rural Valley Lands Plan (RVLP) does not apply within CACUDBs and is only advisory within CACUABs, the County may work with an individual city to provide that no General Plan amendments or rezonings will be considered to change the current land use designation or zoning classification of any parcel within a CACUAB unless appropriate under the requirements of the Rural Valley Lands Plan (RVLP)

*Analysis: The proposed Project is consistent with this policy because an RVLP Analysis was performed for the site and the parcel received ~ points, indicating that it was suitable for non-agricultural zoning (See Attachment 3 Rural Valley Lands Plan (RVLP) Parcel Evaluation).*

#### **AG-1.14 Right-to-Farm Noticing**

The County shall condition discretionary permits for special uses and residential development within or adjacent to agricultural areas upon the recording of a Right-to-Farm Notice (Ordinance Code of Tulare County, Part VII, Chapter 29, Section 07-29-1000 and following) which is an acknowledgment that residents in the area should be prepared to accept the inconveniences and discomfort associated with normal farming activities and that an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area.

*Analysis: The proposed Project is consistent with this policy because the tentative parcel map will be conditioned with the requirement that the signed Right to Farm be recorded as an Exhibit to the Resolution approving the project.*

#### **Land Use:**

##### **LU-1.10 Roadway Access**

The County shall require access to public roadways for all new development.

*Analysis: The proposed Project is consistent with this policy because there is existing access to Avenue 328, which is sufficiently improved. In addition, the IS/MND Transportation/Traffic analysis that was performed for the Project indicated that there*



would be “No Impact” and “Less Than Significant Impact” to the roadway system intersection at Avenue 328 and Road 132.

**Environmental Resources Element:**

**ERM-1.1 Protection of Rare and Endangered Species**

The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government, through compatible land use development.

*Analysis: The proposed Project is consistent with this policy because Mitigation Measures have been incorporated into the project, for example Pre-construction Surveys and Minimization regarding potential impacts to San Joaquin kit fox. Refer to the IS/MND and Mitigation Monitoring Reporting Program.*

**ERM-6.1 Evaluation of Cultural and Archaeological Resources**

The County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards.

*Analysis: The proposed Project is consistent with this policy because the IS/MND provides documentation that a Cultural Resources Assessment was prepared for the project site indicating that no archaeological or other cultural resources were identified as a result of the study.*

**ERM-6.8 Solicit Input from Local Native Americans**

The County shall continue to solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

*Analysis: The proposed Project is consistent with this policy because a Sacred Lands File search was conducted on May 17, 2017 by the Native American Heritage Commission, which then provided results indicating “negative results,” meaning that no sacred lands are located within or near the USGS Quadrangle where the Project is located.*

**Air Quality:**

**AQ-2.2 Indirect Source Review**

The County shall require major development projects, as defined by the SJVAPCD, to reasonably mitigate air quality impacts associated with the project. The County shall notify developers of SJVAPCD Rule 9510 – Indirect Source Review requirements and work with SJVAPCD to determine mitigations, as feasible, that may include, but are not limited to the following:

1. Providing bicycle access and parking facilities,
2. Increasing density,
3. Encouraging mixed use developments,
4. Providing walkable and pedestrian-oriented neighborhoods,
5. Providing increased access to public transportation,

6. Providing preferential parking for high-occupancy vehicles, car pools, or alternative fuels vehicles, and
7. Establishing telecommuting programs or satellite work centers.

*Analysis: The proposed Project is consistent with this policy because the mere size of the project (i.e., three potential rural residential sites) would not result in the exceedance of an Air District thresholds and, depending upon a final determination by the Air District, does not appear to meet rule applicability requirements.*

#### **AQ-4.2 Dust Suppression Measures**

The County shall require developers to implement dust suppression measures during excavation, grading, and site preparation activities consistent with SJVAPCD Regulation VIII – Fugitive Dust Prohibitions. Techniques may include, but are not limited to, the following:

1. Site watering or application of dust suppressants,
2. Phasing or extension of grading operations,
3. Covering of stockpiles,
4. Suspension of grading activities during high wind periods (typically winds greater than 25 miles per hour), and
5. Revegetation of graded areas.

*Analysis: The proposed Project is consistent with this policy because the San Joaquin Valley Air Pollution Control District (SJVAPCD) requires concerted efforts to reduce project-related emissions, including compliance with the following rules and regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4102 (Nuisance), Rule 4641 (Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 9510 (Indirect Source Review).*

#### **Health and Safety:**

##### **HS-8.18 Construction Noise**

The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors.

*Analysis: The proposed Project is consistent with this policy because a condition of approval will be added to the tentative parcel map that construction shall occur only during normal business hours, typically from 8:00 a.m. to 5:00 p.m.*

##### **HS-8.19 Construction Noise Control**

The County shall ensure that construction contractors implement best practices guidelines (i.e. berms, screens, etc.) as appropriate and feasible to reduce construction-related noise-impacts on surrounding land uses.



*Analysis: The proposed Project is consistent with this policy because a condition of approval will be added to the tentative parcel map that construction shall occur only during normal business hours, typically from 8:00 a.m. to 5:00 p.m.*

**Water Resources:**

**WR-1.1 Groundwater Withdrawal**

The County shall cooperate with water agencies and management agencies during land development processes to help promote an adequate, safe, and economically viable groundwater supply for existing and future development within the County. These actions shall be intended to help the County mitigate the potential impact on ground water resources identified during planning and approval processes.

*Analysis: The proposed Project is consistent with this policy because the IS/MND provides documentation that the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. A technical memorandum was prepared by Kenneth D. Schmidt and Associates Groundwater Quality Consultants which concludes that sufficient groundwater exists via well extraction to provide sufficient groundwater for 40 years for the three proposed residences.*

**WR-2.2 National Pollutant Discharge Elimination System (NPDES) Enforcement**

The County shall continue to support the State in monitoring and enforcing provisions to control non-point source water pollution contained in the U.S. EPA NPDES program as implemented by the Water Quality Control Board.

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A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of more than one acre or which is less than one acre but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities may be required. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

4. Air Impact Assessment:

The San Joaquin Valley Air Pollution Control District (District) has adopted the Indirect Source Review (Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at [www.valleyair.org](http://www.valleyair.org) under “Land Use/Development” and then under “Indirect Source Review”, or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District’s ISR Group at 559-230-6000.

5. Water Impact Assessment:

If your activities or discharges from your property or business affect California’s surface, coastal, or ground waters, you will need to apply for a permit from the Regional Water Quality Control Board (RWQCB). If you are discharging pollutants (or proposing to) into surface water, you must file a complete National Pollutant Discharge Elimination System (NPDES) with the RWQCB. Other types of discharges, such as those affecting groundwater or from diffused sources (e.g., erosion from soil disturbance or waste discharges to land) are handled by filing a Report of Waste Discharge with the RWQCB. For specified situations, some permits may be waived and some discharge activities can be handled through enrollment in an existing general permit. For assistance in determining whether or not your project requires a discharge permit call the Fresno Branch Office at 559-445-5116 or visit [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley).



## Exhibit A

### Memorandum of Response to Comments

DRAFT



# RESOURCE MANAGEMENT AGENCY

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REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

MEMORANDUM OF RESPONSE TO COMMENTS TO THE "QUALLS PROJECT" GPA  
16-005, PZC 16-007 & PPM 16-030

TO: PLANNING COMMISSION

FROM: AARON R. BOCK, CHIEF PLANNER, PROJECT PROCESSING

RE: CLARIFICATIONS, FINDINGS, AND ANALYSIS REGARDING RESPONSE TO  
PROJECT RELATED AND INITIAL STUDY AND MITIGATED NEGATIVE  
DECLARATION COMMENTS

Staff has enumerated the below letters (1, 2, 3, etc...) and has created a nomenclature i.e. 1.a., 1.b. etc... to differentiate the commenters comments within each letter, similar to a response to comments section of an Environmental Impact Report, which as a point of clarification is not required for Mitigated Negative Declarations under CEQA. Staff responses are generally in italics. This Memorandum indicates the lead agency's position is backed by substantial evidence in the record for each and every decision made by the agency and as recommended by the Resource Management Agency Director to the Planning Commission and ultimately the Board of Supervisors.

(1) San Joaquin Valley Air Pollution Control District (Air District) Comment Letter 1, *Staff Response to Comment from San Joaquin Valley Air Pollution Control District:*

1.a. Letter states future development may require future environmental review.

*Staff is not aware of any future projects planned for this project at this time. Both staff and applicant have discussed this item and applicant has been advised of the difficulty in getting a larger project approved.*

1.b. Letter states individual projects would be subject to Air District Rule 9510 (Indirect Source Review) and requests that an Air Impact Assessment (AIA) application be submitted to the Air District no later than applying for final approval through a condition of approval requiring payment of applicable fees prior to issuance of the first building permit.

*The project proposes to divide a 27.83-acre parcel into four parcels (parcel 1 – 3 = 2.23 acres each and the remainder parcel = 20.97 acres), which could potentially result in the construction of four single family residential units. As such, the project falls below the Rule 9510 applicability thresholds of 50 dwelling units and would not be subject to the requirements of Rule 9510. Staff is not aware of any future projects planned for this project at this time. However, in the event of future development proposal for the remainder parcel exceeding the 50 dwelling unit applicability threshold staff has made a requirement for "submittal of the AIA application and payment of applicable AIA fees prior to issuance of the first building permit" as a Condition of Approval.*



1.c. – 1.e Development projects are subject to Air District Regulation VIII (PM10 Prohibition) requirements and Rules 4102 (Nuisance), 4601 (Architectural Coatings), and 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

*The project could potentially result in the construction of four single family residential units, which would be subject to Air District rules and regulations. As such, a copy of the Air District's comments has been provided to the applicant.*

(2) Caltrans Comment email (December 19, 2017):

2.a. Caltrans had no comment.

*Staff notes Caltrans had no comment.*

(3) California Office of Planning and Research (OPR) Late Comment Letter (January 18, 2018), and California Department of Fish and Wildlife (CDFW) (noted as late by OPR letter on January 18, 2018): *Staff Response to Late Comments from CDFW:*

3.a. Possibility for squirrels suggests there is potential for burrowing owl. There is also potential for white-tailed kite, and there is a question whether the measures for Swainson's hawk are adequate.

*A Biological Evaluation was prepared for the project, which included an on-site field survey. Pursuant to CDFW recommendations the following three mitigation measures for Burrowing Owl have been added to the project as Mitigation Measures BIO 12-14.*

**BIO-12 (Pre-construction Surveys).** *Pre-construction surveys for burrowing owls will be conducted by a qualified biologist prior to project-related activities involving ground disturbance or heavy equipment use. Surveys shall be conducted following the California Burrowing Owl Consortium's (CBOC) Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012). Specifically, three or more surveys will be conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15). The survey area will include all suitable habitat on and within 500 feet of Project impact areas, where accessible.*

**BIO-13 (Avoidance of Active Nests).** *If pre-construction surveys and subsequent project activities are undertaken during the breeding season (April 15 to July 15) and active nest burrows are located within or near Project impact areas, a construction setback will be established around active owl nests in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012), or alternate avoidance measures will be implemented in consultation with CDFW. The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.*

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 15 – Aug 15	200 m	500 m	500 m
Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m
Nesting Sites	Oct 16 – Mar 31	50 m	100 m	500 m

**BIO-14 (Passive Relocation of Resident Owls).** If during pre-construction surveys burrowing owl are found to occupy the project site, resident owls may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Relocation would be conducted only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods. Occupied burrows shall be replaced with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1). As burrowing owl may attempt to recolonize an area, ongoing surveillance will be required at a rate that is sufficient to the Tulare County RMA for detection burrowing owl if they return.

Pursuant to CDFW recommendations Mitigation Measures BIO 5 and-6 for Nesting Raptors and Migratory Birds have been clarified as follows.

**BIO-5 (Pre-construction Surveys).** If ground disturbance activities must occur during the nesting season (February 1-August 31-September 15), a qualified biologist will conduct pre-construction surveys for active/nesting raptor and migratory bird nests, including Swainson's hawk and white-tailed kite, following the survey methodology developed by the Swainson's hawk Technical Advisory Committee (SWHA TAC 2000) prior to within 30 days of the onset of these activities but no more than 10 days prior to the start of construction. Should a 30-day window of no activity occur on any given parcel (within the breeding season), the surveys should be redone. The surveys will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save the Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.

**BIO-6 (Establish Buffers).** Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means. Should any active Swainson's hawk or white-tailed kite nests be discovered, a minimum ½ mile no-disturbance buffer shall be identified and will be maintained until the biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.

Pursuant to CDFW recommendations, the following mitigation measure for Swainson's hawk and White Tailed Kite have been added to the project as Mitigation Measures BIO 15.

**BIO-15 (Take Permits).** If the ½ mile no-disturbance nest buffer is not feasible, CDFW will be consulted to determine if the project can avoid take. If take of Swainson's hawk cannot be avoided, an Incidental Take Permit (ITP) for Swainson's hawk, pursuant to Fish and Game Code section 2018(b), shall be obtained prior to project-related activities involving ground disturbance or heavy equipment use. Pursuant to Fish and Game Code section 3511, incidental take cannot be authorized for white-tailed kite.

(4) Clarey Letter (and email to BOS), January 9, 2018, in opposition to the project. Generally, commenter states reason for opposition based on gross misstatements, violation of Public Road Ordinance, and under evaluated negative impacts. Included in their comment is allegations that the County has not answered the question of how many parcels or lots / units can be placed on a Private Vehicle Access



Easement (PVAE) under the County Subdivision Code. The answer is that there is no limit under County Code regarding the number of lots or units, which can be placed at the end of a PVAE in Tulare County.

4.a. Commenter states that the "Traffic Study" called the ["Private Vehicle Access Easement"] a "driveway" even though there is the "Qualls Road Sign" at the intersection of the driveway with Ave 328, and the traffic study does not address the Public Road Ordinance or property rights.

*Under Caltrans Highway Design Manual page 60.3 "Nomenclature", (7)(e) a "private road or private driveway" is a way or place in private ownership and used for travel by the owner and those having expressed or implied permission from the owner... Therefore, the Private Vehicle Access Easement is technically a driveway, and the issues raised by the commenter is not the subject of an environmental study, moreover the questions of access, easements, and exceptions have been answered by staff in the Staff Report attached to the Agenda Item and Resolution to the Project. The "Qualls Road" sign was not approved, placed, or maintained there by the County, nor does the County recognize "Qualls Road" as a dedicated public road. Traffic studies are based on the volumes of traffic and the capacity of the roads to handle traffic volumes safely. The Traffic Study prepared for this project indicated the project would generate 29 daily trips, 2 in the morning peak and 3 in the afternoon peak, showing that the volumes could move along the driveway safely and without causing a decrease in traffic volume level of service along the PVAE or along Avenue 328. The Traffic Study indicated that there were lower volumes than necessary (100 trips on a County Road under the 2012 General Plan during a.m. or p.m. peaks) to conduct any more study or require mitigation. The Improvement Standards, width requirements, and property rights are not the subject of traffic, trip generation, studies under the California Environmental Quality Act, in the State of California. The PVAE safety requirements is under the determination of the Public Works Department, and ultimately the RMA Director.*

4.b. Commenter owns underlying land across the easement around "the turn". Commenter states this creates legal questions of transfer of easement rights, due process and/or consideration of ownership for the actual land owner that were not studied in the Traffic Study.

*Staff have reviewed the Memorandum of Agreement ("Agreement" recorded October 9, 2014) and made part of the record by opposition during the General Plan Initiation Process for this project. The Agreement by and between Landowners (including the commenter) shows that the commenter knew of the potential for development and all parties involved in this project are aware of their easement rights and restrictions and the potential for development of the properties therein. Legal rights are not part of a traffic study analysis under CEQA. However, it is noted that the commenter was provided full and fair notice under the Due Process of law for this project that attaches with the CEQA, General Plan, and Parcel Map Process. Any rights that commenter believes they have is a private matter and not a matter for the Lead Agency to consider for the project, as the Resource Management Agency Director has found the existing road width, and the easement rights as provided by recorded public documents and as discussed in that Agreement are adequate to provide access and services to the Project.*

4.c. Commenter states that the County Codes Section No. 7080 requires using Plate No A-17-B [a Class 1 Facility] for parcel maps with 4 or more units, for a total of 8 in this case.

*Staff has advised and provided the Resource Management Agency Director with substantial evidence under Section 7-01-2230(a)(3) of the Tulare County Code to provide the recommendation to the Decision Making body using the allowed exceptions under Section 7-01-2645 which state here in that:*



*"The body, which takes final action on an application for an exception shall only grant an exception if it finds that all of the following circumstances exist:*

- (a) That there are special circumstances or conditions affecting the property.*
- (b) That the exception is appropriate for the proper design and/or function of the subdivision.*
- (c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.*
- (d) That the granting of the exception is in accordance with the purposes prescribed in Article 1 of this Chapter and the Subdivision Map Act.*
- (e) That the granting of the exception is consistent with the General Plan.*

*Any exception may be granted subject to any reasonable conditions, which are deemed necessary to effectuate the purposes of this Chapter"*

*The Director has made all the above findings in the record and supported by substantial evidence, as attached to the Resolution for the Parcel Map for the Project, and has recommended to the Planning Commission and Board of Supervisors to grant these exceptions.*

4.d. Commenter states the intent is to develop all 28 acres. The commenter has quotations around "...ultimate intention is to develop the entire 28.5 acres of the subject property into a residential parcels..." – without citing the source of this information. Staff finds this quotation deceiving as this is in regards to the parcels being approved, not regarding future parcels as the commenter is eliciting. The commenter cites two pages of the Mitigated Negative Declaration, stating the property is approximately 27 acres, consists of 4 parcels to be "converted to a residential subdivision."

*Staff assures the commenter that the Biological Evaluation conducted by Live Oak Associates (LOA) on April 6, 2017 did not suggest there was an additional subdivision being planned for the "remainder" acreage. It is our interpretation that LOA describes the whole area of the existing parcel (27 acres) then indicates that four parcels would be created for residential uses. However, only three of the parcels are proposed for single-family residential uses. LOA also indicated that it is possible (through use of the word "may") that other structures could be constructed on the 20-acre site. LOA's statement is speculative as the applicant has not stated any intent to develop the 20-acre site. See Attachment A to the IS/MND wherein it clearly states on page 1 that, utilizing a worst case approach, there is the potential for adding a single family home and potential accessory building, "a compound" on the remaining parcel. This is not the part of the actual project and is not allowed without further entitlements. The idea that the entire acreage would be developed would conflict with the agricultural easement on site (7.5 acres), and any conditions limiting development of these parcels. Any future subdivision projects would be required to study the remaining acreage and go through the project process again. Following is the project description from the Biological Study for reference.*



### **"1.1 PROJECT DESCRIPTION**

*The proposed project (APN 079-190-017) is the subdivision of the 27-acre parcel into four parcels planned for residential use. Three of the parcels will be 2.5 acres in size, and the remaining parcel 20 acres. It is anticipated that each of the three smaller parcels will eventually be used for the development of one single-family home and associated outbuildings, landscaping, and infrastructure, and that the parcels will not be further subdivided. The 20-acre parcel may include construction of multiple structures suitable for a single family compound. For the purposes of this analysis, it is anticipated that eventually all 27 acres will be impacted by project implementation. The land use of the project site will change from agriculture to residential."*

*Under CEQA, it is only necessary to consider reasonable and non-speculative future impacts (worst case scenario), that may or may not be considered as an actual part of the project (scoping the project). The Lead Agency is not required to consider speculative projects not applied for nor in the record at this time. In this case, construction of structure for a "single family compound" on the remaining parcel is possible with minor additional entitlements. Any additional development of the remaining acres would have to be amended through the General Plan, and Re-Zoned, as well as "parceled" before being subdivided. This is not anticipated by the applicant or staff at this time.*

4.e. Commenter cites to the below section of the IS/MND, and in the ensuing paragraph states this citation and comment "throughout the document" are proof of the Project really being the catalyst for rezoning the entire 28.5-acre property and for the development of the entire property into individual parcels. Moreover, the commenter restates the use of the 20 foot paved road and reiterates it's not a driveway and is inadequate for County Road Standards. The citation to the IS/MND is as follows: **"Section 2, page 12 of the "Agriculture and Forest Resources" it says "...not capable of growing common cultivated crops and pasture plants over a long period without determination."** I find it hard to believe that the subject property is by any measure of reasonableness fits this statement. In fact, this is prime farm land that has desirable and farmable land that several local farmers have voiced an interest in purchasing for orchards or ground crops. Also, if it is incapable of growing crops then why would rezoning for three (3) or more parcels/houses on the property improve the land so that there is no environmental hazard to the new home owners?"

*Staff found the citation stated above to include the following:*

*"However, as the Project site is not currently active, it is not irrigated; as such, the site is not capable of growing common cultivated crops and pasture plants over a long period without deterioration. Furthermore, the Project is subject to the Tulare County Agricultural Conservation Easement Program (ACEP). As such, a Condition of Approval requiring the applicant to submit an application for an Agricultural Conservation Easement, with associated fees, to the Tulare County Resource Management Agency (RMA) for no less than 7.3 acres of onsite Prime farmland prior to the issuance of building permits. According to the FMMP, as of 2014 there were 366,414 acres of Prime Farmland (see Table A-44 Tulare County 2012-2014 Land Use Conversion, <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx>); as such, this Project represents 0.002% of the County's Prime Farmland. Therefore, the Project would not result in a significant conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and*



*Monitoring Program of the California Resources Agency, to non-agricultural use. Therefore, the Project would result in Less Than Significant Impacts to this resource."*

*For clarification, what is meant by this statement is that the property, as currently laying fallow and being non-irrigated, deteriorates (its value) - as potential for farm land - and that despite that (because of the potential loss of possible agricultural acreage underlying the project area), an agricultural easement is required to limit development on the overall site (remainder parcel) by an equivalent amount of non-developed potential agricultural acreage. There are no other comments in the record that are cited to even indicate, much less make it obvious or to assume, that the intention is to develop the entire "28.5" acres into R-A-87 parcels. The County finds the 20-foot driveway to be adequate under for County Public Road Standards, much less Private Road/Driveway Standards.*

**4.f. Commenter states, "In the ratings in the Transportation/Traffic, Section 16, on page 46 and 47 for item 16 a), 16 b), and 16 d) ratings are "Less than Significant Impact". If the actual access over ½ mile 20 foot wide paved private road were evaluated and not the intersection of Ave 328 and Road 132, as erroneously done and presented in the document, the ratings in each of these areas should be "Significant Impact" because of the private access road's non-compliance to "County Public Road Standards" and limited ingress and egress from the subject property. Again, a re-evaluation of this section of the document seems most appropriate."**

*Staff has determined that the Omni-Means Traffic Study is accurate and consistent with industry standard studies for traffic related impacts. The lead agency can base its decision on Omni's substantial evidence provided in their Trip Generation Analysis and the Board can find the level of the Analysis is appropriate to make a finding of less than significant when the volume of 29 daily trips along a PVAE (Segment Analysis) do not even rise to the General Plan or Caltrans' threshold volumes of 100 and/or 50 peak hour trips requiring a full Traffic Impact Study. To reiterate, a PVAE is not a road and, as noted above, the project would not result in daily traffic volumes requiring evaluation as a road. As such, the traffic impacts to the "segment" along a PVAE is not required under CEQA. It is noted that the intersection was evaluated, and it shows 5 peak hour trips with 29 daily trips overall, with a Level of Service (LOS) of B, which is less than LOS C, which is the threshold of significance. Therefore, the impact was appropriately found to be less than significant.*

**4.g. The commenter opposes the project because their home is only 15 to 20 feet from the paved part of the road, with the full PVAE only being 10 feet from the house. The commenter states there is a 90 degree turn at the south-west corner of the property.**

*Staff has analyzed the traffic and agrees with Omni's assessment that the project would result in a total of 29-vehicle trips along the PVAE. The 45 foot full PVAE does not place the edge of the easement in the house but within 10 feet of the western portions of the house. Staff found, based on fire department comments and the Public Works Department comments, that the existing 20-foot road width would be adequate for emergency vehicle purposes, and the existing turning radius provided by the existing condition is not a pure (sharp) 90 degree turn but is curved and is nearly sufficient for turning radii purposes; however, if an additional 8 feet is added to the travel lanes around the corner (28 feet) then the line of sight is increased and would remove any doubt about the turn's safety according the Public Works Department (See Attachment 8; Public Works Exhibits 1 – 4 in the Graphics and Maps Section). Staff agrees that expanding the asphalt portions of the PVAE would unduly burden the commenter's residence and finds that the commenter is not likely to agree to expand the PVAE onto their property to the west. Therefore, the granting of the exception for road widths is rightful and consistent with County*



policy of not burdening property owners with the complete and full fulfillment of County policies when they are not necessary (given the amount of exceptions granted for similar PVAE's, much less public roadways throughout the County). Hence, the exception for PVAE travel lane width requirements has been recommended for approval to allow a 28-foot travel lane through the 90 degree turn area of the PVAE. 20 feet would be sufficient everywhere along the balance of the PVAE. The existing condition found in the graphics / pictures presented by commenter show the general sufficiency of the existing condition.

4.h.: Commenter asks "what is the County's regulation for how many houses are allowed on a single access **non-compliant** private road?" In addition, commenter says they received no answer, as to this question in previous [inquiries?] and that it must be considered before any further decision can be made.

Staff has made the following bolded [for emphasis] findings to answer the above questions.

- 1) ***There is no limit to the amount of units / parcels allowed along a PVAE in Tulare County under Subdivision Code Section 7-01-1000 et seq.***
- 2) ***If more than four (4) parcels, than the Class 1 standard width applies (32' paved with 56' wide pavement area) – Sec. 7-01-223. Here there are up to 10 parcels being served by the PVAE, including the proposed project, and the standard is only applicable, if exceptions cannot be granted. However, in this case, there is sufficient evidence in the record to support the RMA Director's position that these exceptions can be granted.***
2. ***Currently a 20' wide asphalt travel lane, within a 45' wide PVAE (subject to Memorandum of Agreement between land owners acknowledging the 45' wide easement) is substantial evidence of the land owners understanding of their rights and remedies proposed by the Agreement.***
3. ***All Neighboring PVAE's to the west are 40 feet and have 20' Private Roads (or less) for 8 home Parcels 8-16, and 7 (Parcels 18 et al.) - all being served by Private Dirt Driveways. There is substantial evidence in the record of granting easement exceptions, including within the neighborhood for similar conditions, if not for lesser reasons.***

(5) Hoveiler Letter: Commenter generally states that they are the residents of the existing subdivision adjacent to the proposed property and are in opposition to the project; stating the "Study" [assuming commenter is referring to the IS/MND] is incomplete and does not address the issues", And stating the "project property is not a standalone project and does not meet the requirements of a standalone division", and is the "expansion of an 'existing' inadequate subdivision."

Staff notes that the commenter is not part of any subdivision, in fact their lot was created by certificates of compliance, or grant deeds. Staff believes the record is adequate for all decisions regarding a general plan amendment, rezone, and parcel map, as the surrounding properties do not comply with any aspect of the general plan land use designation of valley agriculture, zoning (AE-40), and / or having been created by parcel map. In fact, besides Ray Court Tract Map 669 - 1989, this project is the only one that has gone through the "right" process in being created. Moreover, even Ray Court received exceptions by the Planning Commission in its creation. Without asking further what commenter means by the requirements of a "stand alone" division, staff is at a loss to respond, except to state this project fits the



*existing neighborhood, and is consistent with the General Plan, Zoning Code, Subdivision Code, the California Environmental Quality Act, and Development Standards, with exceptions granted.*

5.a. The commenter states the project location is incorrect and inconsistent throughout the application and [Traffic] Study. It was inadvertently identified as west of Road 132 (caught by Caltrans in their email). It has been fixed in the IS/MND to say east of Road 132 on pages 1 and 20; however, it was not changed on page 27 because that was a direct quote from the biological study. It is obvious from the maps and biological area potential effect that the APN associated with this Project is the one that was studied in the Biological Evaluation.

The Traffic Study was not done on the 20 foot wide PVAE. The pavement is not owned by a single entity but has seven parcels with easements; the applicant owns two non-adjoining parcels each having only ingress and egress across the other parcels. The remainder parcel could include 8 more parcels for a total of 16 parcels. The Traffic Study does not address the 90 degree turn. Or the traffic impact to the neighbors or the Agricultural Preserve that the two properties but up to.

*The Traffic Study was adequate under CEQA for the purpose of industry standard studies of impacts to County Levels of Service including the intersection at Avenue 328. As stated above, and in the IS/MND (and as contained in the County General Plan), segment studies are not required for PVAE's in Tulare County until they generate 100 peak trips on a County Road. Staff is familiar with and understands the easement's existence as a 45' PVAE with a 20 paved travel lane (as opposed to a "County road"), and the County also is familiar with and understands how non-exclusive easements are applied; including Easement Agreements as stated in the Memorandum of Agreement between Landowners. The Project does not include the subdivision of the remainder parcel to eight (8) parcels. As such, no further study is required for additional, speculative projects that exist nowhere in the record. It is noted that if the remainder property were subdivided that action would require going through the same review and approval process this Project undertaken. Neither staff nor the applicant is contemplating any additional any projects in that area at this time and for someone to do so would be speculative.*

*Staff believes the twenty (20) foot paved travel lanes, as indicated by the Tulare County Fire Department (see comments received from the TCFD included as part of the correspondence section and as indicated through the GPI presentation) are adequate for the project site for emergency vehicle access/clearance. It would be ideal if the paved travel lane was expanded to 28 feet around the 90 degree turn, within the 45-foot easement (aerials and pictures in the Clarey Letter show the radii is less than a "90 degree" turn in the existing condition). If Mr. or Mrs. Clarey were to trade some of their frontage for their property to the west and move the easement to the west 10 feet, that would provide more clearance; however, that is probably neither desired by the Clarey's, or necessary. The Project would not impact any other agricultural resources, including surrounding properties in the Williamson Act, as it can be seen by the complete record and by substantial evidence in the IS/MND that this property is not in the Williamson Act. As such, the property is not subject to the same Agricultural Preserve Contracts as the neighbors that commenter is alluding to. Further, commenter is mitigating its agricultural impacts by providing an agricultural easement for the equivalent amount of acreage, or 7.5 acres.*

5.b. Commenter states the Qualls have not acquired easement footage or the transfer of easement rights from other easement holders.

*Staff is aware that the Qualls would not gain any additional amount of land to add to the PVAE for a Class 1 Road Standard Facility. This creates an impossible and untenable situation. To do so would*



*create an exceptional circumstance, especially when the County has granted similar exceptions for lesser reasons, as indicated by the history of exceptions that the County has typically granted as provided in the record. The record clearly shows that the County has not strictly followed this standard for PVAE's, nor has the County required it for Public Roads. This is one of the reasons staff is recommending the exception for PVAE width to allow the existing 45-foot easement and the 20 foot paved (28 feet around the 90 degree turn) travel lanes.*

5.c. the commenter states that is has requested reevaluation of the Rural Valley Lands Plan (RVLP checklist).

*Staff is well aware of the RVLP checklist, as the RVLP is one of the cornerstones of the Tulare County General Plan. The final RVLP score of 15 is suggested for this project, which is above the 11-point threshold wherein the Board has more discretion in determining the applicability of non-agricultural zoning. Staff is not inclined to change previous scores nor has persuasive evidence been presented by commenter to change the previous scores much more than the additional point. Also, staff has reviewed the checklist as approved by the Planning Director based on the commentator's suggestions. Question 1 is in regards to surrounding parcels within ¼ mile. Wherein, under weighted criteria, the RVLP checklist suggests that if less than 35% parcels are not consistent with the agricultural zoning acreage that the project would receive the full points. In this case, 65% of the parcels are less than 5 acres and only 57 of the 61 surrounding properties are consistent with the zoning. Zero (0) points is reasonable, supportable, and required under the RVLP. Question 2 surrounding uses is in relation to whether the agricultural use and non-ag uses would be averse to residential development. The Project has non-agricultural uses to 3 sides and receives a (0) score in this situation when only 15% of the surrounding area is purely agriculture in nature and between 75 and 65 % is devoted to non-agricultural uses. Question 6 asks if the Project Area has surface water rights, here the surface water rights would be distributed to the owners of the property, not the 3 parcels being subdivided. In these cases, where an agricultural parcel remains, the County has historically found there less points allocated to the RVLP score for surface water rights purposes. Based upon 40 years of combined experience for the persons working on this Project, and knowledge of the RVLP, the County and staff are very familiar with weighing criteria, assigning values, and determining scores for projects subject to RVLP evaluation.*

*The final analysis from the revised RVLP states regarding the water rights: "There appears to be two waterways that could potentially provide surface water to the subject site for irrigation purposes. Staff spoke with Larry Dodsen of the Kaweah Delta Water Conservation District (KDWCD) on March 14, 2018 regarding water rights in this immediate area. The KDWCD, itself, is not a water purveyor and does not deliver water for irrigation purposes. It was created for two purposes only: (1) to provide flood control and maintain the channels; and (2) to conserve water and recharge the aquifer.*

*The first waterway is Elbow Creek. The County's Geographic Information Systems shows a waterway flowing from the northeast and ending at the east property line of the subject site. Aerial photos appear to support this premise and it might be assumed that this waterway continues its journey in a southwesterly direction in an underground pipeline; but, according to Mr. Dodsen, this is not the case. Elbow Creek was a natural waterway many years ago, but has become obsolete because of historic diversion into irrigation ditches. There exists a short remnant of Elbow Creek, which can be seen in aerial photos, and into which the local residents*

*have filled with water in order to create what appears to be a natural water feature on their properties.*

*The second waterway is Mathews Ditch, which runs in a southerly direction and parallel to the subject site on the west side of the private access easement and the western property boundary. Many years ago, Ditch companies converted and/or diverted natural waterways into ditches for the purpose of purveying water to farmers for irrigation purposes. Fees are assessed on an annual basis for persons owning water rights and they are assessed according to the amount of stock shares they own. If the property owners retain water rights from Mathews Ditch, it would be capable of providing irrigation water to the subject site. However, Ditch Stock Rights are bought and sold like shares in the stock market. They do not run with the land. A property owner who owns water rights with a ditch company may sell that land and retain the surface water rights. They may then choose to sell those Rights to another landowner. The purveyance of water is big business in Tulare County. In this situation, the water rights could be retained exclusively for the Remainder Parcel. Therefore, one can conclude that having surface water rights is not necessarily **the** determining factor when evaluating a parcel's viability for commercial agricultural production or if it might be more suitable for non-agricultural zoning.*

*Staff also spoke with Linda Crisswell, the Bookkeeper for the Consolidated Peoples Ditch Company, which also manages the Mathews Ditch. She stated that Sonjia Dutton, Berwyn Qualls, and Paula Simon each own 6 shares of stock in the Mathews Ditch.*

*This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. The Highest Relative Suitability has been met: four (4) points allocated.*

5.d. Commenter notes new standards have been created since the surrounding properties developed and that this project does not fit these standards.

*Staff recommends approval of this project because it has been reviewed under the policies and laws of the State of California, the County of Tulare, and it is noted that the road standards and zoning standards have existed in their current form since 1972 and 1978. The deeds that created these parcels in surrounding areas were approved as certificates of compliance as late as 1984, while other deeds to the north creating parcels from 1976 to 1983. This project has gone through the full rightful process to be considered by the Planning Commission and Board of Supervisors. The same cannot be noted for all the surrounding properties which never underwent Planning Commission and Board of Supervisor review and no scrutiny other than the administrative process. Therefore, staff finds the project consistent with the neighborhood for zoning purposes and public safety interests of the County and State. It is noted that Ray Court was approved in 1989, with exceptions, with much less extensive CEQA studies conducted.*

6. Mederos, Soares & Ormonde Letter: The attorney for the Clarey's disagrees and objects to the conclusions reached in the Mitigated Negative Declaration

6.a. Commenter states the Parcel Map process is not applicable because the IS/MND states in two parts that the parcels will be converted to residential development and to be used for residential development that the applicant intends on developing the subject property passed what is in the Tentative Map.



*The County is the lead agency and has the authority to determine the adequate CEQA process to undertake. These citations are taken out of context by the attorney for the purposes of suggesting that this is not the complete project. In fact, the biologist (as cited in the IS/MND) is simply stating that the parcels will be used for residences. As stated before, there is no intent in increasing the project in the record. Any increases in the project as suggested by the commenter would have to go through the process all over again. The strips leading into the property were initially created as potential "turn around" areas, and the applicant has instead chosen to construct a cul-de-sac on one of the parcels. The 56 foot easements shown on the map were initially available as primary and second points of access to the remainder piece, as required by the County, and no exceptions would be granted where the applicant has available land to build the PVAE's to the required roadway standard in that case. Additional benefit would be realized in the future as the remainder parcel will not be subject to this same concern from the new future home owners. It is noted again that a 7.5-acre easement is going across the remainder parcel as mitigation for the conversion of farmland.*

**6.b. Traffic Study is not applicable and irrelevant**

*Staff required the trip generation study, where no study (Traffic Impact Study) is required under the Tulare County General Plan, unless 100 peak trips are generated by the project. This "trip generation" study validated Staff's initial analysis that the project would have a less than significant impact on traffic. This study was to show the project would not degrade the LOS at Avenue 328, and / or other intersections such as Avenue 328/Road 132. The driveway is not compliant with a Class I Facility, and the commenter's clients have made it clear that they will not allow any more property to be granted to the applicant. They have also made it clear in the record that the ditch is a physical consideration and a constraint that will not allow the applicant to gain the necessary land to meet the Class 1 Roadway Standard. Therefore, it is necessary and proper to grant the exception, since the land owner's position has become impossible. However, it is also noted that the landowners have all agreed and recognize the 45 foot PVAE. It is also noted that if the exception is not granted for the pavement width, it would impact the neighbors directly (but only 7.5 feet on each side of the existing edge of pavement). Moreover, the County is inclined to grant the exception for the pavement width due to the issues that an expansion of the pavement width would unnecessarily create in impacting the neighbors.*

*Based on the Omni Mean study, they have indicated that the project would not substantially increase hazards on roadways. PVAE's are not required to be studied under CEQA, as they do not require the same level of analysis as impacts to public roads. However, the Public Works staff has studied the roadway for line of site, and clear turning movement, and they have found that the project has sufficient turning radius available to the project with the increase of 4 feet (28 feet total) to the pavement width around the turn. The pictures provided in the Clarey Letter and from the Tulare County Public Works Branch show there is sufficient room within the existing PVAE, and the existing condition shows that some of the area nearest the Clarey property has been used to create a better turning radii and line of site that nearly complements the required turning radii as suggested by Public Works. The County Fire Department has responded stating the paved roadway "as is" is acceptable for County Fire Department purposes in its current form.*

**6.c. Loss of Valuable Farmland Property (is inconsistent and contradictory as to whether property is prime farmland, or not)**



Nowhere in the IS/MND is it stated that the land is not Prime farmland. In fact, it states that it is, as pointed out by the commenter. Furthermore, a full and complete reading of the Agricultural Section of the IS/MND indicates that there is a less than significant impact to prime farmland, as the project will create an easement for the equivalent amount of farmland on the remainder parcel site, and that it is not being currently actively farm or irrigated and that all the properties are all subject to the Right-To-Farm notices. Therefore, staff cannot find where the commenter's inconsistencies or contradictions exist, except that they potentially confused the meaning of less than significant impact to farm land. The commenter's suggestion that the property cannot be rezoned to R-A-87 because a neighbor is interested in buying the property for agricultural purposes is not a basis that the Board of Supervisors could legislatively make their decision upon, as it is speculative and no supporting documentation (e.g., intent to purchase agreement) has been submitted by commenter.

#### 6.d. Project has Significant Impact on Adjacent Owners

Staff responded to Mr. Schafer via telephone conversation to inform him that there is no limit to the amount of units / parcels allowed along a PVAE, under the County Subdivision Code. Mr. Schafer's ability to retain/recall the conversation with staff is irrelevant. The "significant impacts" suggested by commenter include:

- A. *Overburdening the Property Strip.* Commenter states a court case where the court found an unreasonable burden based on an HOA and self-imposed easement restrictions in the buyer's deed. Staff finds the court case factually and issue relatedly unhelpful to commenter, as the overburden on a non-exclusive easement / non-contracted for limitation on development is not present here, nor is that a CEQA issue. This PVAE is a non-exclusive easement, as recognized in the agreement between the landowners. Signatories to the agreement also agreed to remove their landscaping within the PVAE, if the project is approved, which would not be necessary if the 20-foot travel lane pavement width is kept consistently with the exception to the 35-foot Class 1 Facility requirement.
- B. *Devaluation of Adjoining Properties.* Valuation of property is always speculative, without introductions of expert evidence by the opposing party. Potential traffic, water and septic tank impacts were all studied by experts in their fields, including the County Public Works Department, the County Surveyor and RMA Director, and based on substantial evidence in the record; and especially within the IS/MND, the impacts were found to be less than significant. Unless expert testimony is brought to bear against the substantial evidence in the record of consistency with County practices for infrastructure sufficiency, staff considers this argument extremely speculative and lacking merit.
- C. *Significant Safety Hazards.* Staff, the RMA Director/Public Works Director, and County Fire Department, in making the exceptions, finds the project, and its proposal, including an off center road turnaround exception, do not create safety issues.
- D. *Increased Traffic.* Project Driveways, i.e. two lane private easement segments, are not significantly impacted by the mere increase of usage (29 total daily trips). The County General Plan requires a threshold amount of 100 peak trips to any County facility in order to require a Traffic Study. The analysis looked at the intersections at the driveway and Avenue 328 and intersections farther away. Unless expert evidence supports a different finding, the commenter's



*suggestion that the study is flawed lacks merit with the substantial evidence in the record supported by the Omni Means Study and the findings by the Fire Department and Public Works Department.*

*Conclusions: The IS/MND is based on substantial evidence (e.g., qualified experts providing technical evidence for specific resources such as traffic, biology, cultural, etc.), unlike the unsubstantiated allegations and speculation that commenter is offering. None of commenters arguments are supported by any expert evidence. Staff finds such arguments as lacking any grounds on which the Planning Commission, and or Board of Supervisors can make a decision upon.*

7. Vreeland Letter, regarding unsafe PVAE, cannot meet standards, water easement, and preservation of farmland.

*No new comments are entered into the record with this letter, except the easement for water flow along the east side of the property. If it exists, then the easement should run with the land and/or change of ownership. All other comments are responded to above.*

8. Tharp and RL Shaffer emails, questions regarding County standard specification on roadway requirements, tentative parcel maps, easements and access to the project site.

*Commenters comments have been addressed in the responses provided above.*



# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT

DEC 27 2017

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



Tulare County  
Resource Management  
Agency

JAN 02 2018

**Project: Mitigated Negative Declaration (MND) for the Simmon/Dutton/Qualls Project (GPA 16-005, PZC 16-007 and PPM 16-0030)**

**District CEQA Reference No: 20171380**

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Mitigated Negative Declaration (MND) for the Simmon/Dutton/Qualls Project consisting of General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29 acre portion of a 27.83 acre parcel; Zone Change No PZC 16-007 on a 7.29 acre portion of a 27.83 acre parcel from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map No. PPM 16-030 to divide a 27.83 acre parcel into three parcels and a remainder parcel (Parcel 1: 2.23 acres, Parcel 2: 2.23 acres, Parcel 3: 2.23 acres, and Remainder Parcel: 20.97 acres). The general plan amendment, zone change, and division of land into individual parcels will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
  - 50 dwelling units
  - 2,000 square feet of commercial space;
  - 25,000 square feet of light industrial space;
  - 100,000 square feet of heavy industrial space;

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

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Bakersfield, CA 93308-9725  
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- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

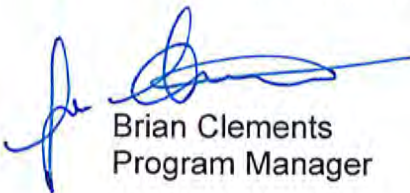
District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than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

3. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
4. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
5. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



Brian Clements  
Program Manager

AM: sy





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  
JAN 19 2018

January 16, 2018

Dana Mettlen, Planner III  
Tulare County Resource Management Agency  
5961 S. Mooney Boulevard  
Visalia, California 93277

**Subject: GPA 16-005, PZC 16-007, and PPM 16-030  
MITIGATED NEGATIVE DECLARATION (MND)  
Simon/Dutton/Qualls Project Parcel Subdivision (PROJECT)  
SCH No. 2017121043**

Dear Ms. Mettlen:

The California Department of Fish and Wildlife (CDFW) received an MND from Tulare County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 the 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 & 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.

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. For

<sup>1</sup> 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.



example, 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 & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Paula Simon, Sonjia Dutton, and Berwyn Qualls

**Objective:** The proposed Project is a General Plan Amendment (GPA) 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.83-acre parcel, an accompanying Zone Change No. (PZC) 16-007 from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum), and a Tentative Parcel Map No. (PPM) 16-030 to divide the 27.83-acre parcel into three parcels and a remainder. Three of the resulting parcels will be 2.23 acres while the remainder will be 20.97 acres. The ultimate goal of the Project is to allow for rural residential development of all parcels.

**Location:** The Project area is south of Avenue 328, west of Road 138, east of Road 132, approximately 2 miles northeast of the City of Visalia; Assessor's Parcel Number (APN) 079-190-017; 36° 22' 45.68" N, 119° 16' 21.19" W.

**Timeframe:** Unspecified.

## **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. Editorial comments or other suggestions may also be included to improve the document.

### **I. Environmental Setting and Related Impact**

Review of aerial imagery and the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Project, dated December 2017, indicate that the Project area is a fallow agricultural field. Although no California ground squirrel (*Otospermophilus beecheyi*) burrows were found during the biological field survey conducted in March 2017, the



Project area is suitable for colonization by ground squirrels. However, the MND does not describe any avoidance measures for burrowing owl (*Athene cunicularia*), a State species of special concern for which small mammal burrows are a requisite habitat feature. In addition, the MND identifies potential for white-tailed kite (*Elanus leucurus*), a State fully-protected species, to nest on or in the vicinity of the Project area, but does not provide species-specific avoidance measures. In addition, it is unclear whether measures currently included in the IS/MND for Swainson's hawk (*Buteo swainsoni*), a State threatened species, will be adequate for reducing impacts to the species to a level that is less than significant. As a result of the potential for these species to be present at the Project area, the Project has the potential to significantly impact biological resources. To minimize impacts to these species, CDFW recommends that the following mitigation measures be implemented prior to ground-disturbing activities.

**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 the United States Fish and Wildlife Service (USFWS)?**

**COMMENT 1: Burrowing Owl (BUOW)**

**Issue:** BUOW are known to occur in the vicinity of the Project area (CDFW 2018). Although no ground squirrel burrows were observed in the fallowed agricultural field during the March 2017 survey, the Project area has the potential to be colonized by California ground squirrel and, as such, BUOW. In addition, habitat both within the Project area may also provide suitable foraging habitat for BUOW.

**Specific impact:** Potentially significant direct impacts associated with construction resulting from the Project include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact is potentially significant:** The Project area is within the range of BUOW and suitable burrow habitat may be present on or in the vicinity of the Project area. BUOW rely on burrow habitat year round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project area represents some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. Therefore, the Project has the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), excluding BUOW is considered a potentially significant impact under CEQA.



## **Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)**

### **Recommended Mitigation Measure 1: BUOW Surveys**

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) *Burrowing Owl Survey Protocol and Mitigation Guidelines* (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable. In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.

### **Recommended Mitigation Measure 2: BUOW Avoidance**

If occupied burrows are found, CDFW recommends implementing no-disturbance buffers, in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

### **Recommended Mitigation Measure 3: BUOW Passive Relocation and Mitigation**

If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is



confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.

## **COMMENT 2: Swainson's Hawk (SWHA) and White-Tailed Kite (WTKI)**

**Issue:** The IS/MND prepared for the Project identifies potential for SWHA and WTKI to nest on or near the Project area. Although Mitigation Measure BIO-5 of the IS/MND describes preconstruction surveys for SWHA, it does not include WTKI, a State fully-protected species. Further, it does not describe the survey methodology that will be employed. In addition, Mitigation Measure BIO-6 of the IS/MND describes that if active bird nests are found during preconstruction surveys a biologist will determine appropriate construction setback distances depending upon CDFW guidelines and the biology of the affected species. However, this measure does not identify the specific guidelines that will be followed if SWHA and WTKI nests are discovered.

**Specific impact:** Without appropriate avoidance and minimization measures for SWHA and WTKI, potential significant impacts associated with the Project's construction include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

**Evidence impact would be significant:** Trees within ½-mile of the Project area represent some of the only remaining suitable nesting habitat in the vicinity, which is otherwise intensively managed for agriculture. In addition, the Project area includes a fallowed agricultural field, which may provide foraging habitat for SWHA and WTKI. The presence of these two requisite habitat features increases the likelihood of occurrence of SWHA and WTKI. The primary threat to SWHA in California is loss of foraging and nesting habitat resulting from urban development and incompatible agriculture (CDFW 2016). In addition, WTKI are negatively affected by urban development, with lower nest success in areas that have been developed (Dunk 1995). Depending on timing, ground-disturbing activities that have the potential to result from the Project including noise, vibration, odors, and movement of workers or equipment, could affect SWHA nests and have the potential to result in nest abandonment, potentially significantly impacting local nesting SWHA.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To reduce potential Project-related impacts to SWHA and WTKI, CDFW recommends including the following provisions in Mitigation Measures BIO-5 and



BIO-6 and including these revisions in the CEQA document. In addition, CDFW recommends including "Recommended Mitigation Measure 4," which follows below.

**Mitigation Measure BIO-5: Focused SWHA and WTKI Surveys**

If construction occurs during the normal bird breeding season (February 1 through September 15), CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors, including SWHA and WTKI, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. In addition, CDFW recommends that a qualified biologist conduct additional pre-construction surveys for active nests no more than 10 days prior to the start of construction.

**Mitigation Measure BIO-6: SWHA and WTKI Avoidance**

If an active SWHA or WTKI nest is found during pre-construction surveys, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer 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.

**Recommended Mitigation Measure 4: SWHA Take Authorization and WTKI Take Avoidance**

If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP) for SWHA is necessary prior to project implementation, pursuant to Fish and Game Code section 2081(b) to comply with CESA. Pursuant to Fish and Game Code section 3511 CDFW cannot authorize incidental take of WTKI.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which 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: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## **FILING FEES**

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will 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 & Game Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the Project to assist Tulare County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 274, or by electronic email at [Renee.Robison@wildlife.ca.gov](mailto:Renee.Robison@wildlife.ca.gov).

Sincerely,



Julie A. Vance  
Regional Manager



## REFERENCES

- California Burrowing Owl Consortium (CBOC), 1993. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 in Lincer, J. L. and K. Steenhof (editors). 1993. The burrowing owl, its biology and management. Raptor Research Report Number 9.
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- SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley of California. Swainson's Hawk Technical Advisory Committee. May 31, 2000.

January 9, 2018

Mr. Hector Guerra, Chief Environmental Planner  
Tulare County Resource Management Agency  
5961 South Mooney Boulevard  
Visalia, CA 9327

Dear Mr. Guerra,

Subject: ***Initial Study & Mitigated Negative Declaration, Dutton/Qualls Project  
GPA 16-005, Dec 16-007 and PPM 16-030***

This letter is in response to the pending "*Initial Study & Mitigated Negative Declaration*," noted above. My wife and I own a 2.5 acre parcel APN 079-190-004-000 within the area affected by the rezoning of the subject property of the "*Initial Study & Mitigated Negative Declaration*". The basic issue addressed in this letter is that we ***oppose*** the rezoning of the subject property from AE40 to RA87 Rural Residence, because of the effects it will have on us and our property. We are opposed to the project for various reasons that are listed below but range from gross misstatements in the application, violations of County Public Road Ordinances, and the unevaluated negative impacts that this project will cause to the surrounding local land owners and their property rights.

Contrary to the Tulare County Administrative Officer/Clerk, Board of Supervisors Michael C. Spata's, and Aaron Bock, Chief Planner, Tulare County Resource Management Agency's assessment and prior public statements that the road into and out of the subject property is "...not an issue...". I would strongly suggest that on closer review and consideration by you, it will show their assessment and statements may not be completely accurate. Specifically, on page 49 "Project Trip Nature, Distribution and Assignment" of the "*Initial Study & Mitigated Negative Declaration*" this private road is noted as a "driveway, even though there is a "**Qualls Road**" sign clearly present at Ave 328. This private ½ mile 20 foot wide paved single access road is **not a driveway**, and the issues associated with this road to the subject property are **completely ignored!** The project only deals with the subject property's ingress and egress onto this single access private road that traverses several properties in order to achieve access onto and from Ave 328. In addition, the project does not address the single private road's easements, County Public Road Ordinances, and the property rights of the affected property owners.

If you were to look at the actual "entire" ½ mile 20 foot wide paved private road to the subject property from the access point on Ave 328, you will find that a key section of the access road to the subject property utilizes the road through the entire length of the west part of my property, at 13401 Ave 328, Visalia, CA. 93292. Because of my ownership of this key section of the access road there are legal questions that arise from the transfer of existing "easement rights" to new parcel owners without due process and/or consideration for the actual land owner of the property where the original easements were granted.





North view from corner



Corner view - Northeast



East view from corner

Currently, the single access ½ mile 20 foot wide paved private road does not meet any of the minimum standards or requirements of the County's Ordinance Code Section N0. 7080 "Vehicular Access Easements", Plate No A-17-B in structure, design, and/or surfacing for properties with "greater than four (4) parcels. If the three (3) additional parcels are rezoned to RA87 then there will be eight (8) parcels and the remaining 20 acres utilizing the same substandard road. In addition, the same section of the County Ordinance of Plate No A-17-B item #3 clearly requires *"When more than four parcels are served, County Road Standards for right-of-way surfacing, widths, and structural section shall apply."*, and none of this has been addressed in the *"Initial Study & Mitigated Negative Declaration"* for the single private access road. In fact, it has been ignored by this project. Also, according to the same ordinance, Plate No A-17-B item #2 requires, "Private Vehicular Access connections to County roads shall be constructed in accordance with Plate No 17.", and the private road access clearly does not comply with this requirement.

While the access over my property allows for a 45 foot easement on the west portion of the property and a 22.5 foot easement on the south portion of the property for ingress and egress, of my four (4) existing neighbors, it is totally inadequate for a sub-division noted in several sections of the *"Initial Study & Mitigated Negative Declaration"*. In this document there are statements from different professionals and experts, that provided their expert opinions that the "...ultimate intention is to develop the entire 28.5 acres of the subject property into a residential parcels..."

In **Section 4, page 20** of the in the **Biological Resources** it says "...as approximate 27 acre agriculture site proposed for residential subdivision" and "The proposed project consists of subdivision into four parcels to eventually be converted to residential development."

In **Section 4, page 21**, of the **Biological Resources** it says "The 27 acre project is proposed for subdivision into four separate parcels, all of which are expected to be used for residential development".



In Section 2, page 12 of the "Agriculture and Forest Resources" it says "...not capable of growing common cultivated crops and pasture plans over a long period without determination." I find it hard to believe that the subject property is by any measure of reasonableness fits this statement. In fact, this is prime farm land that has desirable and farmable land that several local farmers have voiced an interest in purchasing for orchards or ground crops. Also, if it is incapable of growing crops then why would rezoning for three (3) or more parcels/houses on the property improve the land so that there is no environmental hazard to the new home owners?

So, based on those comments throughout the document it is obvious to assume that the intention is to ultimately develop the entire 28.5 acres into RA87 "Rural Residential" parcels using the current single access ½ mile 20 foot wide paved road as the only point of ingress and egress to those new parcels however many there may be. Again, this private road from Ave 328 to the subject property is not a "driveway" and is not adequate within County Public Road Standards.

Next, some of the ratings noted in the "Initial Study & Mitigated Negative Declaration" may be inaccurate and/or inappropriate. Specifically, in the **Public Services, Section 14, on page 45 and 50**, it states the "Project would not result in inadequate emergency access and would result in a *less than significant impact*." Based on the single access ½ mile 20 foot wide paved road that does not meet County Public Road Standards this is not an appropriate rating. The private access road from Ave 328 to the subject property does not meet any of the definitions listed on page 45 or 50 of the document. Therefore, I question whether the Fire Department and/or other emergency vehicle requirements are being met. Someone (a professional) should re-evaluate this inappropriate rating, because I would suggest that the rating should in fact be "Significant Impact" and not "Less than Significant Impact". The single access point on a private ½ mile 20 foot wide paved road does not meet any County Public Road Ordinances for emergency vehicles to ingress and egress, and in case of emergencies the existing residences to egress could prove to be a disaster!

Another reason for our opposition to the rezoning is found in the traffic study published in the "Initial Study & Mitigated Negative Declaration", in which it only addresses the traffic on Avenue 328 and Road 132. This study did not address the actual **single access** road from Ave 328 over the ½ mile 20 foot wide paved private road to the subject property. This private road, noted as a "driveway" on page 50, was **completely ignored!** However, an interesting item is that there is a "Qualls Road" sign at the entrance to Ave 328, then why is this road treated as a "driveway" in the "Initial Study & Mitigated Negative Declaration"? If the road is clearly marked as "Qualls Road" then why is it not being evaluated as the ingress and egress point to all the properties using the "driveway"?

In the ratings in the **Transportation/Traffic, Section 16, on page 46 and 47 for item 16 a), 16 b), and 16 d)** ratings are "Less than Significant Impact". If the actual access over ½ mile 20 foot wide paved private road were evaluated and not the intersection of Ave 328 and Road 132, as erroneously done and presented in the document, the ratings in each of these areas should be "Significant Impact" because of the private access road's non-compliance to "County Public Road Standards" and limited ingress and egress from the subject property. Again, a re-evaluation of this section of the document seems most appropriate.



Finally, we oppose the project because our house is only 15-20 feet from the paved part of the private road. The 45 foot ingress and egress easement is only 10 feet from our house. In addition, there is a 90 degree turn at the south-west corner of my property.



View from kitchen - West



Easement in relation to house

So, any efforts to expand the road, to County Public Road Standards, over my property will place the expanded road in my house. So, it is clearly obvious that the proposed increase in traffic over our portion of the private road is a hardship and raises concerns regarding the potential added traffic on the road around our house. Specifically, some of our concerns that are not addressed in the *"Initial Study & Mitigated Negative Declaration"* include:

- 1) Significant increase in the number of cars (2 per new house) driving around my house twice a day, seven (7) days a week, 24 hours a day, for 365 days a year,
- 2) Unsafe conditions for the grand kids playing on the property due to increased traffic around the rural residence,
- 3) A decrease to our property's rural value because the physical location of the house to the road and traffic,
- 4) The "rural" aspect of the residence will no longer be considered the country living we purchased nineteen (19) years ago.

Another item of opposition to the project is to answer the question of "what is the County's regulation for how many houses are allowed on a single access **non-compliant** private road?" This question was asked of a Planning Department representative without an answer being received other than they would have to look into it. Nothing has been received as of this letter's date. This is an important question because adding additional residential parcels will create concerns about safety, traffic, financial impact, and other hardships for us and our neighbors. Therefore, it is suggested that due to the easement rights of the road over my property; the road's location and configuration on my property; and the proximity of the road to the house make the answer to this question basic to your consideration prior to any decision on the project.

I ask you and the County Board of Supervisors to carefully consider this matter and the negative impacts such a rezoning approval will have on my rights and property ownership.

Sincerely,

Philip N. Clarey  
13401 Ave. 328 H  
Visalia, Ca 93292

Cc: Steve Worthley, District 4 – Vice Chair ([sworthley@co.tulare.ca.us](mailto:sworthley@co.tulare.ca.us))  
Tulare County Board of Supervisors  
Administration Building  
2800 West Burrel Avenue  
Visalia, CA 93291

Kuyler Crocker, District 1 ([kcrocker@co.tulare.ca.us](mailto:kcrocker@co.tulare.ca.us))  
Pete Vander Poel III, District 2 Chairman ([pvanderpoel@co.tulare.ca.us](mailto:pvanderpoel@co.tulare.ca.us))  
Mike Ennis, District 5 ([mennis@co.tulare.ca.us](mailto:mennis@co.tulare.ca.us))  
Amy Shuklian, District 3 ([ashuklina@co.tulare.ca.us](mailto:ashuklina@co.tulare.ca.us))  
R.L. Shafer, & Associates ([rschafer@rlsmap.com](mailto:rschafer@rlsmap.com))  
Joseph Soares, esq, Mederos, Soares & Ormonde ([js@tulareesq.com](mailto:js@tulareesq.com))



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> 5961 South Mooney Boulevard  
>  
> Visalia, CA 9327  
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- > Page 2 of 5
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- > Corner view - NortheastEast view from cornerNorth view from cornerIMG\_4138
- > IMG\_4142 IMG\_4140
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> Page 3 of 5

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- > EasementEasement in relation to houseView from kitchen - WestIMG\_4147

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> Sincerely,

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> Philip N. Clarey  
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> 13401 Ave. 328 H  
>  
> Visalia, Ca 93292

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> Page 5 of 5

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>  
> Cc: Steve Worthley, District 4 - Vice Chair  
> (sworthley@co.tulare.ca.us)

>  
> Tulare County Board of Supervisors  
>  
> Administration Building  
>  
> 2800 West Burrel Avenue  
>  
> Visalia, CA 93291

> Kuyler Crocker, District 1 (kcrocker@co.tulare.ca.us)  
>  
> Pete Vander Poel III, District 2 Chairman (pvanderpoel@co.tulare.ca.us)  
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> Mike Ennis, District 5 ( <mailto:mennis@co.tulare.ca.us>  
> mennis@co.tulare.ca.us  
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> Amy Shuklian, District 3 ( <mailto:ashuklina@co.tulare.ca.us>  
> ashuklina@co.tulare.ca.us)  
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> R.L. Shafer, & Associates (rschafer@rlsmap.com)  
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> Joseph Soares, esq, Mederos, Soares & Ormonde (js@tulareesq.com)  
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> Philip Clarey | President/CEO  
>  
> Tulare County Federal Credit Union  
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> 300 North K Street | Tulare, CA 93274  
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> p: (559) 686-1791 ext. 152 f: (559) 686-1116  
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DRAFT

January 12, 2018

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

Dear Mr. Guerra,

Subject: **Initial Study & Mitigated Negative Declaration, Simon/Dutton/Qualls Project  
(GPA 16-005, PZC 16-007 and PPM 16-030, dated Dec 16, 2017)**

As residents of the existing subdivision to the adjacent proposed property of this Initial Study and application we would like our issues to be heard and actually considered. We adamantly oppose the re-zoning of an AE 40 agricultural property to an RA87 Rural Residential. The Study is incomplete and does not address the issues. The project property is not a standalone project and does not meet the requirements of a standalone division. It is an expansion of an "existing" inadequate subdivision.

All though out the application and the Study the project location is incorrect and inconsistent. Begging the question, is the project property actually being reviewed? The Traffic Study was not done on the 20' ft wide inadequate existing pavement **from** the entrance off of Avenue 328 **to the** project property that is in question. The existing inadequate pavement is not a single entity it consists of seven parcels with easements that comprise the so called "road". Of which the "Qualls" own two parcels that are not adjoining and "have only ingress and egress" on the other five parcels of the existing subdivision that you must pass through to get to the project property. There is only way in and out of this area. The application and study address three more parcels and a remainder parcel of 20.97 acres subject to further division of eight more parcels. That will create sixteen parcels being served by the existing inadequate easement footage and inadequate paved "road". The Traffic Study does not address the impact of forty plus vehicles as well as the additional traffic of services and visitors on this road. It does not address the proximity of open ditch, wells, and insufficient footage of a 90 degree turn and its proximity to Mr. Clary's home and the safety issue, it presents. A garbage truck and a vehicle cannot simultaneously traverse this turn let alone a full size fire truck. This is more than "Significant Impact" to the existing property owners and proposed future owners. Initial Study does not address the "Significant impact" to the 40 (forty) acres in the Agriculture Preserve that two of these properties but up to.

The "Qualls" have not acquired the proper easement footage or consideration of the easements for this expansion. Nor does it address the legal issue of anyone other than the property owner to transfer easement rights to "my easement" or the other property owners to any other new parcels created by this expansion.



RVLP - Rural Valley Lands Plan

Over the last eight months we have repeatedly asked the RMA for the RVLP to be re-evaluated to address three sections pertaining to 11 questions on the plan check list. I will list just a few of the questions not rated.

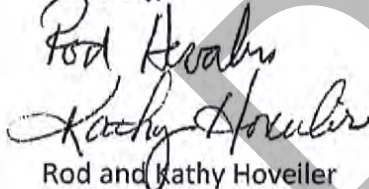
First question not addressed in section C Point Values, Three Point Value Category question 1. Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for "Existing Land Use/Suitability for Cultivation: enter a "0" in such cases). The Existing Parcel Size (use gross acreage figure) was given the highest rating for this category of a 4. This question now requires a rating.

Same category question 2. Surrounding Land Use was not rated. There are currently eighty plus acres in agricultural production that butt up to this property.

Question #6: Surface Irrigation Water was given a rating of "0". This property has 18 shares of ditch stock. Properly evaluated will significantly change its current rating. Please read the checklist.

New standards have been created for the Subdivision Map Act, Road Standards, RVLP and protection of Agricultural Farm Lands since the existing subdivision was created. All of these requirements are being ignored in this application process. The project property must have exceptions to these requirements and standards and goes against the California State Legislature ordinances and Tulare County's own Mission Statement and ordinances to make Farm land a priority of protection from urban encroachment, as well as not over burdening the existing area which this project will do. There are developments to the north, west and east of the proposed project. Those properties were developed in the 60's, 70's, and 80's to the standards of the time and are grossly inadequate to the current standards. Any developments after this period have had to meet the current standards.

Sincerely,

Handwritten signatures of Rod and Kathy Hoveiler in black ink. The signature 'Rod Hoveiler' is written above 'Kathy Hoveiler'.

Rod and Kathy Hoveiler  
13401 Avenue 328 B  
Visalia, Ca 93292

# MEDEROS, SOARES & ORMONDE

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JOSEPH L. SOARES (1918-1989)  
BRIAN M. ROWSON (1923-2010)

January 16, 2018

**HAND DELIVERED & VIA EMAIL HGuerra@co.tulare.ca.us**

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

Re: Initial Study and Mitigated Negative Declaration Submitted by  
Simon/Dutton/ Qualls Project  
GPA 16-005, PZC 16-007, and PPM 16-030

Dear Mr. Guerra:

Our office represents Philip and Barbara Clarey, owners of the real property identified as APN 079-190-004 ("Clarey Property"). The Clarey Property is located northwest of the real property, which is the subject of the Initial Study and Mitigated Negative Declaration ("MND") dated December 2017 for the above-mentioned project ("Subject Property"). Our clients disagree and object to the conclusions reached in the MND as well as much of the basis supporting the MND. These disagreements and objections are set forth herein below.

**1. Brief History Of The Subject Property And Surrounding Property**

The Subject Property and the five (5) smaller 2.5 acre parcels located north of the Subject Property was owned by Floyd Qualls in the 1970s. It was the goal of Mr. Qualls to subdivide a portion of that property into five (5) 2.5 acre parcels, one for each of their children. The remaining 28.5 acres was left for Mr. Qualls to continue farming. We contend that at no time did Mr. Qualls ever contemplate any further development of the Subject Property. In an effort to get access to the five (5) parcels, Mr. Qualls retained unto himself fee simple ownership of a portion of property extending from



Avenue 328 to the northwest corner of the Clarey property ("Property Strip"). From that Property Strip, there was an easement established passing through the fee simple ownership of the Clarey Property and the other four (4) adjoining 2.5 acre parcels. Both the Property Strip and the established easements are 45 feet in width with a current 20 ft. wide asphalt pavement. This Property Strip and easements are identified as the "Project Driveway" in the Omni-Means Engineering Solutions Report. The remaining 28.5 acres was farmed for many years through 2011 by Mr. Qualls and ditch water and well water remain available to that farm property.

The Applicants, Paula Simon, Sonya Dutton and Berwyn Qualls, are three (3) of the children of Floyd Qualls and now seek to slowly subdivide the remaining 28.5 acres into a residential development.

## **2. Parcel Map Process is Not Applicable**

It is obvious by the Tentative Parcel Map submitted by the Applicants, as well as the language as set forth in the MND, that the Applicants' intent is to erode away the current AE40 Zoning and the 28.5 acre farm parcel by the Parcel Map Process instead of the more applicable Subdivision Map Process. In fact, the Parcel Map gives away the Applicants' intent by the fact that they had proposed not one, but two accesses for ingress and egress to the remaining parcel of which accesses are 56 ft. in width which is the County legal standards for roadways. The MND expressly admits the purpose of the application as follows:

*"The proposed project consists of subdivision into four parcels, to eventually be converted to residential development."* (Analysis first paragraph, page 20 of MND)

*"The 27 acre project site is proposed for subdivision into four separate parcels, all of which are expected to be used for residential development."* (Potential Significant of Project Impact/Mitigation page 21 of MND)

It is clear by the language of the MND, the Parcel Map, as well as the history of the Applicants that their desire is to continue developing the Subject Property well passed what is identified on the Tentative Parcel Map regardless of the strangling effect it will have on the adjoining properties, their easements and the Property Strip leading into the

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Subject Property.

**3. Traffic Study Prepared By Omni-Means Is Not Applicable And Irrelevant To The Project**

The Traffic Study prepared by Omni-Means Engineering Solutions evaluated the impact at Avenue 328 and Road 132, which has very little, if any, relevance to the Project. This intersection is well over a quarter mile west of the Project Driveway. It is worth noting that this is the only access to the current 5 parcels owned by various land owners and the additional four (4) parcels sought by the Applicants. (This issue will be discussed later in this response.) In fact, the Omni-Means Report's Vicinity Map specially identifies the location of the intersection and the Subject Property, but does not identify or discuss the location of the Project Driveway. Our objection is not based on the intersection of Avenue 328 and Road 132, but on the basis that the Project Driveway is non-compliant and insufficient for the additional parcels sought by the Applicants.

For instance, Section XVI (Transportation/Traffic) Subsection D, indicates that there is less than significant impact on the issue of substantially increasing hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). However, this analysis does not apply to the Project Driveway, but only to the intersection. This study did not take into account the sharp 90 degree turn at the Clarey Property and the limited width of the Project Driveway as well as the fact that the Subject Property will still have remaining over 20 acres of farmable property, which will have to be accessible for farm equipment.

As a result, the Omni-Means Report should not be considered a relevant and reliable basis for the MND.

**4. Loss Of Valuable Farmland Property**

Although the MND states that "*....the site is not capable of growing common cultivated crops and pasture plants over a long period without deterioration*", such conclusion has no basis. In fact, the MND contradicts itself in several areas of the declaration.

*"The Project is relatively level, it is currently vacant and was last farmed in 2011...The properties to the northwest and south are in agricultural production...All of the adjacent sites are heavily screened with vegetation."* (Page 10 of the MND)



*"The Project would result in the conversion of approximately 7.3 acres of prime agricultural land to non-agricultural use. The Natural Resources Conservation Service (NRC) Web Soil Survey (WSS) (See <http://websoilsurvey.sc.egov.usda.gov/app/websoilsurvey.aspx>) identifies on onsite soil as Grangeville Sandy Lom, 0-2% slopes, which is considered by the Farmland Mapping and Monitoring Program (FMMP) to be prime farmland for Tulare County if irrigated and either protected from flooding or not frequently flooded during the growing season..."* (Page 12 of the MND)

*"Because of the active agricultural uses (grazing) adjacent to the site, as a Condition of Approval, the Applicants will be required to sign a "Right to Farm" notice."* (Page 13 of the MND)

The MND has no factual basis to support its conclusion that the Subject Property is not prime agricultural farmland. In fact, at least one neighboring landowner has inquired as to the purchase of the property to expand their farm operations. As a result, the MND does support rezoning the Subject Property from AE40 to rural residential.

##### **5. Project Has Significant Impact on Adjacent Property Owners**

Notwithstanding the fact that the MND is flawed and unsupported by facts, the Project would significantly impact the adjacent neighbors to the north as well as the future owners of the new parcels, should they be established. Those significant impacts include, but are not limited to, the following:

- A. Overburdening the current Property Strip and easements for ingress and egress for the current property owners and future property owners of the Subject Property;
- B. Would result in a devaluation of the value of the adjoining property owner's properties;
- C. Would pose a significant safety hazard, including ingress and egress of emergency vehicles and services; and
- D. Would increase the traffic on a non-compliant Project Driveway.

The glaring question posed by this Project has been asked for over one year, but not answered by the County. That question is simply, "How many private residences are allowed to be accessed from a single private roadway that does not conform to County standards?" This question was posed to the County over a year ago by R.L. Schafer. As of the date of this letter, the County has been unwilling or unable to



respond to that question. Yet, that one question is the pivotal question in determining whether or not this Project should move forward.

A. Overburdening the Current Easement. Currently, the Applicants own the Property Strip and a right of ingress and egress over the remaining five (5) parcels of property, including the Clarey Property. However, that easement has significant limitations. The most glaring limitation is the fact that neither the Property Strip nor the easements conform to County standards of 56 ft. roadway access. The current width of the Project Driveway is 45 ft. and cannot be expanded without the written consent of the remaining parcel holders, which consent will not be obtainable. In fact, the courts have agreed with my clients' position. In the case of *Russell v. Palos Verdes Properties* (1963) 28 Cal. App. 2d 754, 771, the courts granted an injunction against the owner's proposed increase use of the easement on the ground that the re-subdivision would unreasonably increase the burden of travel on the servient tenement, thereby increasing the required maintenance of the easement.

As a result, any further development of the Subject Property would be subject to an easement of not more than 45 ft. in width. In addition, even if the 45 ft. width would be used for the Project Driveway, the edge of that 45 ft. would be located no less than 10 ft. from an existing residential structure.

The Tentative Parcel Map submitted by Applicants indicates a 43 ft. turnaround area at the end of the Project Driveway. This also is not within County standards and is further impacted by the fact that there are no other outlets for access to the Subject Property other than the non-compliant Project Driveway.

B. Devaluation of Adjoining Properties. The addition of three (3) parcels would devalue the adjoining properties in a significant manner. Not only would there be a significant increase in traffic, but an additional three (3) wells and septic tanks would have to be installed depriving the area of valuable water resources and additional risk of pollutants. As it stands now, there is one agricultural well that handles the Subject Property. Further, the proposed non-compliant Project Driveway poses significant safety risks for the owners and children of the surrounding property owners as the Project Driveway would come within 10 ft. of residential structures.

C. Significant Safety Hazards. As indicated above, there is only one access to the Subject Property and the surrounding properties which is the Project Driveway which now consists of a 20 ft. strip of asphalt. Couple the non-compliant single access Project Driveway with the fact that the Applicants are proposing to create a non-



compliant turnaround, it creates a significant safety hazard for emergency vehicles and other public and private use.

D. Increased Traffic. The irrelevant Omni-Means study projected that the impact of an additional three (3) parcels was insignificant. However, as stated above, the reports were based on the traffic flow from Avenue 328 and Road 132 and does not take into consideration that the most obvious impacted area would be the Project Driveway proposed by the Applicants. The MND ignores the fact that the Applicants are intending to create a residential subdivision within the Subject Property which would result into a highly increased traffic area.

## **6. Conclusion**

The MND is based on flawed analysis and unsubstantiated facts and studies. The Applicants are attempting to create a residential subdivision within the Subject Property and are going about it incrementally through the Parcel Map Process, instead of the Subdivision Map Process. To support their attempts to create a residential subdivision, Applicants used a flawed study conducted by Omni-Means. This flawed study is based on the traffic flow at an intersection over a one-quarter a mile away from the Project Driveway. This Project Driveway is the only access they intend to use as an expressway to the residential subdivision they have begun by proposing a Tentative Parcel Map of three (3) additional new parcels.

In addition to the attempts to create a residential subdivision, the Applicants have refrained from farming on the Subject Property even though it is prime farmland and has been used for agriculture over many years. This farmland parcel should remain AE40 and should remain available to be used as prime farmland.

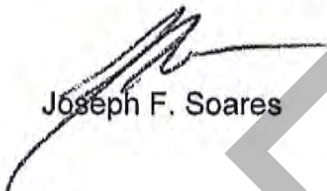
Finally, and perhaps the most obvious flaw in the MND is the fact that they have failed to provide any specific information in regards to the Project Driveway. They have failed to indicate the fact that this is a non-compliant road which would be impossible to make compliant due to the ownership of the property in fee simple under the easement for ingress and egress. In addition, the MND fails to identify any significant devaluation of the adjoining property owners given the fact that the purpose of the Project is to expand the size and scope the easement. Further, any additional parcels on the Subject Property would pose significant safety hazards for emergency and other public vehicles and would increase the traffic on non-compliant Project Driveway and would cause irreparable harm to the surrounding property owners.

January 16, 2018  
Page 7

For these reasons, we respectfully request that the Initial Study and Mitigated Negative Declaration submitted by the Resource Management Agency not be approved.

Respectfully Submitted.

MEDEROS SOARES & ORMONDE



Joseph F. Soares

JFS:av

cc: [ABock@co.tulare.ca.us](mailto:ABock@co.tulare.ca.us)  
[CAnderson@co.tulare.ca.us](mailto:CAnderson@co.tulare.ca.us)  
[DMettlen@co.tulare.ca.us](mailto:DMettlen@co.tulare.ca.us)  
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January 13, 2018

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

Dear Mr. Guerra,

This letter is in response to the pending "Mitigated Negative Declaration" project titled Simon/Dutton/Qualls Project (GPA 16-005, PZC 16-007 and PPM 16-030). We own the property (APN 079-190-007) adjoining the property in question of being rezoned. We are OPPOSED to the rezoning and the proposed subdivision.

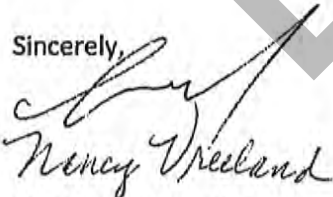
Our concern is the road from Avenue 328 to the property in question. The current road has a blind 90-degree corner which is unsafe when 2 vehicles meet. As the road stands, it is inadequate to meet the current county requirements for a Class 1 subdivision road. Neither the road nor the corner can be widened due to the location of an irrigation ditch and the location of a home.

We are also concerned about our easement on the east side of our property to convey ditch water from the ditch on the south side of the Simon/Dutton/Qualls property to our house. This easement involves the east side of the Simon/Dutton/Qualls property.

We feel the preservation of farm land is vital to the counties economy. Land closer to the metropolitan center of Visalia should be developed first.

We are asking the county to deny rezoning of this land and deny the proposed subdivision until the owners can conform to the county road requirements for a Class 1 road already set forth.

Sincerely,



Stephen Vreeland

Nancy Vreeland

13401 Avenue 328

Visalia, CA 93292

**From:** Hector Guerra  
**To:** Jessica Willis  
**Date:** 1/26/2018 8:39 AM  
**Subject:** Fwd: Re: 13122\_Qualls\_GPA16-005, PZC16-007 & PPM16-030\_Discussion

>>> Aaron Bock 1/9/2018 4:59 PM >>>

Your clarification and the purpose of your question is dully noted. All questions and comments will be responded to by staff in the public record and presented to the Planning Commission, and ultimately the Board of Supervisors, as part of the public process and in the public record, and these comments and responses will be given to the decision making body through the due process of law, as required by Tulare County Policies and Procedures in the administrative and public comment time frames afforded under State Law and Tulare County Ordinance. Public noticing will be made minimally available 10 days prior to the hearings on any project; and generally, the staff report, agenda items, and resolutions are made available to the public and decision making bodies at that time, with it being posted to the decision making body, consistent with the Brown Act, the Thursday before the Planning Commission hearing on the matter. The only matter that is being circulated for review and comment at this time is the Mitigated Negative Declaration. Again, all comments will be considered and responded to in those time frames.

Thank you,

Aaron R Bock, MCRP, JD, LEED AP  
Chief Planner  
Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
559-624-7050 - Direct  
559-730-2653 - Fax

>>> Michael Tharp <[mtharp@rlsmap.com](mailto:mtharp@rlsmap.com)> 01/09/2018 4:25 PM >>>

Hi Aaron:

Actually, the question relates to the proprietary ownership of the applicant, Simon, Dutton and Qualls, to provide access to the proposed parcels of PPM 16-030, nothing to do with the proposed Mitigated Negative Declaration.

Regards,  
Michael Tharp

R.L. Schafer and Associates  
2904 West Main Street  
Visalia, CA 93291  
559-734-1348 Off  
559-734-1413 Fax  
559-281-2948 Cell

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

From: Aaron Bock [<mailto:ABock@co.tulare.ca.us>]  
Sent: Tuesday, January 09, 2018 12:07 PM  
To: Hector Guerra <[HGuerra@co.tulare.ca.us](mailto:HGuerra@co.tulare.ca.us)>; Michael Tharp <[mtharp@rlsmap.com](mailto:mtharp@rlsmap.com)>  
Cc: Craig Anderson <[CAnderso@co.tulare.ca.us](mailto:CAnderso@co.tulare.ca.us)>; Dana Mettlen <[DMettlen@co.tulare.ca.us](mailto:DMettlen@co.tulare.ca.us)>; Michael Washam <[MWasham@co.tulare.ca.us](mailto:MWasham@co.tulare.ca.us)>; Reed Schenke <[RSchenke@co.tulare.ca.us](mailto:RSchenke@co.tulare.ca.us)>; Rschafer



<rschafer@rlsmap.com>; AmyVieira <av@tulareesq.com>; pclarey@tularefcu.org  
Subject: Re: 13122\_Qualls\_GPA16-005, PZC16-007 & PPM16-030\_Discussion

Thank you for your comments as part of the CEQA process. They will be made part of the public record and answered accordingly in the CEQA process.

Thanks again,

Aaron R Bock, MCRP, JD, LEED AP  
Chief Planner  
Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
559-624-7050 - Direct  
559-730-2653 - Fax

>>> Michael Tharp <mtharp@rlsmap.com> 01/09/2018 11:36 AM >>>

Aaron:

On behalf of Philip Clarey, it appears there is a roadway access problem from Avenue 328, to the proposed parcels to be created by PPM 16-030.

The Tentative Parcel Map implies the proposed additional parcels have roadway access from Avenue 328, which is not the case. All of the parcels in the southeast quarter of Section 9, Township 18 South , Range

25 East, Mount Diablo Base and Meridian, APN Map 079-19, have roadway access by easement. The owners of APN 079-190-017, Simon, Dutton and Qualls cannot convey an access easement over APN 079-190-004, Clarey, and others by their existing easement, they are not the fee title holders. Has the County of Tulare made a finding that allows grant of easements, for access to new parcels, over property not owned in fee by the Grantor?

Thanks and regards,  
Michael Tharp

R.L. Schafer and Associates  
2904 West Main Street  
Visalia, CA 93291  
559-734-1348 Off  
559-734-1413 Fax  
559-281-2948 Cell

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

From: Aaron Bock [mailto:[ABock@co.tulare.ca.us](mailto:ABock@co.tulare.ca.us)]

Sent: Friday, January 05, 2018 8:56 AM

To: Hector Guerra <[HGuerra@co.tulare.ca.us](mailto:HGuerra@co.tulare.ca.us)>; Michael Tharp <[mtharp@rlsmap.com](mailto:mtharp@rlsmap.com)>

Cc: Jason Garcia-LoBue <[JGarcia-LoBue@co.tulare.ca.us](mailto:JGarcia-LoBue@co.tulare.ca.us)>; Michael Washam <[MWasham@co.tulare.ca.us](mailto:MWasham@co.tulare.ca.us)>; Reed Schenke <[RSchenke@co.tulare.ca.us](mailto:RSchenke@co.tulare.ca.us)>; Rschafer <[rschafer@rlsmap.com](mailto:rschafer@rlsmap.com)>

Subject: Re: 13122\_Qualls\_GPA16-005, PZC16-007 & PPM16-030

Thank you for your comments, they are now part of the public record, and can be responded to in the record. You can come to the Tulare County RMA building at 5961 South Mooney Blvd. Visalia, Ca 93277-9394 to get a copy of the application. The general cost is \$.5 a page. Please see the agricultural mitigation requirements of Tulare County, as stated in the agricultural section of the Initial Study /

Mitigated Negative Declaration.

Have a great weekend.

Thanks,

Aaron R Bock, MCRP, JD, LEED AP  
Chief Planner  
Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
559-624-7050 - Direct  
559-730-2653 - Fax

>>> Michael Tharp <[mtharp@rlsmap.com](mailto:mtharp@rlsmap.com)> 01/05/2018 8:40 AM >>>

Morning Aaron:

From whom would I request a copy (emailed) of the Tentative Map and Application submitted for the project? I am prepping for a 1000 am meeting and this would be helpful. Or is there a link on the TuCo website I can access to print same?

And on what page in the Negative Declaration is the future development of the remaining 20 ac. "conditioned"?

Thanks for the prompt attention last evening.

Michael Tharp

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

From: Aaron Bock [mailto:[ABock@co.tulare.ca.us](mailto:ABock@co.tulare.ca.us)]

Sent: Thursday, January 04, 2018 5:41 PM

To: Michael Tharp <[mtharp@rlsmap.com](mailto:mtharp@rlsmap.com)>

Cc: Craig Anderson <[CAnderson@co.tulare.ca.us](mailto:CAnderson@co.tulare.ca.us)>; Hector Guerra <[HGuerra@co.tulare.ca.us](mailto:HGuerra@co.tulare.ca.us)>; Michael Washam <[MWasham@co.tulare.ca.us](mailto:MWasham@co.tulare.ca.us)>; Reed Schenke <[RSchenke@co.tulare.ca.us](mailto:RSchenke@co.tulare.ca.us)>; Rschafer <[rschafer@rlsmap.com](mailto:rschafer@rlsmap.com)>

Subject: Re: Qualls\_GPA16-005, PZC16-007 & PPM16-030

Thank you for your comments. They will be included as part of the public record and responded to accordingly.

Thanks again,

Aaron R Bock, MCRP, JD, LEED AP  
Chief Planner  
Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
559-624-7050 - Direct  
559-730-2653 - Fax

>>> Michael Tharp <[mtharp@rlsmap.com](mailto:mtharp@rlsmap.com)> 01/04/2018 5:30 PM >>>

Good afternoon all:



Aaron, in our discussion, you mentioned that I had overlooked a condition of map approval limiting any future development (parcel mapping) of the ~20 ac remainder parcel. Where in the negative declaration is this condition stated?? With the approval of this project, I count 9 active driveways from a single private roadway without other access, for the proposed project.

Where would I go in the County Standard specifications to determine the roadway requirement to service 9 home sites ? The 9 is cumulative of the

5 existing home sites, 3 new 2.3 ac parcels, and 1 parcel, the remainder, designated for a single family home site.

Should the project be accepted, the rezoning to R-A-87 for the 27 acre site, what will be the zoning of the remainder 20 acre parcel?

Further, regarding the remainder parcel layout, why are there two 56 ft. access lanes shown on the tentative map?

Thanks for the assistance.

Regards,  
Michael Tharp

R.L. Schafer and Associates  
2904 West Main Street  
Visalia, CA 93291  
559-734-1348 Off  
559-734-1413 Fax  
559-281-2948 Cell



**HERR  
PEDERSEN  
BERGLUND**  
ATTORNEYS AT LAW LLP

---

March 12, 2018

**VIA ELECTRONIC MAIL & FIRST-CLASS MAIL**

Mr. Aaron R. Bock, Chief Planner  
Mr. Hector Guerra, Chief Environmental Planner  
TULARE COUNTY ECONOMIC DEVELOPMENT OFFICE  
RESOURCE MANAGEMENT AGENCY  
5961 South Mooney Boulevard  
Visalia, California 93277  
[ABock@cc.tulare.ca.us](mailto:ABock@cc.tulare.ca.us)  
[HGuerra@co.tulare.ca.us](mailto:HGuerra@co.tulare.ca.us)

Re: Simon/Dutton/Qualls Project (GPA 16-005, PSZ 16-007, and PPM 16-030)

Dear Messrs. Brock and Guerra,

Our office represents Paula Simon, Sonjia Dutton, and Berwyn Qualls. My clients have sought to develop their property and have expended significant resources to do so. This letter is intended to respond to those comments made by certain individuals regarding the Initial Study & Mitigated Negative Declaration (MND). There are a couple of concerns regarding the comments made.

At the outset, any comments after January 16, 2018 are late. Pursuant to the California Code of Regulations § 15073, if a mitigated negative declaration and initial study are submitted to the State Clearinghouse for review, the public review period can be set at 30 days. The Notice of Intent to Adopt A Mitigated Negative Declaration for Simon/Dutton/Qualls project delineated a review period starting on December 18, 2017 and ending on January 16, 2018. The State Clearinghouse submitted correspondence to the Tulare County Resource Management Agency indicating that no state agencies made any comments prior to the close of the review period.

Additionally, I write to respond to a legal argument made in the comments, specifically those of Philip and Barbara Clarey and their attorney Joseph Soares. I will also provide some history into this matter as the majority of comments opposing the project stem from a lengthy dispute between the neighbors in the area.

---

VISALIA  
100 WILLOW PLAZA, SUITE 300  
VISALIA, CA 93291  
TELEPHONE: (559) 636-0200  
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HANFORD  
1489 LACEY BOULEVARD, SUITE 103  
HANFORD, CA 93230  
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### Legal Issues

California's laws allow use of an easement by successive owners of a subdivided parcel. In Mr. Soares' letter dated January 16, 2018 and stamped received by RMA on January 17, 2018, Mr. Soares cited to the case *Russell v. Palos Verdes Properties* (1963) 218 Cal.App.2d 754, 771. This case should have no bearing on the project at issue.

In the *Russell* case the issue was whether or not a property owner who wanted to subdivide a parcel, needed the homeowners' association's approval to do so. At issue in that case was the underlying question of whether the HOA agreement bound successive land owners. The court held it did and therefore the property owner needed the HOA's approval. Although the court in *Russell* made comments as to the extent of the burden to the existing easement, those comments were geared toward the HOA agreement restriction that the use of that parcel is limited to a site for one single family dwelling. The property owner in that matter wished to have unlimited use on that property. The Simon/Dutton/Qualls project is not analogous to the situation in *Russell*, there is no HOA agreement, but merely property that is burdened and benefitted by non-exclusive easements.

Case law is clear that subdivision of land in and of itself does not create issues with non-exclusive ingress and egress easements. If there is concern, it is surely misplaced. In the case *Hill v. Alan* (1968) 259 Cal.App.2d 470, 486-488 the court found that the subdivision of 120 acres, previously farmland, but becoming more residential, did not overburden the easement access road with the addition of 24 residences. The key to the *Hill* case was whether the change in use of the property was foreseeable, not bound to the exact use when the easement was created. As a counter example to when the easement becomes overburdened and the use is prevented, a change in use of an private roadway to access a farmhouse to then access a nudist colony resort for renting cottages and a public dining room overburdened that particular easement. (*Bartholomew v. Stahel* (1948) 86 Cal.App.2d 844.) The difference in the *Hill* case and the *Bartholomew* case illustrate that it is not just based on the amount of travel, but the kind of travel, in *Bartholomew* it was noted that the change in use to a nudist colony increased travel over the easement with as many as 500 automobiles. (*Id.* at 485.) In the Simon/Dutton/Qualls project the change is from 1 parcel to 4. The prior ingress and egress use was not limited to any particular kind of use; however, the expected use will not change - it is residential and potentially farming. Any increased use is minimal.

As indicated in the traffic study, the additional traffic would be less than significant. Comments were raised about services and utilities entering the area; however, many of the utility services would remain the same. There are already 5 residences located in this area; increases in trips related to, for instance garbage collection would remain the same. There are also concerns raised about the 90 degree corner leading to the east towards the property in question. By virtue of written agreement, if there is development of my clients' property the property owners have agreed to the removal of those items located in the easement. Thus those items placed around the 90 degree turn would be removed, making the area much safer and wider.



for travel. It is interesting that the neighbors complaining about the 90 degree turn are the very same who have decreased its width by allowing or placing items within the easement.

### **Prior History**

Although it is interesting that complaints relating to the width of the easement come from those who have voluntarily allowed the easement to continue to be restricted, this is not unexpected given the relationship between the neighbors in the area. Paula Simon, Sonjia Dutton, Berwyn Qualls, and Kathy Hoveiler are siblings. Their parents were Floyd and Katherine Qualls. Each child was given a 2.5 acre lot upon which homes were later built. Kathy Hoveiler is the only sibling that still lives in her home in this area.

After Floyd and Katherine Qualls passed away, administration of their estate was not a smooth process and the children commenced litigation to resolve their concerns. This litigation pitted my clients, Paul Simon, Sonjia Dutton, and Berwyn Qualls against Kathy Hoveiler. The litigation was resolved favorably for my clients. Through the trust litigation it was confirmed that my clients own the 27 acre lot of land and the strip of land that leads to (although not contiguous) the 27 acre lot and the 2.5 acre lots from Avenue 328. From the parcel maps in this area, it is clear that several lots were subdivided to provide rural residential development (i.e. country living). In review of the parcel map for the area in question, one automatically assumes that it is incomplete; additional 2.5 acre lots seem to be the natural development of this area.

After my clients' ownership of the strip of land and the 27 acre lot was settled, they attempted to improve the land and the access for ingress and egress. Adjacent to the west side of the strip of land, there is a prune tree orchard. The farmers of the prune tree orchard have tried to use my clients' strip of land to access Avenue 328. They would drive heavy trucks and farming equipment from their land and onto my clients' land. These actions caused rapid deterioration of the west side of the paved road (the difference in condition between the west side and east side is easily apparent). Additionally, by using my clients' strip of land in their farming activities, at various times the farmers would block the road. Also, the grading which supported the paved roadway on the west side of the strip of land was damaged causing improper drainage. In light of these events, my clients' erected a fence on both sides of the strip of land in order to protect the paved road, the grading, and limit ingress and egress only to those individuals who had that right.

After the fence was erected the farmers sued my clients and alleged that they had an irrevocable license to use my clients' property. My clients prevailed in that lawsuit and the court found the farmers were unable to prove they had an irrevocable license to use the property. As a result of that litigation, a fence is in place along both sides of the strip of land. In that lawsuit, Kathy Hoveiler and her husband Rod Hoveiler signed a declaration in support of the farmers' case; Kathy and Rod Hoveiler opposed my clients' attempt to erect the fence on the strip of land. A fence directly benefits the Hoveilers and other neighbors who use it for ingress and egress as it ensured that (1) the only



Mr. Aaron R. Brock, Chief Planner  
Mr. Hector Guerra, Chief Environmental Planner  
March 12, 2018  
Page 4 of 4

individuals to access the road would be the owners and their guests, (2) the damage to the pavement would be diminished, and (3) the road would not be blocked by farm equipment. It appears their position is merely personal relating back to sour feelings after a family and trust dispute. Also of note, one of the farmers who sued my clients, is the same farmer who offered to purchase my clients' property at an unacceptable price.

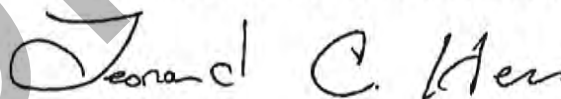
Around the same time as the lawsuit between the farmers and my clients, my clients were also sued by Kathy and Rod Hoveiler, Philip and Barbara Clarey, Steve and Nancy Vreeland, Carl and Joanne Manning, and Karen MacKenzie - the then owners of the five 2.5 acre lots. This lawsuit sought to choke down the easement in front of each 2.5 acre lot and the 27 acre lot to only the 20 feet of asphalt. The neighbors attempted to reduce the size of the easement permanently through theories, including but not limited, to adverse possession. That lawsuit settled favorably for my clients. The items in the easement were not taken out at that time; however, the neighbors were not allowed to add additional items in the easement, and if any development occurs where the items must be removed, they can be.

My clients and the neighbors in the area have a long history which has been tainted by familial discord. This history is especially important to consider when sifting through the facts in any given situation. It is my hope that, provided with this knowledge, any decisions will look through the vociferous opposition and evaluate the situation with an objective view untainted by personal differences.

Thank you for reviewing this letter. Please feel free to contact me about any questions or concerns you may have.

Very truly yours,

HERR PEDERSEN & BERGLUND LLP



Leonard C. Herr

LCH/vlb  
cc: Clients  
[kcrocken@co.tulare.ca.us](mailto:kcrocken@co.tulare.ca.us)  
[rvanderpool@co.tulare.ca.us](mailto:rvanderpool@co.tulare.ca.us)  
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[MWasham@co.tulare.ca.us](mailto:MWasham@co.tulare.ca.us)  
[DMettlen@co.tulare.ca.us](mailto:DMettlen@co.tulare.ca.us)  
[CAnderson@co.tulare.ca.us](mailto:CAnderson@co.tulare.ca.us)  
LCH Ltr. To Bock & Guerra 3.12.18

**From:** Hector Guerra  
**To:** Jessica Willis; Aaron Bock  
**Date:** 12/19/2017 4:47 PM  
**Subject:** Fwd: RE: Simon Dutton Quails Mitigated Negative Declaration - GPA 16-005 & PZC 16-007 & PPM 16-030 - SCH# 2017121043

From our friends at Caltrans.

>>> "Deel, David@DOT" <[david.deel@dot.ca.gov](mailto:david.deel@dot.ca.gov)> 12/19/2017 4:02 PM >>>  
Hector -

Check location in IS, think it should be east of Road 132? It west of Road 138...

Thanks,

DAVID DEEL | 559.488.7396<tel:559.488.7396> | CALTRANS D6

From: Deel, David@DOT  
Sent: Tuesday, December 19, 2017 3:53 PM  
To: Hector Guerra (Tulare County Planning) <[HGuerra@co.tulare.ca.us](mailto:HGuerra@co.tulare.ca.us)>; State Clearing House (SCH) <[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)>  
Cc: Navarro, Michael@DOT <[michael.navarro@dot.ca.gov](mailto:michael.navarro@dot.ca.gov)>; Gentry, Jamaica@DOT <[Jamaica.Gentry@dot.ca.gov](mailto:Jamaica.Gentry@dot.ca.gov)>  
Subject: Simon Dutton Quails Mitigated Negative Declaration - GPA 16-005 & PZC 16-007 & PPM 16-030 - SCH# 2017121043

Hector -

Thank you for the opportunity to review Gen Plan Amend GPA 16-005, Rezone 16-007 & Parcel Map PPM 16-030 (SCH# 2017121043) to divide a 27.83-acre site into 3 lots of 2.23-acres each for potential development of a single family residence on each lot and a 20-acre remainder parcel; site is located approx. 2 miles east of State Route 63 (aka Road 124) at the Avenue 328 intersection.

The Project will have a minimal impact to the State Highway System (SR 63) and Caltrans has NO COMMENTS.

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

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

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

[cid:image001.png@01D378E2.CB3C6030]

□ □ ➔ □ □ □ □ ♥ □ □ □ [cid:image002.png@01D378E2.CB3C6030] □

□ [cid:image003.png@01D378E2.CB3C6030] □ \* □

Caltrans Mission: Provide a safe, sustainable, integrated, and efficient transportation system to enhance



California's economy and livability.

Caltrans Vision: A performance-driven, transparent, and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation, and teamwork.

DRAFT

## Exhibit B

### Prior Exceptions Granted

DRAFT



Tentative Parcel Map No. PPM 10-026: or, at its election and in the alternative, shall relinquish such approval. The applicants shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicants, but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicants of their obligations under this condition.

#### **ENGINEERING DIVISION**

2. Additional right-of-way shall be dedicated to the County in the amount of five feet along the north side of Avenue 32, across the frontage of Parcel 2, pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. The applicant's agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.
3. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a County maintained road. The applicant may contract the Resource Management Agency – Encroachment Permit Section at 733-6291 for information on the requirements for encroachment permits in order to avoid unexpected delays. Improvements that typically require encroachment permits are drive approaches, curb and gutter, sidewalk, paveout and utilities.
4. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a County road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the County. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a County road.
5. The Private Vehicular Access Easement (PVAE) serving Parcel 1 shall be improved to a one parcel standard pursuant to Section 7-01-2230 of the Ordinance Code. The width and surface improvements of the PVAE shall be in accordance with Plate A-17B of the Tulare County Improvement Standards. Plate A-17B also identifies the requirements for the drive approach that will connect the PVAE to Avenue 32. (The drive approach requirement was waived by RMA Interim Director Benjamin Ruiz, Jr. on August 2, 2016. See Exhibit "C".) The



New Construction or Conversion of Small Structures. This project is compatible with this exemption because one additional residence may be allowed on each of the three parcels.

3. Entitlement is found in Section 6.F: Lot Area Per Family - Every main building hereafter erected or structurally altered shall have a lot area of not less than 6,000 square feet per family.
4. The project is located in the Urban Development Boundary of Goshen and the Urban Area Boundary of Visalia. The land use designation is "Residential." The site is zoned R-1 (Single-Family Residential) and is vacant land. The surrounding properties are all zoned R-1 and contain single-family residences and vacant land. The project site is within the Visalia Airport Safety Zone 6. The TC Airport Land Use Compatibility Matrix indicates that Single Family Residential is a compatible use within Safety Zone 6. The proposal is consistent with the policies of the Tulare County General Plan and the Comprehensive Airport Land Use Plan.
5. The project is the division of land that would create 3 parcels from the original ±18,600 sq. ft. site: Proposed Parcel 1 = 6194 sq. ft.; Parcel 2 = 6195 sq. ft.; Parcel 3 = 6196 sq. ft. The proposal is in compliance with zoning. The site plan (Exhibit "A") conforms to all policies and development standards set forth in the Zoning Ordinance.
6. One Exception to the Subdivision Ordinance was requested; from Section 7-01-1355 pertaining to Lot Widths and Depths: where the average lot width of each interior residential lot shall be not less than 60 feet. The proposed lot width is 50 feet. The proposal meets findings for approval because the vicinity of the subject site contains many lots of 50-foot width, so creating lots of 50-foot width would be the most conforming to the existing neighborhood layout. Therefore, the exception is appropriate for the proper design and/or function of the property.
7. All three parcels will have direct access to Farr Rd., which will be improved to a Class 1 road from Harvest up to the south property line of Parcel C and improved to a ¾ standard from the south property line of Lot C to the north property line of Lot A.
8. Water will be provided by Cal Water (Will Serve letter required before map records) and sewage will be provided by the Goshen CSD (Will Serve letter on file).
9. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map will promote the orderly growth of the unincorporated



WHEREAS, the Planning Commission reviewed said parcel map for conformity to the regulations contained in Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

1. The Planning Director has waived the requirement for a preliminary geological-hydrological report pursuant to Section 7-01-2295 of the Ordinance Code.
2. The environmental determination is a General Rule Exemption in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15061(b)(3) pertaining to the General Rule; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project is compatible with this exemption because the project is a minor division of land creating four large agricultural parcels and will not result in construction activities or other physical activities, either directly or indirectly. Accordingly, it can be seen with certainty that the project will not result in significant effects on the environment.
3. Section 9.7.D of Ordinance No. 352 allows the division of land in the AE-40 Zone so long as the parcels being created contain at least the minimum 40 acres. The project is the division of one 150-acre parcel into four parcels (Parcel 1 = 30.99 acres; Parcel 2 = 38.84 acres; Parcel 3 = 40 acres; Parcel 4 = 40 acres) in the AE-40 Zone.
4. A Waiver of Final Parcel Map was requested. Section 7-01-2360 of the Subdivision Ordinance allows the waiver of a final map if the project falls within any of certain categories. The proposed map complies with (a) Any parcel or parcels of land to be divided into four or less parcels, each area of ten acres or more. The Planning Commission determined that the waiver request conformed to the provisions of Sections 7-01-2360 and 7-01-2365 of the Ordinance Code.
5. One Exception was requested from Section 7-01-2230(c)(2) of the Subdivision Ordinance pertaining to the maximum length of a private vehicular access easement (PVAE) in non-mountainous areas being not greater than 800 feet; the proposed PVAE serving Parcel 3 is 1,297 feet in length. The project is consistent with this exception because the PVAE is the most direct route to provide access to Parcel 3.

WHEREAS, the Planning Commission reviewed said parcel map for conformity to the regulations contained in Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

1. The Planning Director has waived the requirement for a preliminary geological-hydrological report pursuant to Section 7-01-2295 of the Ordinance Code.
2. The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. This project is compatible with this exemption because the use of the property as grazing for livestock will not change.
3. Section 10.3 of Ordinance No. 352 allows the division of land in the AF Zone so long as the parcels being created contain at least 160 acres minimum. The proposed division of land is in compliance with Ordinance No. 352.
4. A Waiver of Final Parcel Map was requested. Section 7-01-2360 of the Subdivision Ordinance allows the waiver of a final map if the project falls within any of certain categories. The proposed map complies with (b) Any parcel or parcels of land to be divided into parcels, each of a gross area of forty acres or more. The Planning Commission determined that the waiver request conformed to the provisions of Sections 7-01-2360 and 7-01-2365 of the Ordinance Code.
5. Two Exceptions to the Subdivision Ordinance were requested: (1) Section 7-01-2230(c)(2) pertaining to length of the private vehicular access easement (PVAE) exceeding 1320 feet in mountainous area; and (2) Section 7-01-2230(a) pertaining to PVAE improvements. The request meets the findings for approval because the parcels will be used for mountain grazing purposes. In keeping with the existing mountain grazing operations, an exception to PVAE road improvements is recommended until such time as building or other permits are issued for Parcels 1 or 2, where the main access road shall be constructed to State Responsibility Area (SRA) fire safe standard requirements.



2. The project was determined to be exempt from the requirements of CEQA according to Section 15305, Class 5, pertaining to minor alterations in land use limitations.
3. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees.
4. The Rural Valley Lands Plan is the applicable Land Use & Circulation Element for the project and the Land Use Designation is "Agriculture." The project is provided access to County-maintained Road 144. The 1972 Environmental Resources Management Element designates the site "Intensive Agriculture" and "Flood Plain." The 1974 Urban Boundaries Element indicates the subject site is not within any Urban Area or Urban Development Boundary. The 1988 Noise Element indicates the subject site is not within a noise-exposure contour. The existing land use would not change with this division of land. The proposal complies with the Tulare County General Plan.
5. The site is zoned AE-40 (Exclusive Agricultural – 40 acre minimum) and the project is the division of one 60-acre parcel into three parcels: Parcel 1 = 2.24 acres; Parcel 2 = 35.7 acres; Parcel 3 = 20.52 acres. The project does not meet the minimum acreage requirements in the AE-40 Zone. Section 15.D.2 of the Zoning Ordinance: Division of Land Exceptions would apply to the project. Exception #1 would be for the creation of a homesite parcel (Section 15.D.2.g): the parcel of record to be divided does contain the minimum acreage required in the AE-40 Zone. Exception #2 would be a portion of the parcel is separated from the main portion of the property by a canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width (Section 15.D.2.d): Sontag Ditch traverses the property in a southwesterly direction; it is regularly used to convey water and is wider than 6 feet. So, Parcel 1 is the homesite parcel; Parcel 2 and Parcel 3 would be smaller than allowed in the zone because the property is separated by a canal. The proposal is in compliance with zoning.
6. Two Exceptions from the Subdivision Ordinance were requested. Exception #1 pertains to easement width and pavement width being 18 feet and 10 feet, respectively (Section 7-01-2230(a)). The proposal is requesting a 15-foot wide drive and no pavement. There is an existing decomposed granite drive that is being utilized for access to the house (homesite parcel). There would not be any increase in use as a result of the project. The request meets the findings for approval. Exception #2 pertains to the maximum easement length in non-mountainous areas being 660 feet (Section 7-01-2230(c)). The proposal is requesting an



WHEREAS, the Planning Commission reviewed said parcel map for conformity to the regulations contained in Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

1. The Planning Director has waived the requirement for a preliminary geological-hydrological report pursuant to Section 7-01-2295 of the Ordinance Code.
2. The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. This project is compatible with this exemption because one additional residence would be allowed on each parcel.
3. Section 9.55.D of Ordinance No. 352 allows the division of land in the AE-10 Zone so long as the parcels being created contain at least 10 acres minimum. The proposed division of land is in compliance with Ordinance No. 352. Each proposed parcel conforms to basic AE-10 Zone requirements.
4. A Waiver of Final Parcel Map was requested. Section 7-01-2360 of the Subdivision Ordinance allows the waiver of a final map if the project falls within any of certain categories. The proposed map complies with (c) Any parcel of land which is being divided into two parcels, regardless of size, when the original parcel has frontage on an existing public road and no portion of the parcel is located within the Urban Area Boundary of a city or unincorporated area as established by the Urban Boundaries Element of the General Plan. The Planning Commission determined that the waiver request conformed to the provisions of Sections 7-01-2360 and 7-01-2365 of the Ordinance Code.
5. One Exception to the Subdivision Ordinance from Section 7-01-2230 pertaining to width and surface improvements to the private vehicular access easement serving Parcel 2. The Exception meets findings for approval because a 16-foot wide all-weather gravel road exists serving the accessory structures on Parcel 2.
6. The project site is located within the Foothill Growth Management Plan and the Land Use Designation is "Valley Agriculture Extension." The following General Plan Update policies are relevant to this project: (1) AG-1.14 Right-to-Farm Noticing. The proposal is consistent with the applicable GPU policies.
7. The project lies within FEMA Flood Zones X and A – Construction within Zone X requires no specific flood mitigation measures; An elevation certificate and



6. Parcels 1 and 2 will have indirect access to Road 40 via an existing farm road. Public works recommends approval of the Exception to Section 7-01-2230 pertaining to Easements for Vehicular Access being an easement width of 18' and pavement width of 10'.
7. The project lies within FEMA Zone AO and shaded Zone X (0.2 percent chance flood) – An elevation certificate and associated flood hazard mitigation measures will be required on all proposed buildings within a FEMA Zone AO, pursuant to the Tulare County Ordinance Code. Construction of buildings within a shaded Zone X (0.2 percent chance flood) require no specific flood mitigation measures, however, it is recommended that all finished floor levels be elevated one (1) foot above adjacent natural ground.
8. The project site is located within the Rural Valley Lands Plan and the Land Use Designation is "Valley Agriculture." The following General Plan 2030 policies are relevant to this project: (1) AG-1.3 Williamson Act; (2) AG-1.14 Right-to-Farm Noticing. The proposal is consistent with the applicable GP 2030 policies.
9. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map and lot line adjustment will promote the orderly growth of the unincorporated portions of the County and will assure the health, safety, and welfare of the people of the County.
10. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees.
11. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Parcel Map No. PPM 15-038; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.



5. Entitlement is found in Section 9.8.D: Divisions of Land in the AE-80 Zone: All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided if any one (1) parcel resulting from the division of land contains less than eighty (80) acres....
6. A Waiver of Final Parcel Map was requested. Section 7-01-2360 of the Subdivision Ordinance allows the waiver of a final map, if the project falls within any of the following categories: (a) Any parcel or parcels of land to be divided into four or less parcels, each area of ten acres or more; (b) Any parcel or parcels of land to be divided into parcels, each of a gross area of forty acres or more; (c) Any parcel of land which is being divided into two parcels, regardless of size, when the original parcel has frontage on an existing public road and no portion of the parcel is located within the Urban Area Boundary of a city or unincorporated area as established by the Urban Boundaries Element of the General Plan; (d) Any parcel which is being divided for the sole purpose of conveying property to an adjoining property owner. The proposed map complies with "a & b" category.
7. Parcels 1 and 2 will have indirect access to Road 40 via an existing farm road. Public works recommends approval of the Exception to Section 7-01-2230 pertaining to Easements for Vehicular Access being an easement width of 18' and pavement width of 10'.
8. The project lies within FEMA Zone AO and shaded Zone X (0.2 percent chance flood) – An elevation certificate and associated flood hazard mitigation measures will be required on all proposed buildings within a FEMA Zone AO, pursuant to the Tulare County Ordinance Code. Construction of buildings within a shaded Zone X (0.2 percent chance flood) require no specific flood mitigation measures, however, it is recommended that all finished floor levels be elevated one (1) foot above adjacent natural ground.
9. The project site is located within the Rural Valley Lands Plan and the Land Use Designation is "Valley Agriculture." The following General Plan 2030 policies are relevant to this project: (1) AG-1.3 Williamson Act; (2) AG-1.14 Right-to-Farm Noticing. The proposal is consistent with the applicable GP 2030 policies.
10. LAFCO Case 1522b annexed a portion of this Section 31 into the Deer Creek Storm Water District on January 20, 2016.
11. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map and lot line adjustment will promote the orderly growth of the unincorporated portions of the County and will assure the health, safety, and welfare of the people of the County.



2. The project was determined to be categorically exempt in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. This project is compatible with this exemption because one additional residence may be allowed on Parcel 2.
3. Entitlement is found in Section 4.A: "R-A" Rural Residential Zone, which allows divisions of land so long as the parcels being created meet the minimum acreage required in the zone.
4. The site is located within the Urban Development Boundary (UDB) of Three Rivers and the Land Use Designation is "Residential - Medium Density." The site is zoned R-A-43 (Rural Residential - 43,000 sq. ft. minimum), is 2.75 acres in size, and the site contains one modular home, septic tank and leach field. The surrounding properties are zoned R-A-43 and "O" (Recreation); they contain rural residences and oak woodlands.
5. The project is the division of land that would create 2 parcels from the original 2.75-acre site: Proposed Parcel 1 = 1.29 acres and Proposed Parcel 2 = 1.46 acres. Minimum parcel size to be created in the R-A-43 Zone is 43,000 sq. ft. (1 acre). The proposal is in compliance with zoning. The site plan (Exhibit "A") conforms to all policies and development standards set forth in the Zoning Ordinance.
6. One Exception to the Subdivision Ordinance was requested: from Section 7-01-2230 pertaining to easement width being 18' and pavement width being 10'. Subsection (b) states that: Instead of paving a private easement for vehicular access (PVAE), a graded traveled way which is the same width as the pavement width set forth in subsection (a) above may be provided if all of the following requirements are met: (1) Four or less parcels will be served; (2) The graded road has existed for at least five years; (3) The Public Works Director has waived the requirement for an irrevocable offer (IR) of dedication. The request meets the findings for approval because the proposed 20-foot wide PVAE serving Parcel 2 is a graded, all-weather surface for access that is adequate and has been serving the parent parcel since the house was constructed in 1996. In addition, Public Works did not request an Irrevocable Offer.
7. One Exception to the State Responsibility Area (SRA) Fire Safe Regulations was requested: from Section 1273.04 pertaining to Roadway Radius of curvature being less than 50 feet. The Fire Department has responded that they will not require a modification of the turning radius. The Exception is approved.
8. Parcel 1 will have direct access to State Route 198; Parcel 2 will have indirect access to State Route 198 via a proposed 20-foot wide PVAE and utilities easement. The project



WHEREAS, the Planning Commission reviewed said parcel map for conformity to the regulations contained in Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

1. The Planning Director has waived the requirement for a preliminary geological-hydrological report pursuant to Section 7-01-2295 of the Ordinance Code.
2. The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. This project is compatible with this exemption because the use of the property as grazing for livestock will not change.
3. Section 15.D.2.g, Division of Land Exceptions within Agricultural Zones pertaining to homesite parcels would be applicable to this division of land. The homesite shall comply with all of the following provisions: (a) The parcel of record shall contain the minimum acreage required in the zone; (2) The property contains a residence established at least 5 years; (3) The minimum size homesite parcel shall be 12,500 sq. ft. (with off-site water or sewer) or one acre; (4) The maximum size homesite parcel shall be 4 acres; (5) No homesite parcel shall be created if the parcel of record is less than 10 acres gross. The proposal is in compliance with Items 1 – 4 of this section. The proposed division of land is in compliance with Ordinance No. 352.
4. A Waiver of Final Parcel Map was requested. Section 7-01-2360 of the Subdivision Ordinance allows the waiver of a final map if the project falls within any of the following categories: (a) Any parcel or parcels of land to be divided into four or less parcels, each area of ten acres or more; (b) Any parcel or parcels of land to be divided into parcels, each of a gross area of forty acres or more; (c) Any parcel of land which is being divided into two parcels, regardless of size, when the original parcel has frontage on an existing public road and no portion of the parcel is located within the Urban Area Boundary of a city or unincorporated area as established by the Urban Boundaries Element of the General Plan; (d) Any parcel which is being divided for the sole purpose of conveying property to an adjoining property owner. The proposed map complies with category "c" above.
5. One Exception from the Subdivision Ordinance was requested: (1) from Section 7-01-2230(a) pertaining to PVAE improvements, which would require a 10-foot wide pavement serving proposed Parcel 1. The request is to approve the existing



decomposed granite road. In keeping with the existing farming operations, an exception to additional improvements is recommended until such time as building or other permits are issued for Parcel 1. However, in an effort to preserve the road edge on Avenue 200, a driveway approach to the existing PVAE is recommended. Correspondence from Public Works indicates approval of the Exception and to condition the drive approach.

6. The project is located within the Rural Valley Lands Plan and the land use designation is "Valley Agriculture." The following General Plan Update policies are relevant to this project: (1) AG-1.14 Right-to-Farm Noticing. The proposal is consistent with the applicable GPU policies.
7. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map will promote the orderly growth of the unincorporated portions of the County and will assure the health, safety, and welfare of the people of the County.
8. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees.
9. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Parcel Map No. PPM 15-007; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.

AND, BE IT RESOLVED THAT:

A. The Planning Commission hereby finds said parcel map to be categorically exempt from the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15303, Class 3, pertaining to construction or conversion of small structures.



2. The project is located outside any Urban Area or Urban Development Boundary and is, therefore, located within the Rural Valley Lands Plan. The site is designated "Flood Plains." The site is located within the Horizontal Surface ("H") Zone for the Woodlake Airport. The proposal was found to be in compliance with the Tulare County General Plan and all applicable Elements of the General Plan.
3. The parcel is zoned AE (Exclusive Agricultural) and contains a house, animal shelter, shop, shed, domestic well and septic system. Section 15.D.2, Division of Land Exceptions, allows the division of land for a homesite parcel. This project was submitted to the Resource Management Agency prior to the new homesite parcel ordinance, No. 3412 (requiring a 10-acre minimum size parcel for any division of land), taking effect. Therefore, the proposal was analyzed under the AE Zoning and Section 15.D.2 division of land exceptions in effect at the time of submission of the application. The proposal was found to be in compliance with the Zoning Ordinance.
4. Two exceptions from the Subdivision Ordinance were requested: 1) Section 7-01-2230 pertaining to pavement width; 2) Section 7-01-1280: pertaining to cul-de-sac length in non-mountainous areas. The existing private vehicular access easement (PVAE) has a pavement width of 10 feet and is adequate for the existing parcels and the one additional that would result from the project. The cul-de-sac is existing and the site has deeded access from two previous land divisions: Parcel Map 707 and Parcel Map 2036. The request for exceptions was found to be in compliance with the Subdivision Ordinance.
5. The site is within the "AH" FEMA Flood Zone. An elevation certificate and associated flood hazard avoidance measures would be required on all proposed buildings within a FEMA Flood Zone A. The soils are rated severe for sewage disposal and have a low shrink-swell potential.
6. Access to the project site would be indirectly from the PVAE to Avenue 332, a County maintained road. The pavement width is 16.8 ft. The pavement type is RMAS (road mix asphalt surfacing).
7. The Planning Director has waived the requirement for a preliminary geological-hydrological report pursuant to Section 7-01-2295 of the Ordinance Code.
8. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees.



2. The project was determined to be exempt from the requirements of CEQA according to Section 15305, Class 5, pertaining to minor alterations in land use limitations.
3. This project may be subject to new County Development Impact Fees.
4. Two exceptions from the Subdivision Ordinance were requested: 1) Section 7-01-2230(a) pertaining to pavement width; 2) Section 7-01-2230(c): pertaining to cul-de-sac length in non-mountainous areas when the parcels being created are ten acres or more in area. Section 7-01-2230(a) requires an 18-foot wide easement with a 16-foot wide pavement. Two parcels would be served by the PVAE. The proposed access easement would be 20 feet wide. The easement consists of an existing graded – traveled agricultural drive. The parcels to be served by the PVAE do not contain any structures and the PVAE would be exclusively for agricultural use. The Engineering Department deferred this condition until building permits are obtained for Parcel 4 or the Remainder Parcel. Section 7-01-2230(c) requires the PVAE not exceed 800 feet in non-mountainous areas. The proposed cul-de-sac length is 1,136 feet. This is the shortest, most direct route to serve proposed Parcel 4 and the Remainder. The exceptions were approved.
5. The proposed tentative parcel map, together with the provisions for its design and improvements, is consistent with the Tulare County General Plan, as amended.
6. Parcels 2, 4 and the Remainder would meet the minimum 20 acre requirement for the zone. The two existing dwellings on Parcel 2 would be an allowed use under current zoning, as long as there is a minimum of 20 acres for the zone; so, no special use permit would be required for the second residence. Parcel 1 would be a homesite parcel (3.03 acres gross) and Parcel 3 would be that portion left over from the creation of the homesite parcel (19.18 acres). By combining the creation of the homesite parcel with this map, it is the most economical process for the homeowner and streamlines the process for the County. The proposal is in compliance with Zoning as Parcel 3 without the creation of the homesite parcel would have been 22 acres in size. The proposed tentative parcel map complies with all zoning regulations applicable to the subject property.
7. The subject site is located within Agricultural Preserve No. 945, under Williamson Act Contract No. 3483. A Notice of Partial Non-Renewal for the homesite parcel (Parcel 1) will be a condition of approval for the project.



2. The project was determined to be exempt from the requirements of CEQA according to Section 15305, Class 5, pertaining to minor alterations in land use limitations.
3. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees.
4. The Rural Valley Lands Plan is the applicable Land Use & Circulation Element for the project and the Land Use Designation is "Agriculture." The project is provided access to County-maintained Road 144. The 1972 Environmental Resources Management Element designates the site "Intensive Agriculture" and "Flood Plain." The 1974 Urban Boundaries Element indicates the subject site is not within any Urban Area or Urban Development Boundary. The 1988 Noise Element indicates the subject site is not within a noise-exposure contour. The existing land use would not change with this division of land. The proposal complies with the Tulare County General Plan.
5. The site is zoned AE-40 (Exclusive Agricultural – 40 acre minimum) and the project is the division of one 60-acre parcel into three parcels: Parcel 1 = 2.24 acres; Parcel 2 = 35.7 acres; Parcel 3 = 20.52 acres. The project does not meet the minimum acreage requirements in the AE-40 Zone. Section 15.D.2 of the Zoning Ordinance: Division of Land Exceptions would apply to the project. Exception #1 would be for the creation of a homesite parcel (Section 15.D.2.g): the parcel of record to be divided does contain the minimum acreage required in the AE-40 Zone. Exception #2 would be a portion of the parcel is separated from the main portion of the property by a canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width (Section 15.D.2.d): Sontag Ditch traverses the property in a southwesterly direction; it is regularly used to convey water and is wider than 6 feet. So, Parcel 1 is the homesite parcel; Parcel 2 and Parcel 3 would be smaller than allowed in the zone because the property is separated by a canal. The proposal is in compliance with zoning.
6. Two Exceptions from the Subdivision Ordinance were requested. Exception #1 pertains to easement width and pavement width being 18 feet and 10 feet, respectively (Section 7-01-2230(a)). The proposal is requesting a 15-foot wide drive and no pavement. There is an existing decomposed granite drive that is being utilized for access to the house (homesite parcel). There would not be any increase in use as a result of the project. The request meets the findings for approval. Exception #2 pertains to the maximum easement length in non-mountainous areas being 660 feet (Section 7-01-2230(c)). The proposal is requesting an



easement length of  $\pm 1,800$  feet. Due to the requirement of larger parcels in the AE-40 Zone and the location of the existing residence, the easement being in excess of the maximum 660 feet is unavoidable. The Engineering Division recommended approval of the exceptions.

7. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map would promote the orderly growth of the unincorporated portions of the County and would assure the health, safety, and welfare of the people of the County.
8. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of PPM 11-008: or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.

AND, BE IT RESOLVED THAT:

A. The Planning Commission hereby finds said parcel map to be categorically exempt from the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15305, Class 5, pertaining to minor alterations in land use limitations.

B. The Planning Commission hereby approves Tentative Parcel Map No. PPM 11-010 subject to the following conditions:

**Planning Conditions:**

1. Failure to cause the recording of a final parcel map, an approved or conditionally approved tentative parcel map within two (2) years after the date of its approval or conditional approval shall cause the parcel map to expire, in accordance with the Tulare County Subdivision Ordinance. However, upon application by the owner or his authorized agent, the time at which the approval of final parcel map expires may be extended for a period or periods not exceeding a total of five years by the Planning Commission.



would be the potential for one additional residence on each of the four parcels being created.

2. The Mountain Plan: Kennedy Meadows Sub-Area is the applicable Land Use & Circulation Element for the project and the Land Use Designation is "Mountain Residential." The existing land use will not change with this division of land. The proposed division of land is consistent with Land Use Goal "A," Traffic Circulation Goal "B," and Health and Safety Goal "C," as set forth in the Mountain Plan, the Land Use and Circulation Element of the Tulare County General Plan: 2030 Update.
3. This division of land will create 4 parcels and a Remainder from the original 77-acre site (Parcel 1 = 4.89 acres (213,000 sq. ft.), Parcel 2 = 4.89 acres (213,000 sq. ft.), Parcel 3 = 4.89 acres (213,000 sq. ft.), Parcel 4 = 7.57 acres and the Remainder = ±54.76 acres). Zone Variance No. PZV 13-001(MD) was approved by Administrative Decision No. 0337 on May 31, 2013 to allow parcels smaller than the 217,000 sq. ft. minimum permitted to be created in the MR-217 zone. The proposed site plan (Exhibit "A") conforms to all policies and development standards set forth in the Zoning Ordinance and the Kennedy Meadows Sub-Area planning area.
4. The site is zoned MR-217 (Mountain Residential – 217,000 sq. ft. minimum) and is undeveloped. The surrounding properties are zoned MR-217 and A-1 (Agricultural) and contain undeveloped land and BLM land.
5. Two Exceptions from the Subdivision Ordinance were requested: (1) From Section 7-01-2230(a) pertaining to the pavement width of the private vehicular access easement (PVAE) shall be 18 feet wide. Policy 8: Easements, states that surfacing shall not be required where native materials provide a stable and otherwise adequate road base; (2) From 7-01-2230(c) pertaining to cul-de-sacs (PVAEs) shall not exceed one thousand feet in length in mountainous areas. The proposed PVAE is 1,800 feet in length. Policy 8: Easements, states that PVAEs may exceed 1,000 feet in length due to the low-intensive nature of the planned land uses for the Kennedy Meadows area. The Exception requests are compatible with the Kennedy Meadows Area Plan of the Tulare County General Plan: 2030 Update.
6. Parcel 4 and the Remainder will have direct access to Kennedy Meadows Road; Parcels 1, 2, & 3 shall have indirect access to Kennedy Meadows Road via an 1,800 feet long private vehicular access easement.
7. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map will promote the orderly growth of the unincorporated



NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

1. The Planning Director has waived the requirement for a preliminary geological-hydrological report pursuant to Section 7-01-2295 of the Ordinance Code.
2. The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The use of Section 15303 is applicable and appropriate because, upon project approval, only one by-right residential structure would be allowed on each parcel without further review. As such, the use of Section 15303 is applicable and appropriate.
3. The project is a tentative parcel map and a waiver of the final map to allow the division of one 82.72-acre parcel into two parcels: Parcel 1 = 40.0 acres; Parcel 2 = 42.72 acres in the AE-40 (Exclusive Agriculture – 40-acre minimum) Zone, on property located one-half mile east of Laspina Street and one-half mile north of Avenue 200, adjacent to the City of Tulare (APN 191-090-013).
4. The project site is located within the Rural Valley Lands Plan and the Land Use Designation is "Valley Agriculture." The following General Plan 2030 policy is relevant to this project: (1) AG-1.14 Right-to-Farm Noticing. The proposal is consistent with the applicable GP 2030 policies.
5. There are two existing private vehicular access easements (PVAE) to this property. Both easements would provide access to Proposed Parcel 1: (1) via an existing 64-foot wide private road from Laspina Street by Doc. #7672, recorded 02/13/1958 in Vol. 2043, PG 113; (2) via a 30-foot wide PVAE (an existing oiled road) from Turner Drive by a separate document. Access to Proposed Parcel 2 is via a 30-foot wide PVAE from Parcel 1. This PVAE is greater than 660 feet in length ( $\pm 930$  feet), which is the maximum length of a PVAE in non-mountainous areas. An exception to Section 7-01-2230(c)(1) of the Subdivision Ordinance was requested and is appropriate because there are no County roads to access this parcel; therefore, this PVAE will provide access to Parcel 2 from the existing oiled road. An additional exception has been requested from Section 7-01-2215 of the Subdivision Ordinance pertaining to road improvements. Public Works has indicated that the existing PVAE is meets or exceeds the width requirements for a two-parcel standard and has approved the exception.
6. A Waiver of Final Parcel Map was requested. Section 7-01-2360 of the Subdivision Ordinance allows the waiver of a final map if the project falls within any of the following categories: (a) Any parcel or parcels of land to be divided into four or less parcels, each area of ten acres or more; (b) Any parcel or parcels of land to be divided into parcels, each of a gross area of forty acres or more; (c) Any parcel of land which is being divided into two parcels, regardless of size, when the original parcel has frontage on an existing public road and no portion of the parcel is located within the Urban Area Boundary of a city or unincorporated area as established by the Urban Boundaries Element of the General Plan; (d) Any

Attachment No. 7

RVLP Parcel Evaluation

DRAFT



**Rural Valley Lands Plan - Parcel Evaluation Checklist – 01/30/2018****A. RESTRICTED TO AGRICULTURE VALUES**

If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Nonagricultural" criteria, place a "0" in the value column and continue the evaluation.

**VALUE**

1. Agricultural Preserve Status----- (0)
2. Limitations for Individual Waste Disposal Facilities ----- (0)

**B. VARIABLE POINT VALUE**

Each of the following land capability ratings (as per U.S.D.A. Soil Conservation Service data) have been awarded a number value, as follows:

LAND CAPABILITY	POINT VALUE
Class I, II, or III	4 points
Class IV	2 points
Class V, VI, or VII	0 points

For the following factor, determine the land capability ratings) of the parcel under review and award its corresponding point value.

- |                     |            |       |       |
|---------------------|------------|-------|-------|
| Class I, II, or III | (4 points) | ----- | ( 4 ) |
| Class IV            | (2 points) | ----- | ( )   |
| Class V, VI, or VII | (0 points) | ----- | ( )   |

**C. POINT VALUES**

If a following factor meets the highest relative suitability criteria, award the factor the number of points listed for the category; if the factor meets the lowest relative suitability criteria, award it a "0".

**FOUR POINT VALUE CATEGORY**

1. Existing Parcel Size (use gross acreage figure) ----- ( 4 )
2. Existing land Use/Suitability for Cultivation----- ( 4 )

**THREE POINT VALUE CATEGORY**

1. Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for 'Existing Land Use/ Suitability for Cultivation'; enter a "0" in such cases) ----- ( 0 )
2. Surrounding Land Use ----- ( 0 )
3. Proximity to Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases) ----- ( 0 )
4. Proximity to Lands in Agricultural Preserves ----- ( 0 )

**TWO POINT VALUE CATEGORY**

1. Level of Ground Water and Soil Permeability ----- ( 0 )

**ONE POINT VALUE CATEGORY**

1. Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases) ----- ( 0 )
2. Access to Paved Roads----- ( 0 )
3. Historical Sites, Archaeological Sites, Wildlife Habitats, and/or Unique Natural Features----- ( 0 )
4. Flood Prone Areas ----- ( 0 )
5. Availability of Community Domestic Water/Fire Flow Requirements ----- ( 1 )
6. Surface Irrigation Water ----- ( 1 )
7. Groundwater Recharge Potential (do not evaluate this factor if the site received "0" points for 'Surface Irrigation Water'; enter a "0" in such cases) ----- ( 1 )

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TOTAL POINTS ----- ( 15 )

ANALYSIS STATEMENT FOR  
RURAL VALLEY LANDS PLAN (RVLP)  
EVALUATION CHECKLIST  
FOR  
GPA 16-005 / PZC 16-007 / PPM 16-030  
Simon, Dutton, Qualls / Visalia

**SITE EVALUATED:** The subject site is on 27.66-acre APN 079-190-017, located ¼ mile east of Road 140 and 1,650 ft. south of Avenue 328, within the Urban Area Boundary of Visalia.

The subject site is within the County's Urban Area Boundary (UAB) for Visalia. The County of Tulare's applicable General Plan element is the Visalia Area Land Use Plan (GPA 92-007B/C), which designates the subject site for Agriculture and the Tulare County General Plan 2030 Update. County Zoning on the site is AE-40 (Exclusive Agriculture - 40-acre minimum). The site currently contains no structures. The surrounding properties to the north, west and east are developed with rural residential housing. This area has been substantially developed with rural residential development. The properties to the northwest and south are in agricultural production.

Applicant proposes changing the land use designation from Agriculture to Rural Residential and the zoning from AE-40 to R-A-87 (Rural Residential – 87,000 sq. ft. minimum) Zone. The proposed project is to divide the 27.66 acres into three parcels and a remainder: Parcel 1 = 2.50 acres, Parcel 2 = 2.50 acres, Parcel 3 = 2.50 acres, and the Remainder Parcel = 20.16.

**RVLP ANALYSIS:** Per the County of Tulare General Plan Policy RVLP Policy Statement, a Rural Valley Lands Plan (RVLP) analysis shall be used in an advisory capacity to evaluate the relative agricultural or non-agricultural suitability of lands located between the Urban Development Boundaries or Urban Area Boundaries, for which a general plan amendment is proposed. Furthermore, Policy PF 4.19 may allow General Plan Amendments as appropriate by the RVLP.

A similar RVLP ANALYSIS was performed on this parcel when the preliminary proposal (General Plan Initiation No. GPI 14-003) was brought before the Board of Supervisors (BOS) on June 14, 2016. That RVLP Analysis resulted in a score of "10." At that time, the BOS directed staff to evaluate the site a second time before bringing the project up for final consideration. Hence, this second evaluation by a different evaluator.

**A. RESTRICTED TO AGRICULTURAL VALUES**

**1. Agricultural Preserve Status:**

*Analysis: The subject 27.66- acre parcel is not under contract as an Agricultural Preserve. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. Zero (0) points are allocated.*



2. Limitation for Individual Waste Disposal Facilities:

*Analysis: If the soil analysis requires it, engineer-designed septic tank-leach line systems will be required at the building permit stage. The proposed rural residential parcels will not require City-provided sewer services. The City does not presently have sewer mains to serve the site. The County Health Department did not provide comment regarding liquid waste disposal limitations. The minimum size parcel allowed to provide service for both onsite domestic well and septic tank – leach line system is one acre. These parcels, being 2.50 acres and 20.16 acres, exceed the minimum requirement. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. Zero (0) points are allocated.*

B. VARIABLE POINT VALUE

1. Land Capability:

*Analysis: The Soil Conservation Service has rated the agricultural capability of the on-site soil types (Grangeville Sandy Loam) as Class I if irrigated and Class IVc if not irrigated. The historical usage of the subject parcel, and the adjacent parcels to the south, has been for agricultural row crops, per aerial photographs dating back to 1994. The parcels to the west, north, and east have been utilized for rural residential purposes going back to at least the same time frame. One agricultural well exists on the property. Thus, considering water availability, the land capability of the parcel would be rated as Class I.*

*There appears to be two waterways that could potentially provide surface water to the subject site for irrigation purposes. Staff spoke with Larry Dodsen of the Kaweah Delta Water Conservation District (KDWCD) on March 14, 2018 regarding water rights in this immediate area. The KDWCD, itself, is not a water purveyor and does not deliver water for irrigation purposes. It was created for two purposes only: (1) to provide flood control and maintain the channels; and (2) to conserve water and recharge the aquifer.*

*The first waterway is Elbow Creek. The County's Geographic Information Systems shows a waterway flowing from the northeast and ending at the east property line of the subject site. Aerial photos appear to support this premise and it might be assumed that this waterway continues its journey in a southwesterly direction in an underground pipeline; but, according to Mr. Dodsen, this is not the case. Elbow Creek was a natural waterway many years ago, but has become obsolete because of historic diversion into irrigation ditches. There exists a short remnant of Elbow Creek, which can be seen in aerial photos, and into which the local residents have filled with water in order to create what appears to be a natural water feature on their properties.*

*The second waterway is Mathews Ditch, which runs in a southerly direction and parallel to the subject site on the west side of the private access easement and the western property boundary. Many years ago, Ditch companies converted and/or*

*diverted natural waterways into ditches for the purpose of purveying water to farmers for irrigation purposes. Fees are assessed on an annual basis for persons owning water rights and they are assessed according to the amount of stock shares they own. If the property owners retain water rights from Mathews Ditch, it would be capable of providing irrigation water to the subject site. However, Ditch Stock Rights are bought and sold like shares in the stock market. They do not run with the land. A property owner who owns water rights with a ditch company may sell that land and retain the surface water rights. They may then choose to sell those Rights to another landowner. The purveyance of water is big business in Tulare County. In this situation, the water rights could be retained exclusively for the Remainder Parcel. Therefore, one can conclude that having surface water rights is not necessarily **the** determining factor when evaluating a parcel's viability for commercial agricultural production or if it might be more suitable for non-agricultural zoning.*

*Staff also spoke with Linda Crisswell, the Bookkeeper for the Consolidated Peoples Ditch Company, which also manages the Mathews Ditch. She stated that Sonjia Dutton, Berwyn Qualls, and Paula Simon each own 6 shares of stock in the Mathews Ditch.*

*This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. The Highest Relative Suitability has been met: four (4) points allocated.*

C. FOUR POINT VALUE CATEGORY

1. Existing Parcel Size:

*Analysis: The subject 27.66-acre site under evaluation is larger than the five acre minimum set by the evaluation criteria. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. This factor has met the Highest Relative Suitability: four (4) points allocated.*

2. Existing Land Use/Suitability for Cultivation:

*Analysis: The subject site was historically used for agriculture (planted in row crops), is suitable for cultivation, and is adjacent to properties being successfully farmed. This reviewer has reached a different conclusion as the first RVLP analysis regarding this factor. In the first analysis, the reviewer gave this factor 2 points. This reviewer believes that the Lowest Relative Suitability "the land is not in agricultural use and is not suitable for cultivation" has not been met. The Highest Relative Suitability has been met: four (4) points allocated.*

D. THREE POINT VALUE CATEGORY:

1. Surrounding Parcel Size:

*In the 1/4 mile buffer area around the subject site, more than 65% of the parcels are less than five acres in size, as calculated by parcel sizes on County Assessor Maps. In*



*fact, staff counted 55 of 63 parcels within the ¼ mile buffer area as being smaller than five acres. This is greater than the weighting criteria of 35%. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. The Lowest Relative Suitability has been met: zero (0) points allocated.*

2. Surrounding Land Uses:

*Analysis: The purpose of this evaluation is to prevent the close association of agricultural uses and non-agricultural uses which may have the potential to adversely affect one another. The site is adjacent on three sides with non-agricultural uses and greater than 15% of the area (65%) is devoted to non-agricultural uses. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. This factor meets the Lowest Relative Suitability: zero (0) points allocated.*

3. Proximity to Inharmonious Uses:

*Analysis: The subject parcel is not within one-half mile of any of the inharmonious uses listed (dairies, feed lots, etc.). This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. This factor meets the Lowest Relative Suitability: zero (0) points allocated.*

4. Proximity to Lands within Agricultural Preserves:

*Analysis: There is one 38-acre parcel within one-quarter (1/4) mile that is within Agricultural Preserve. The 38 acres within the ¼ mile buffer area represent ±16% of the total area, this is less than the 35% threshold. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. This factor meets the Lowest Relative Suitability: zero (0) points allocated.*

E. TWO POINT VALUE CATEGORY:

1. Level of Groundwater and Soil Permeability:

*Analysis: The soil type on the site, Grangeville Sandy Loam, has a rapid permeability rating. The groundwater level is estimated to be at 75 feet per the Groundwater Information Center Interactive Map Application accessed on March 15, 2018. The nearest monitored well (State Well Number: 18S25E05Q001M) is located east of Road 140 and just north of Avenue 328. The well depth as measured in Spring 2013, was 75 feet. This is a greater depth than the 20 feet weighting criteria to meet the highest suitability rating. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. This factor meets the Lowest Relative Suitability: Zero (0) points are allocated.*

F. ONE POINT VALUE CATEGORY:

1. Proximity to Fire Protection Facilities:

*Analysis: The nearest fire station is Ivanhoe, Station #8, approximately two miles east. The subject site is within five miles of a fire station. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. Therefore, the Lowest Relative Suitability has been met: zero (0) points allocated.*

2. Access to Paved Roads:

*Analysis: The project site has indirect access, via a ±1,300-foot long private vehicular access easement, to Avenue 328, a County maintained road. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. This factor meets the Lowest Relative Suitability zero (0) points are allocated.*

3. Historical, Archaeological, Wildlife Habitat, and Unique Natural features:

*Analysis: A field survey of the project site was conducted on March 20, 2017. Potential impacts to wildlife habitat will be mitigated through pre-construction surveys and the utilization of standard procedures. A Cultural Resources Survey and Assessment was performed for the site on March 23, 2017. No archaeological or other cultural resources were identified. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. This factor meets the Lowest Relative Suitability: zero (0) points allocated.*

4. Flood Prone Areas:

*Analysis: The subject site is in the "X (0.2 percent chance flood)". No specific flood mitigation measures are required. Non-agricultural uses are appropriate in areas not subject to 100-year frequency floods. This reviewer has reached the same conclusion as the first RVLP analysis regarding this factor. Lowest Relative Suitability has been met: zero (0) points allocated.*

5. Availability of Community Domestic Water:

*Analysis: The project site does not have access to community domestic water. Instead, domestic water would need to be provided by individual wells. This reviewer has not reached the same conclusion as the first RVLP analysis regarding this factor. There is not a community water system available to this project. The Highest Relative Suitability has been met: one (1) point allocated.*



## 6. Surface Irrigation Water:

*Analysis: The project site may have surface irrigation water rights. In reference to the Land Capability section above, one can conclude that having surface water rights is not necessarily **the only** determining factor when evaluating a parcel's viability for commercial agricultural production or if it might be more suitable for non-agricultural zoning. Nevertheless, this factor meets the Highest Relative Suitability: one (1) point allocated.*

## 7. Groundwater Recharge Potential:

*Analysis: The soil type on the site, Grangeville Sandy Loam, has a rapid permeability rating. The following is a chart derived from USDA information.*

**14.10.110 Soil Infiltration Rates.**

Soil Texture, Type	Infiltration Rate (IR)				
	Inches/Hour				
	Percent of Slope				
	0-4%	5-8%	8-12%	12-16%	Over 16%
Coarse Sand	1.25	1.00	.75	.50	.31
Medium Sand	1.06	.85	.64	.42	.27
Fine Sand	.94	.75	.56	.38	.24
Loamy Sand	.88	.70	.53	.35	.22
Sandy Loam	.75	.60	.45	.30	.19
Fine Sandy Loam	.63	.50	.38	.25	.16
V. Fine Sandy Loam	.59	.47	.35	.24	.15
Loam	.54	.43	.33	.22	.14

Note: Rates based on full cover. These figures decrease with time and percent of cover. Derived from USDA information.

(SCC 0812 § 1, 1990.)

*Sandy Loam, with less than 4% slope has an infiltration rating of .75 inches per hour. Having a percolation rate of at least 0.20 inches per hour is the weighting criteria used to determine Highest Relative Suitability. Therefore, this site has met the Highest Relative Suitability: One (1) point is allocated.*

**Total Points = 15 points.**

Usually, a Rural Valley Lands Plan (RVLP) analysis must be completed when a property is located in an area outside of a UAB to determine the site's suitability under the General Plan for non-agricultural use and zoning. Furthermore, through the Memorandum of Understanding (approved by the County in November of 2013), an RVLP analysis is required when a General Plan or Zoning Amendment is proposed within an UAB of a city and would be only be allowed to proceed if appropriate under the requirements of the RVLP.

In regard to the RVLP analysis, it is intended that the RVLP was adopted to establish minimum parcel sizes for areas zoned for agriculture outside of urban boundaries to develop a policy that is fair, logical, legally supportable, and consistent in the utilization of resource information in determining the suitability of rural lands for nonagricultural uses.

A point evaluation system, which places a point value on 15 factors, is used to determine a site's suitability for nonagricultural zoning. After all relevant factors have been applied, the number of points are totaled.

If the number of points accumulated is 17 or more in an area outside of a UAB, the parcel shall remain agriculturally zoned. If the number of points accumulated is 11 or less, the parcel may be considered for nonagricultural zoning. A parcel receiving 12, 13, 14, 15, or 16 points shall be determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors may make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by the system. **Under the RVLP evaluation system, the subject site received 15 points** (see attached Parcel Evaluation Checklist), suggesting that the site is within the gray area and other factors should be considered.



APPLICATION NO. GPI 14-003APPLICANT'S NAME Simon/Dutton/Qualls/Visalia**Rural Valley Lands Plan - Parcel Evaluation Checklist – 1/23/16****A. RESTRICTED TO AGRICULTURE VALUES**

If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Nonagricultural" criteria, place a "0" in the value column and continue the evaluation.

**VALUE**

1. Agricultural Preserve Status----- (0)
2. Limitations for Individual Waste Disposal Facilities ----- (0)

**B. VARIABLE POINT VALUE**

Each of the following land capability ratings (as per U.S.D.A. Soil Conservation Service data) have been awarded a number value, as follows:

LAND CAPABILITY	POINT VALUE
Class I, II, or III	4 points
Class IV	2 points
Class V, VI, or VII	0 points

For the following factor, determine the land capability ratings) of the parcel under review and award its corresponding point value.

- |                     |            |       |       |
|---------------------|------------|-------|-------|
| Class I, II, or III | (4 points) | ----- | ( 4 ) |
| Class IV            | (2 points) | ----- | ( )   |
| Class V, VI, or VII | (0 points) | ----- | ( )   |

**C. POINT VALUES**

If a following factor meets the highest relative suitability criteria, award the factor the number of points listed for the category; if the factor meets the lowest relative suitability criteria, award it a "0".

**FOUR POINT VALUE CATEGORY**

1. Existing Parcel Size (use gross acreage figure) ----- ( 4 )
2. Existing land Use/Suitability for Cultivation----- ( 2 )

**THREE POINT VALUE CATEGORY**

1. Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for 'Existing Land Use/ Suitability for Cultivation'; enter a "0" in such cases) ----- ( 0 )
2. Surrounding Land Use ----- ( 0 )
3. Proximity to Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases) ----- ( 0 )
4. Proximity to Lands in Agricultural Preserves ----- ( 0 )

**TWO POINT VALUE CATEGORY**

1. Level of Ground Water and Soil Permeability ----- ( 0 )

**ONE POINT VALUE CATEGORY**

1. Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases) ----- ( 0 )
2. Access to Paved Roads----- ( 0 )
3. Historical Sites, Archaeological Sites, Wildlife Habitats, and/or Unique Natural Features----- ( 0 )
4. Flood Prone Areas ----- ( 0 )
5. Availability of Community Domestic Water/Fire Flow Requirements ----- ( 0 )
6. Surface Irrigation Water ----- ( 0 )
7. Groundwater Recharge Potential (do not evaluate this factor if the site received "0" points for 'Surface Irrigation Water'; enter a "0" in such cases) ----- ( 0 )

TOTAL POINTS ----- ( 10 )

Attachment No. 8

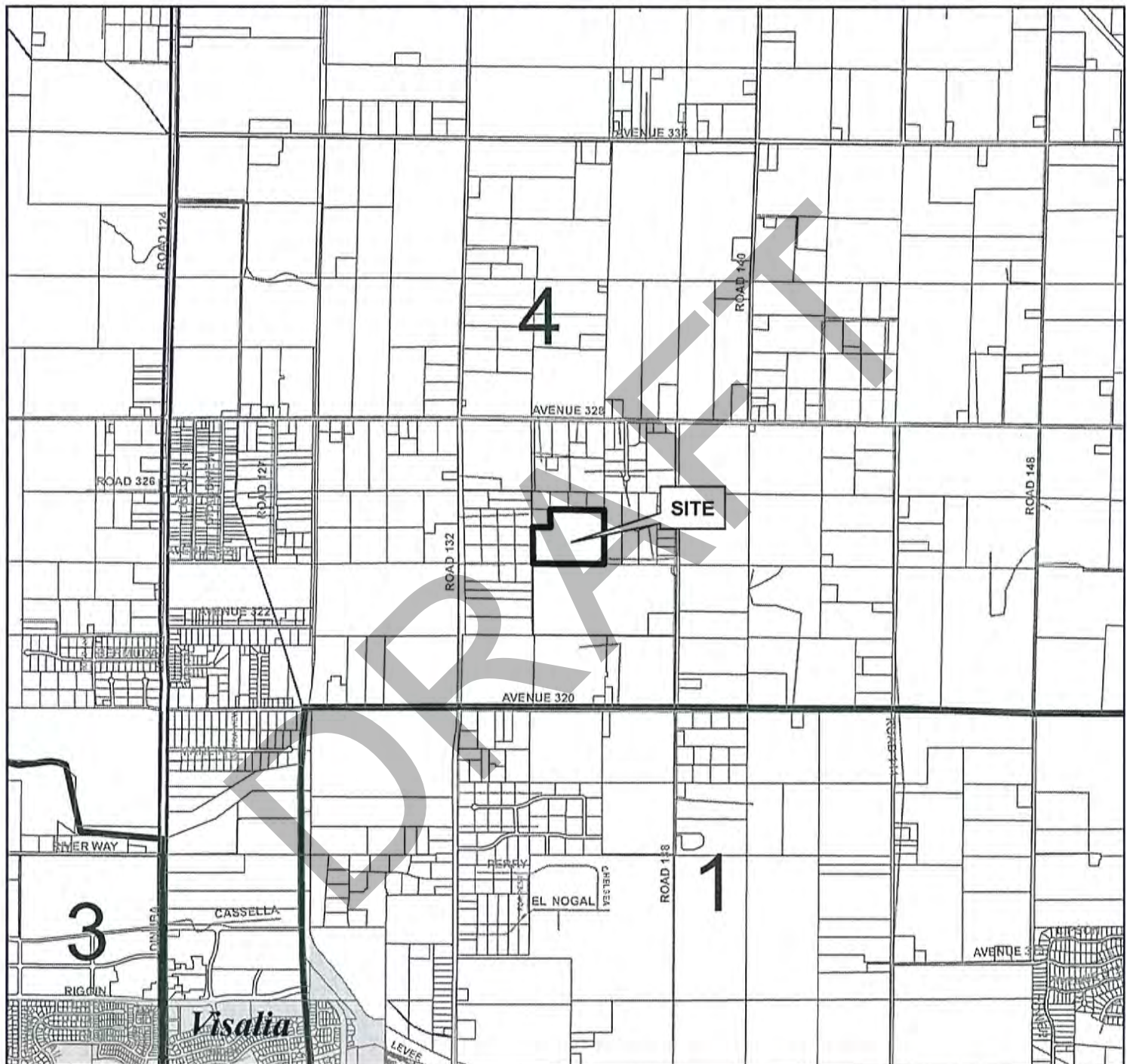
Maps and Graphics

DRAFT







# Vicinity Map for GPA 16-005 & PZC 16-007 & PPM 16-030



Supervisorial District: 2

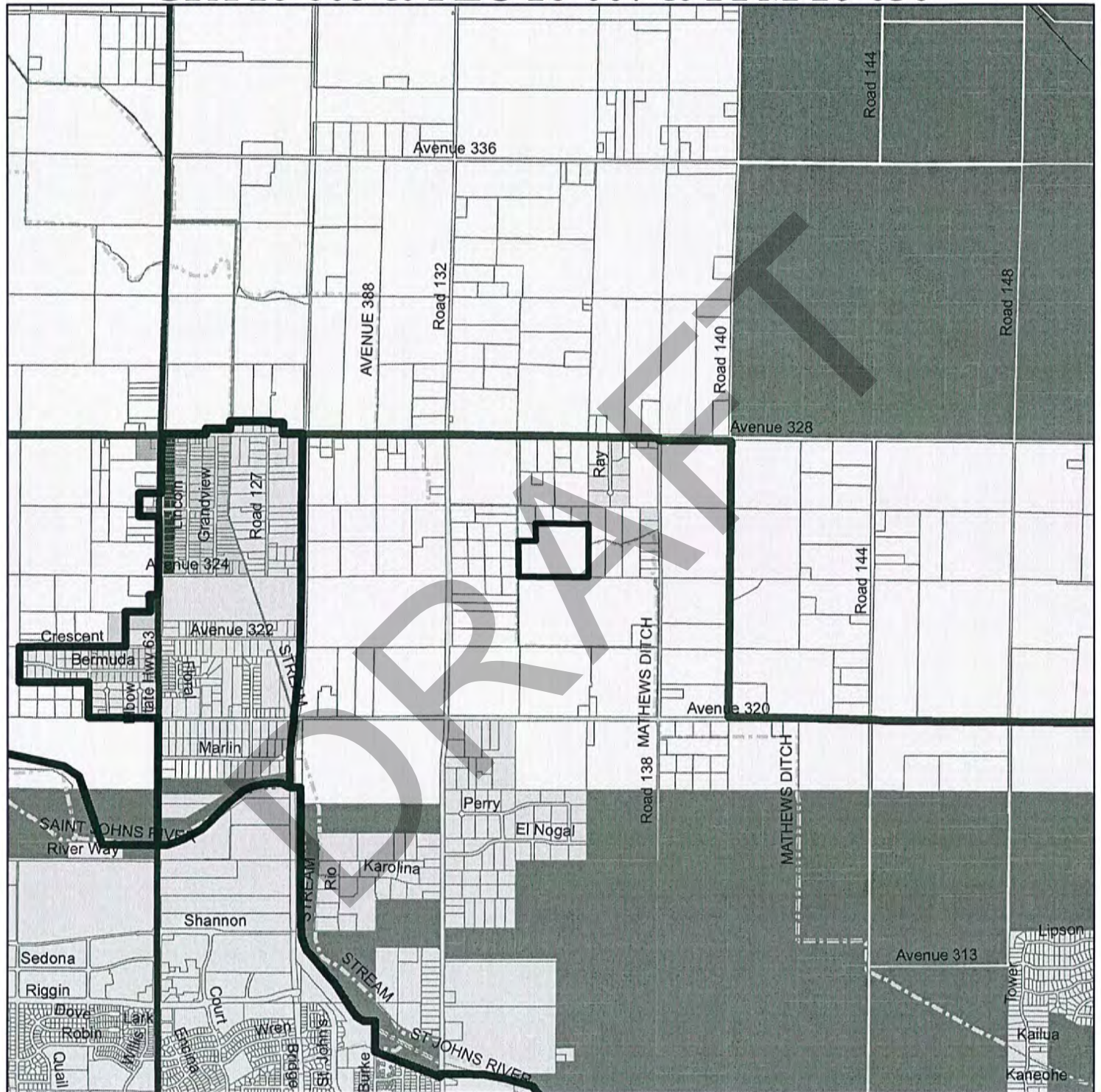
-  SITE
-  Supervisorial Districts

0 0.5 1 Miles





# General Plan Map for GPA 16-005 & PZC 16-007 & PPM 16-030



## Legend

-  SITE
-  UDB (Urban Development Boundary)
-  UAB (Urban Area Boundary)

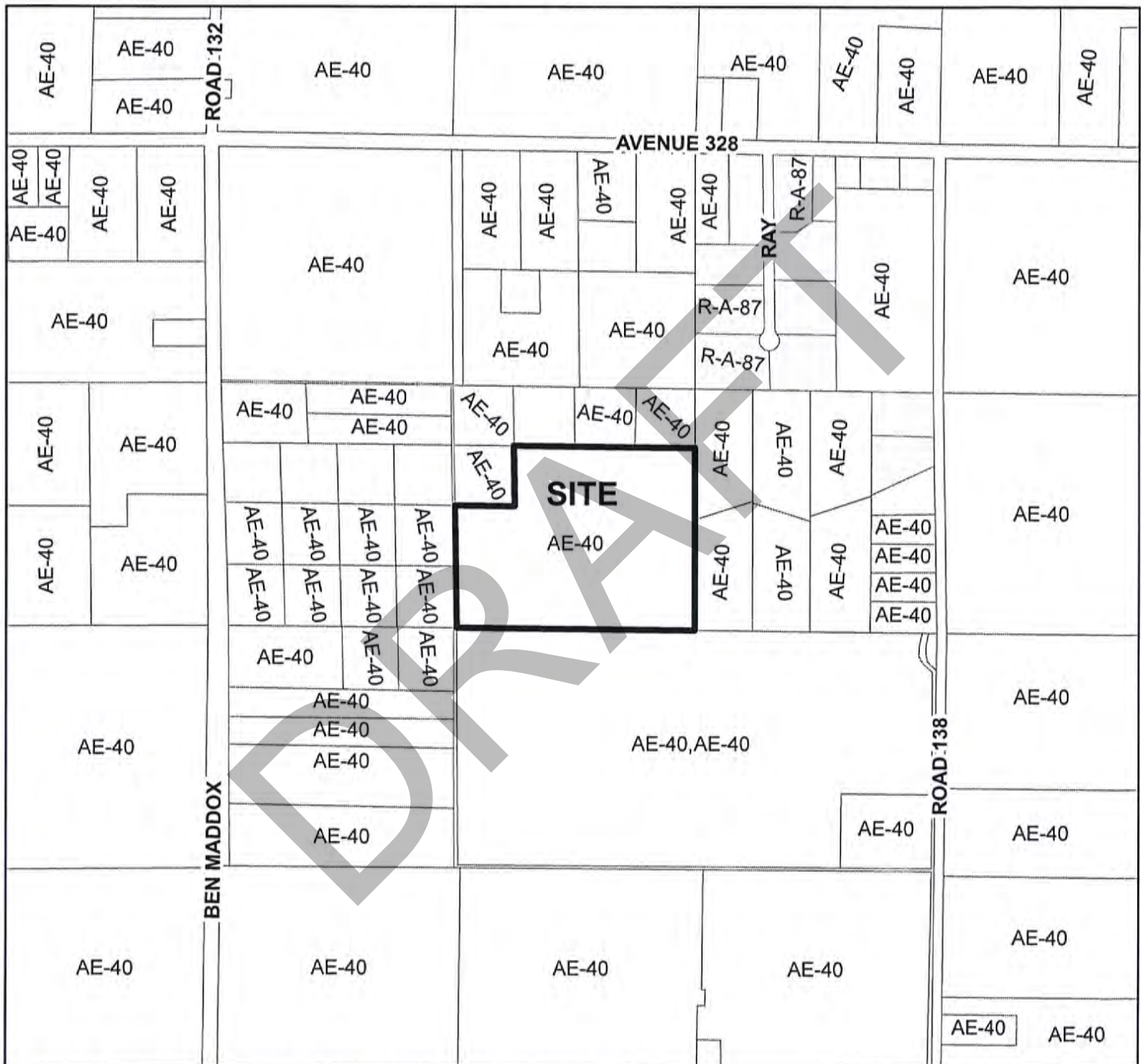
0 1,500 3,000  
Feet







# Existing Zoning Map for GPA 16-005 & PZC 16-007 & PPM 16-030



Owner: Paula Simon, Sonjia Dutton, J. Berwyn Qualls  
Address: 4336 W. Hurley #D  
City, State, ZIP: Visalia, CA 93291  
Applicant: Paula Simon, et al.  
Agent: N/A  
Supervisory District: 4  
Assessors Parcel: 079-190-017

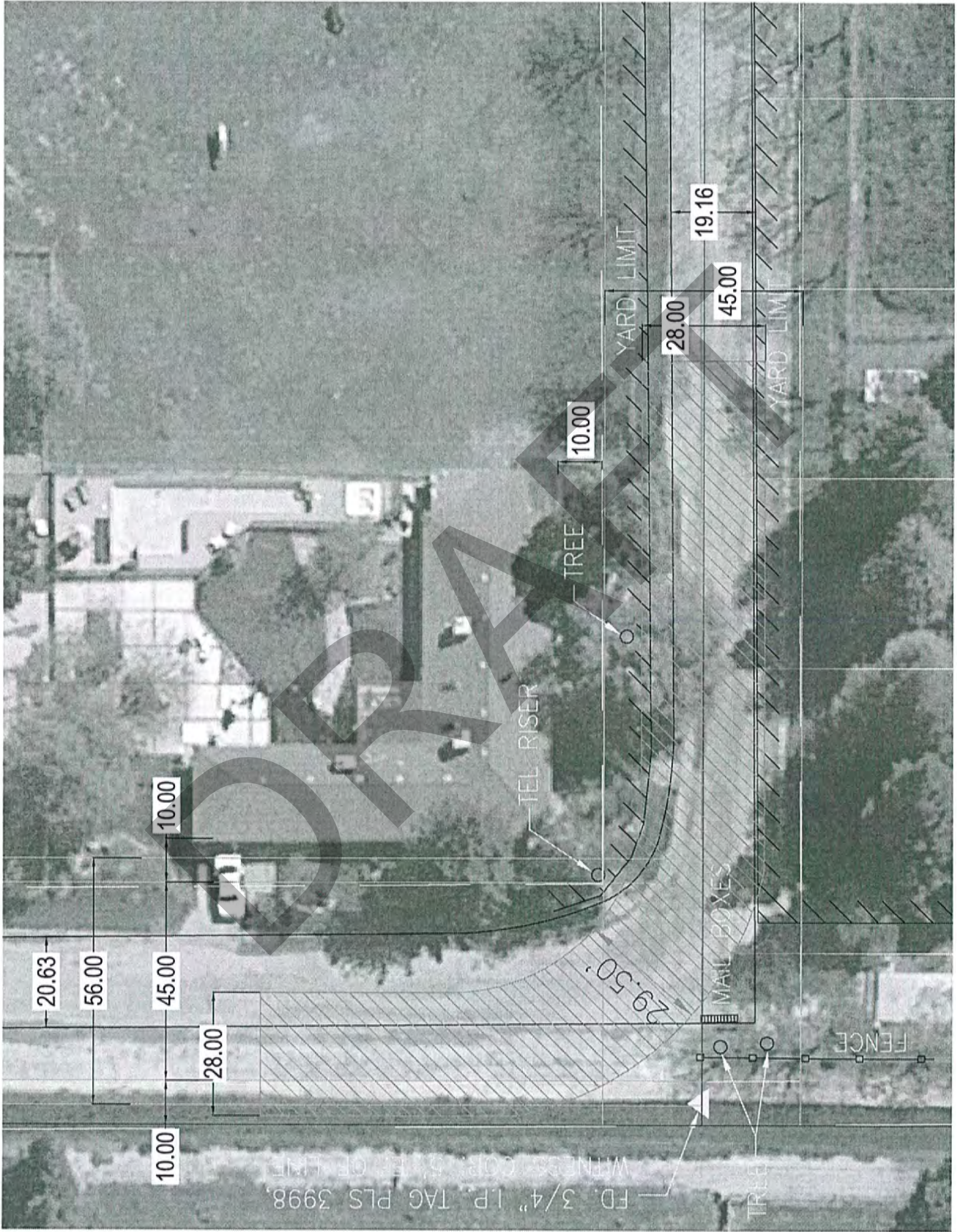
 SITE

0 500 1,000 2,000  
Feet

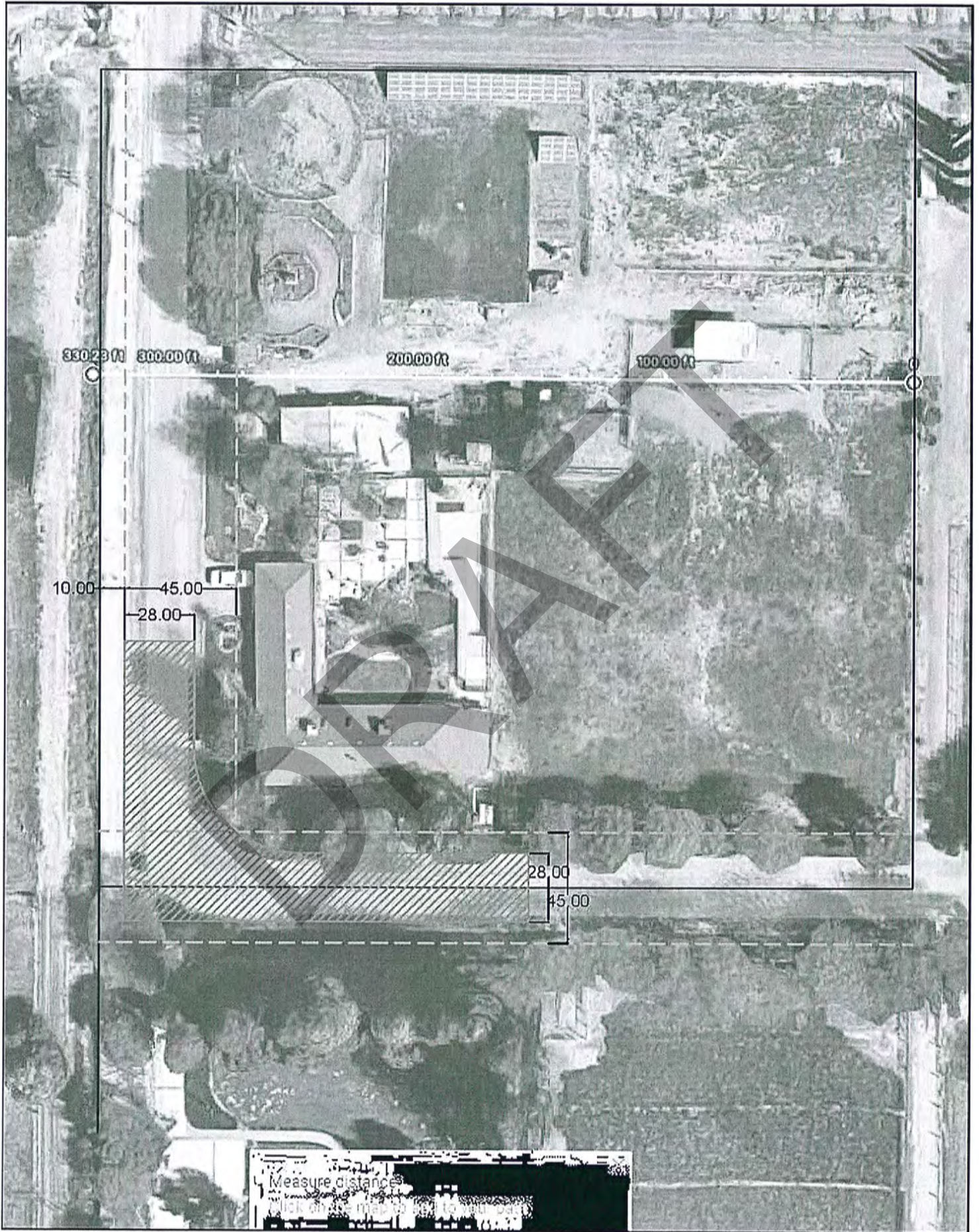




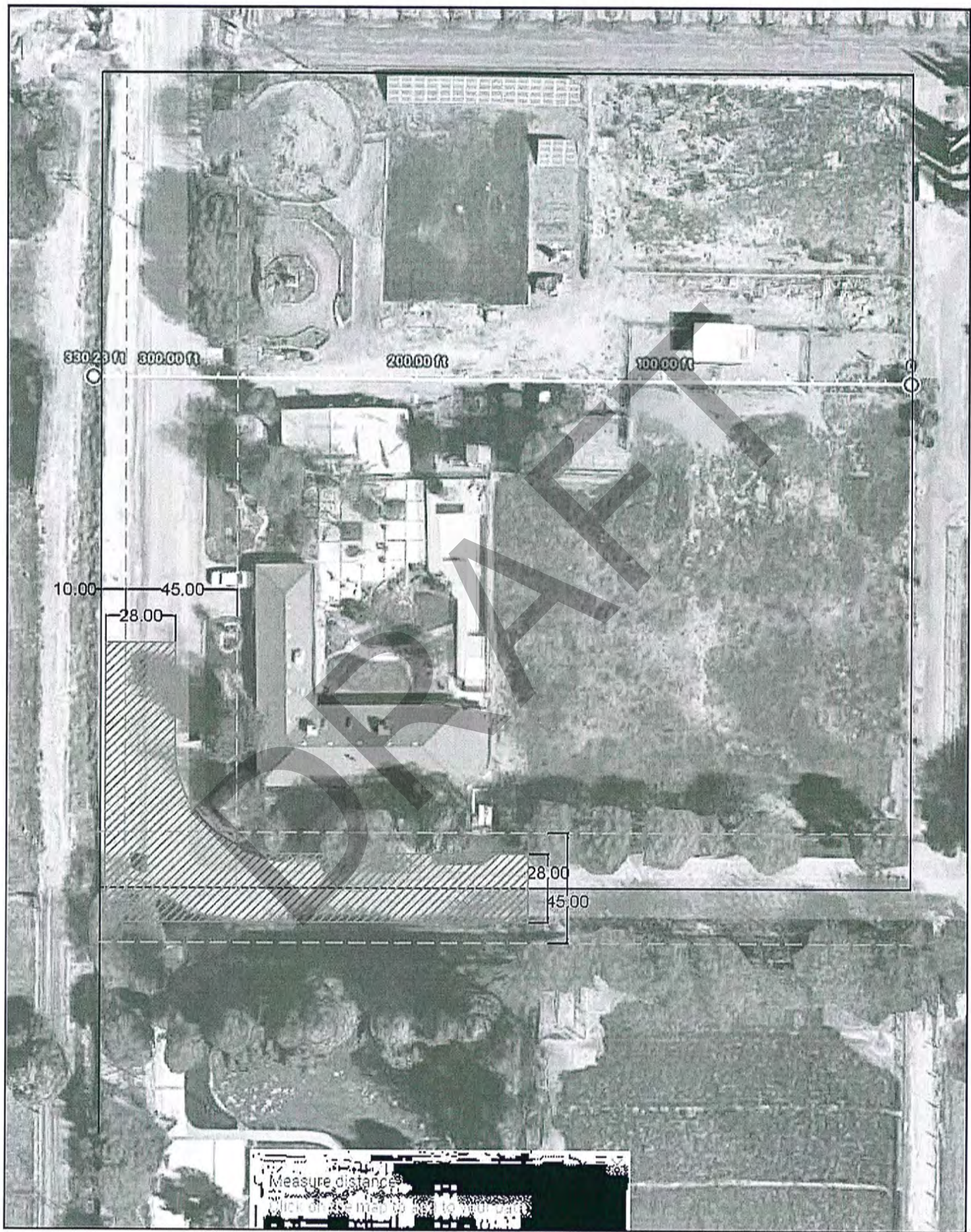












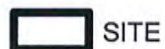




# Aerial Photograph for GPA 16-005 & PZC 16-007 & PPM 16-030



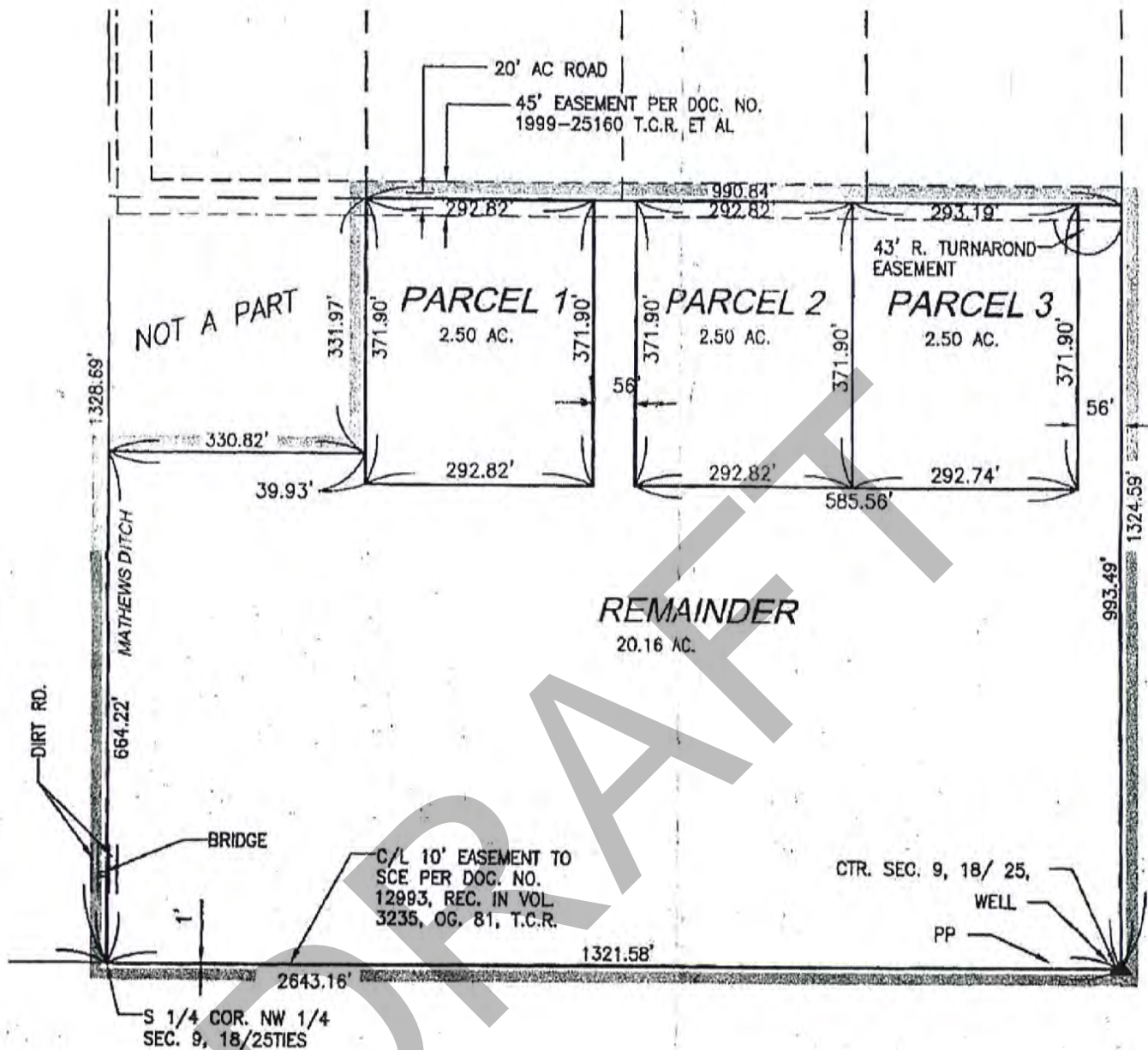
Owner: Paula Simon, Sonjia Dutton, J. Berwyn Qualls  
Address: 4336 W. Hurley #D  
City, State, ZIP: Visalia, CA 93291  
Applicant: Paula Simon, et al.  
Agent: N/A  
Supervisory District: 4  
Assessors Parcel: 079-190-017



0 800 Feet





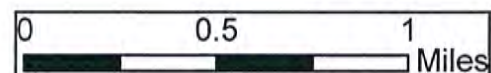
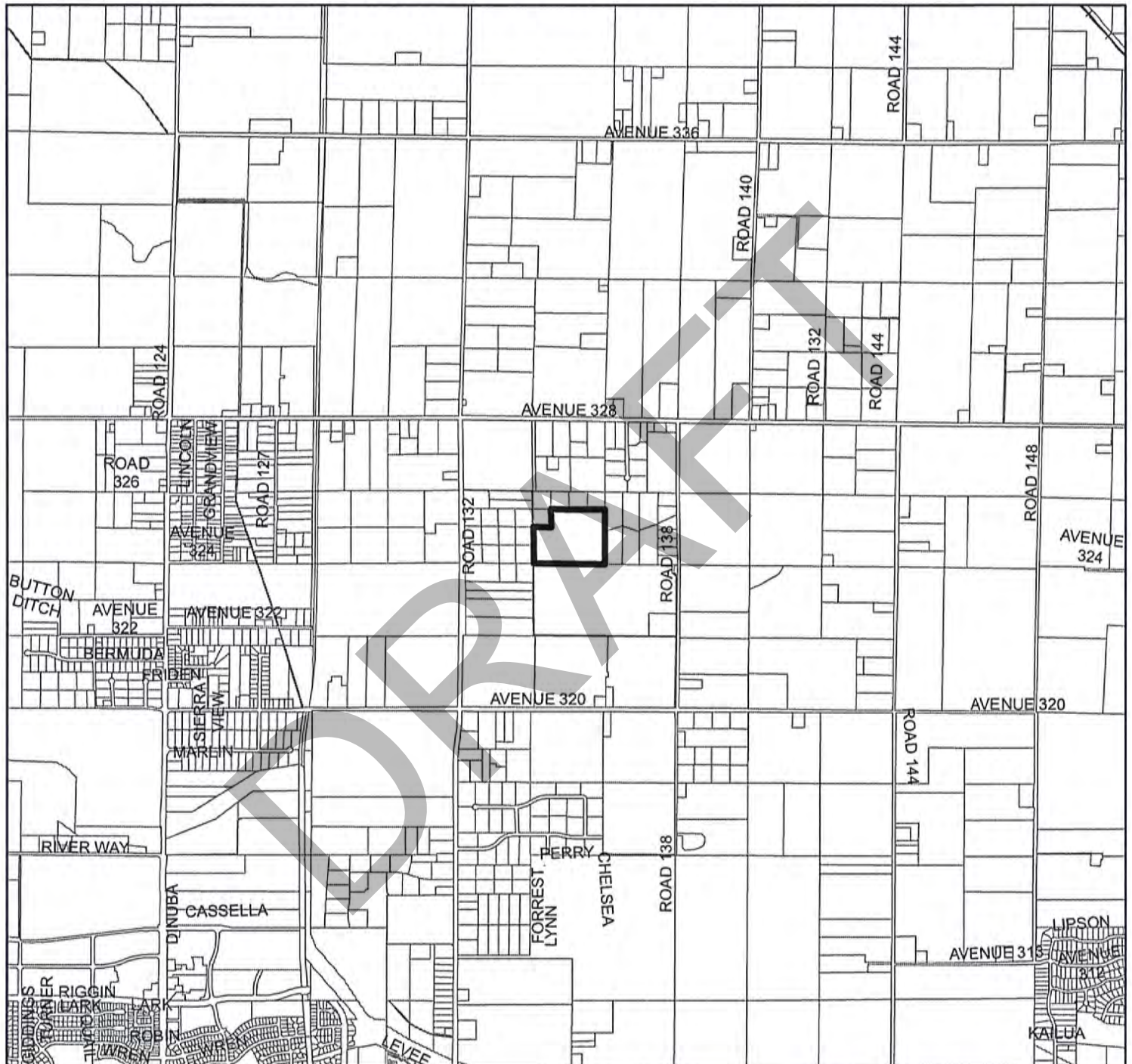


No Scale

**Tentative Parcel Map  
for  
GPA 16-005, PZC 16-007 & PPM 16-030**



# Species of Concern for GPA 16-005 & PZC 16-007 & PPM 16-030



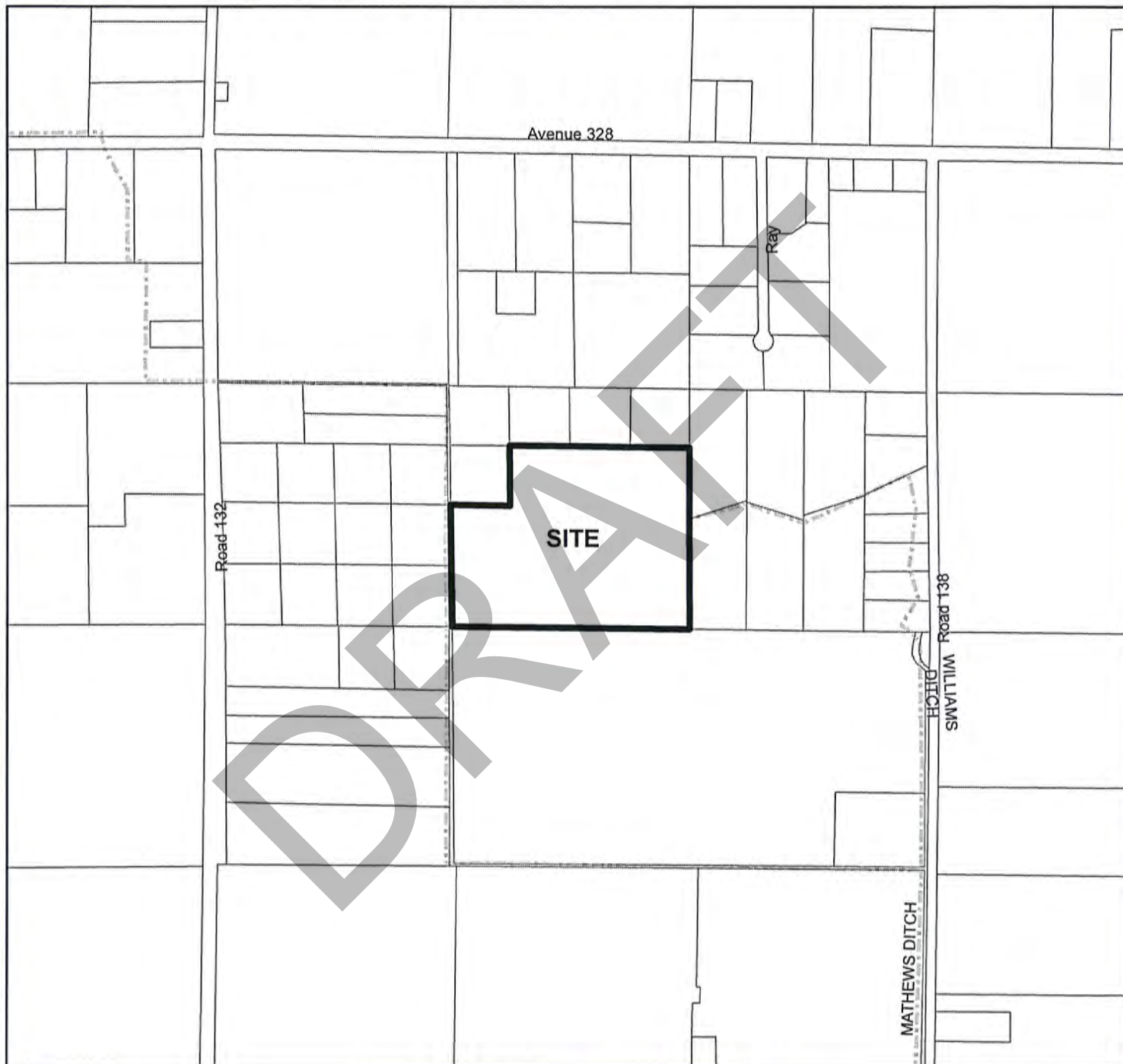
**No Species of Concern near Project Vicinity**







# Waterways Map for GPA 16-005 & PZC 16-007 & PPM 16-030



SITE



Waterways

0 500 1,000  
Feet



Attachment No. 9

Consulting Agency List and Correspondence

DRAFT





# RESOURCE MANAGEMENT AGENCY

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

Reed Schenke	Public Works
Michael Washam	Ec. Dev. & Planning
Sherman Dix	Fiscal Services

BENJAMIN RUIZ JR., DIRECTOR

DATE: 10/18/2016

## PROJECT REVIEW - CONSULTATION NOTICE

To: Interested Agencies (see next page)

From: Dana Mettlen, Planner III  
Project Processing Division

The Tulare County Resource Management Agency, Economic Development & Planning Branch, has received an application for a land development permit. A copy of the application package is attached for your information.

Subject: Case No. **Simon / Dutton / Qualls: General Plan Amendment (GPA 16-005) to change the land use designation for Assessor's Parcel Number 079-170-017 from Agriculture to Rural Residential on a ±6.79-acre portion of a 27.83-acre parcel located ¼ miles east of Road 140 and 1,650 feet south of Avenue 328, inside the Urban Area Boundary of Visalia; also, a Change of Zone (PZC 16-007) to change the zone designation on the same ±6.79-acre portion of a 27.83-acre parcel from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A (Rural Residential); and, a Tentative Parcel Map (PPM 16-030) to divide a ±6.79-acre portion of a 27.83-acre parcel into 3 parcels and a Remainder: Parcel 1 = 2.23 acres; Parcel 2 = 2.23 acres; Parcel 3 = 2.23 acres; Remainder = 20.97 acres. (ref: GPI 14-003)**

Please review this project and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation. The following information checked below is also applicable for your consideration regarding this project:

- ☒ (a) Please indicate in your response whether this department should prepare a Negative Declaration or Environmental Impact Report (EIR). In the event an EIR is prepared, I will be in further contact with you as to the scope and content of the environmental information pertinent to your agency's statutory responsibilities. Note that Public Resources Code Section 21080(c) requires substantial evidence in the record to show a significant effect on the environment. Any recommendation for preparation of an EIR requires submittal of such evidence with your comments. If there is no such evidence, a Negative Declaration may be prepared. Recommendations or suggestions for changes or mitigation measures requested by agencies having jurisdiction by law over natural resources affected by the project must be accompanied by a proposed reporting or monitoring program for those changes or measures in accordance with Public Resources Code Section 21081.6.
- ☐ (b) The Tulare County Guidelines for Implementing the California Environmental Quality Act (CEQA), indicate this project to be Categorically Exempt and therefore, the preparation of an environmental document is not necessary. However, if your organization has substantial evidence that would indicate to the contrary, please explain.

To all local agencies wishing to make recommendations, all comments must be received by our office by 11/01/2016, in order to be considered during the review process.

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Number referenced above for this project.



**CONSULTING AGENCY LIST****TULARE COUNTY AGENCIES**

- ☒ R.M.A. - Building Division  
☐ R.M.A. - Code Compliance Division  
☒ R.M.A. - Environmental Coordinator  
  
☒ R.M.A. - Flood/Permits/Subdivisions Division  
☐ R.M.A. - Parks and Recreation Division  
☐ R.M.A. - Building Services Division  
☐ R.M.A. - General Services Division  
☐ R.M.A. - Transportation/Utilities Division  
☒ R.M.A. - Solid Waste Division  
☒ H.H.S.A. - Environmental Health Services Division  
☐ H.H.S.A. - HazMat Division  
☒ Fire Chief (2 copies)  
☒ Sheriff's Department - Visalia Headquarters  
☐ Orosi Substation  
☐ Pixley Substation  
☐ Porterville Substation  
☐ Agricultural Commissioner  
☐ Education Department  
☐ Airport Land Use Commission  
☐ Supervisor District  
☒ Assessor  
☐ Supervising Agricultural Standards Inspector - Gas Stations

**LOCAL AGENCIES**

- ☐ Levee Dist. No 1\*  
☐ Levee Dist. No 2\*  
☐ Irrigation Dist\*  
☐ Pub Utility Dist\*  
☐ Comm. Service Dist\*  
☐ Town Council\*  
☐ Elem. School Dist\*  
☐ High School Dist\*  
☐ County of \_\_\_\_\_\*  
☒ City of Visalia \_\_\_\_\_\*  
☐ Tulare Lake Basin Water Storage Dist\*  
☐ Advisory Council\*  
☐ Fire District\*  
☐ Mosquito Abatement\*  
☒ Kaweah Delta Water Cons. District\*  
☒ SJV Air Pollution Control Dist  
☐ \_\_\_\_\_\*

**STATE AGENCIES**

- ☒ Dept. of Fish & Wildlife Dist 4  
☐ \_\_\_\_\_, DFG Area Biologist  
☐ Alcoholic Beverage Control  
☐ Housing & Community Development  
☐ Reclamation Board  
☒ Regional Water Quality Control Board - Dist. 5  
☐ Caltrans Dist. 6\*  
☐ Dept. of Water Resources\*  
☐ Water Resources Control Board\*  
☐ Public Utilities Commission  
☐ Dept. of Conservation  
☐ State Clearinghouse (15 copies)  
☐ Office of Historic Preservation  
☐ Dept. of Food & Agriculture  
☐ State Lands Commission  
☐ State Treasury Dept. - Office of Permits Assist.  
☐ State Department of Health

**OTHER AGENCIES**

- ☐ U.C. Cooperative Extension  
☐ Audubon Society - Condor Research  
☒ Native American Heritage Commission  
  
☐ District Archaeologist (Bakersfield)  
☐ TCAG (Tulare Co. Assoc. of Govts)  
☐ Tulare LAFCo (Local Agency Formation Comm.)  
  
☐ AT&T  
☐ P.G. & E. (2 copies)  
☐ Edison International (2 copies)  
☐ The Gas Company (2 copies)  
☒ Tulare County Farm Bureau  
☐ Archaeological Conservancy (Sacramento)  
  
☐ Army Corps of Engineers  
☐ Fish & Wildlife  
☐ Bureau of Land Management  
☐ Natural Resources Conservation Dist.  
☐ Forest Service  
☐ National Park Service





# RESOURCE MANAGEMENT AGENCY

## INTEROFFICE MEMORANDUM

---

January 29, 2018

**TO:** Reed Schenke, Director  
**FROM:** County Surveyor's Office  
**SUBJECT:** Proposed Parcel Map, PPM 16-030 (Qualls) - access

In response to your request, a review of the proposed parcel map, PPM 16-030, was made with respect to access provided to the following parcels, as shown on the attached exhibit of Assessor's Maps, Book 079, Pages 18 and 19:

APNs 079-180-010 and 011;

APNs 079-190-004, 005, 006, 007, 012 and 017.

The earliest evidence found of the existing non-exclusive easement for ingress and egress (access easement) is Document 1978-36710, Volume 3545, Page 799, Tulare County Records, recorded on July 26, 1978, attached. The access easement is 45 feet in width and is appurtenant to the above parcels as evidenced by subsequent real property transfers, i.e. recorded documents recorded subsequent to document 1978-36710 reference the access easement.

The proposed parcel map, PPM 16-030, would add three (3) parcels which are located on existing parcel, APN 079-190-017, not including the remainder parcel. A total of ten (10) parcels would be served by the existing access easement, including the three proposed parcels of PPM 16-030.

The width of an access easement which serves more than four (4) parcels is typically 56 feet, in accordance with Improvement Standards of Tulare County, Plate No. A-1, and as required by the Ordinance Code of Tulare County, Section 7-01-2230(a)(3). Adequate area for an access easement would also typically be required for vehicle turn-around, which is shown on parcel map for PPM 16-030.

NOTE: Assignments: Fiscal Numbers shown in Capital (1) (123) 2014=1004.12 01/01/2015 65  
 Assignments: Stock Numbers shown in Italics 4/15/12 240 18



36710

AND WHEN RECORDED MAIL TO

Home  
Kathy Mehaffey  
1333 West Laurel  
Visalia, California 93277

MAIL TAX STATEMENTS TO  
SAME AS ABOVE.

Mobile  
Street  
City & State

## CORRECTORY

VO. 3545 PAGE 799

RECORDED AT REQUEST OF  
TITLE INS. & TRUST CO.  
TIME 2:30 P.M. FEB. 14  
JUN 26 1978

OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY C. BAYLESS, RECORDER

CORRECTORY  
Grant Deed

SPACE ABOVE FOR RECORDER'S USE

THIS FORM FURNISHED BY TULARE COUNTY ESCROW CO.

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ None

( ) computed on full value of property conveyed, or

( ) computed on full value less value of liens and encumbrances remaining at time of sale.

( ) Unincorporated area: ( ) City of \_\_\_\_\_ and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

FLOYD J. QUALLS and KATHRYN V. QUALLS, husband and wife

hereby GRANT(S) to KATHY MEHAFFEY, a married woman, daughter of Grantors

the following described real property in the

County of Tulare, State of California:

PARCEL NO. 1: The Northeast quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, according to the official plat thereof.

PRESERVING UNTO the Grantors herein an Easement for ingress and egress over the South 22.5 feet of said land.

PARCEL NO. 2: A Non-exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter; the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter, all in Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

THIS DEED IS BEING RECORDED TO CORRECT THE DESCRIPTION IN PREVIOUS DEED BETWEEN PARTIES HERETO RECORDED ON APRIL 7, 1978, IN BOOK 3520, PAGE 132 OF OFFICIAL RECORDS.

Dated June 12th, 1978

Floyd J. Qualls  
Floyd J. Qualls  
Kathryn V. Qualls  
Kathryn V. Qualls

STATE OF CALIFORNIA }  
COUNTY OF TULARE } SS.

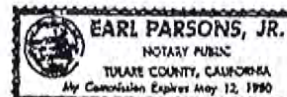
On June 23, 1978 before me, the undersigned, a Notary Public in and for said State, personally appeared Floyd J. Qualls and Kathryn V. Qualls

\_\_\_\_\_ known to me to be the person s whose name s subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Earl Parsons, Jr.

Name (Typed or Printed)



(This area for official notarial use)

Title Order No. \_\_\_\_\_

Escrow or Loan No. 5850

MAIL TAX STATEMENTS AS DIRECTED ABOVE

079-03-031-15.01 cont  
079-03-031-15.03 cont  
079-03-031-15.04 cont  
079-03-031-15.05 cont  
079-03-031-15.06 cont  
079-03-031-15.07 cont  
079-03-031-15.08 cont  
079-03-031-15.09 cont  
079-03-031-15.10 cont  
079-03-031-15.11 cont  
079-03-031-15.12 cont  
079-03-031-15.13 cont  
079-03-031-15.14 cont  
079-03-031-15.15 cont

# Memo \*\* Tulare County

**To:** Allison Shuklian, Environmental Health  
**From:** Resource Management Agency  
**Subject:** Requested Waiver of Preliminary Geological/Hydrological Report  
**Date:**

PPM 16-030 APN 079-190-017

☐ Yes - Copy of Exception Application Attached

☐ No - Exception Application not filed

Attached for your review is a copy of the above referenced tentative parcel map that was delivered to our office on **08/24/16**. The sub divider for this project is requesting the preliminary geological-hydrological report be waived pursuant to section 7105.1 of the Tulare County Ordinance Code. As you are aware, a decision on this request must be made before the map is accepted for formal processing. Therefore, we will need your recommendation on this matter no later than **09/08/16** to meet processing deadlines.

Please direct your comments and/or recommendations to me. If you desire, you may simply mark the appropriate box below, sign your name and return this form.

☒ I recommend that the preliminary geological/hydrological report be waived.

☐ I recommend that the preliminary geological/hydrological report not be waived.

## COMMENTS:

1. Soil consists of Grangeville Loam rated moderate for sewage disposal, with a low Shrink swell potential.
2. Historical high groundwater was at 80 feet (per Dept. of Water Resources, Spring 1995)



Allison Shuklian  
Environmental Health Specialist



**From:** Jimmy Herrera  
**To:** Dana Mettlen  
**CC:** Velma Quiroz; Samantha Meza  
**Date:** 03/05/2018 3:48 PM  
**Subject:** Project at 13401 Ave 328 Visalia  
**Attachments:** LRA Site Plan Requirement.docx

Dana,

After further review of the project at 13401 Ave 328 in Visalia (Paula Simon), the Tulare County Fire Department has the following recommendations:

1. Any new construction shall comply with all fire life and safety statutes and regulations.
2. There appears to be a 20 access road all the way up to the dead end of the parcels. As long as 20 feet of road is maintained throughout, no turnaround or turnout is required.

I've attached a handout for your review. Please let me know if you have any requirements.

Jimmy Herrera, Fire Inspector  
Tulare County Fire Department  
5961 S. Mooney Blvd  
Visalia, CA 93277  
559.624.7058 Office  
559.285.2115 Cell



# TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 687-6919

**Charlie Norman**  
FIRE CHIEF

## Local Responsibility Area (LRA)

### **SITE PLAN REQUIREMENTS:**

1. A 30-ft. clearance must be provided from all flammable vegetation. Vegetation must be disposed of prior to the start of construction. Disposal may be accomplished by chipping, discing and removal to a County waste disposal facility.

### **Private Road Standards:**

1. A private road shall have a minimum 18 foot wide all weather surface traffic lane. Private roads that cannot meet this standard shall meet the turnout requirements set forth for a driveway. Private roads shall be constructed with an all weather surface capable of supporting a minimum load of 75,000 pounds. Private Roads should not exceed a 16% grade. Private roads that exceed 16% grade shall be in accordance with the Tulare County Road Improvement Standards which require 2 inches of asphalt / concrete over 4 inches of aggregate base material.

### **Driveway Standards:**

1. Driveways are limited to 16% grade with an all weather surface that can sustain a load tolerance of 40,000 lbs. Driveways that are 18 ft. or wider with all weather access do not have to provide turnouts.
  - A. A minimum of a 12 ft. wide all weather surface for residential driveway shall be provided and A minimum of a 20 ft. wide all weather surface for commercial driveway shall be provided. A minimum of 15 ft. vertical clearance shall be provided the length of both a driveway and a private road.

### **Turnouts:**

- 1) Driveways exceeding 150 ft., but less than 800 ft., shall provide a turnout midpoint.
- 2) Driveways in excess of 800 ft. shall provide an approved turnout every 400 ft.
- 3) Turnouts shall be a minimum of 10 ft. wide and 30 ft. long with a minimum of 25 ft. taper on each end.
- 4) A bulb turnaround (40 ft. unobstructed turn radius) or hammerhead "T" shall be provided at all building sites. Driveways in excess of 300 ft. shall provide a turnaround within 50 ft. of the proposed structure.



**Gate Entrances:**

1. Driveway gates shall be 2 feet wider than the access lane and be set back a minimum of 30 ft. to allow a fire engine to stop and open the gate without blocking the street. The gate swing direction must be taken into account. A Knox padlock or gate override shall be required at all gates.

**Premises identification:**

1. House numbers / structure numbers shall be provided. The numbers shall be a minimum of 4 inches high with a ½ inch line width. The numbers shall be placed so that they are clearly visible from an adjacent public roadway and shall be of a reflective color that contrasts sharply with the background. If the structure is located more than 100 ft. from a public roadway, the numbers shall be placed upon a non-combustible sign and posted at the intersection of the driveway and the public road.

**Fire Protection:**

Install an automatic fire sprinkler system within each dwelling unit as per standards set forth in NFPA 13D. Three (3) copies of said sprinkler plans shall be submitted to the Fire Department for review and approval prior to construction. The contractor for the system must be appropriately licensed.

The applicant **shall** select one of the following as a means of providing fire flow protection:

1. Install a pressurized fire hydrant (system) in compliance with NFPA 24 Standards. Copies of improvement plans shall be submitted to the Fire Department and the Public Works Department (3 copies each) for review prior to construction.
2. Install a fire suppression water storage tank meeting NFPA 1142 & NFPA 22 requirements. The locations shall be designated by the Fire Department. The tank shall be equipped with a valved 4-1/2" (National Hose Thread) connection (Also see Tank Standard). Plans for said system shall be reviewed and approved by the Fire Department prior to the start of any construction.

Note: An alternate means of protection may be required or submitted to the Fire Marshal to offset other conditions that cannot be met.





# RESOURCE MANAGEMENT AGENCY

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

Benjamin Ruiz Jr. Public Works  
Michael Washam Ec. Dev. & Planning  
Sherman Dix Fiscal Services

BENJAMIN RUIZ JR., DIRECTOR

DATE: 10/18/2016

## PROJECT REVIEW - CONSULTATION NOTICE

To: Interested Agencies (see next page)

From: Dana Mettlen, Planner III  
Project Processing Division

The Tulare County Resource Management Agency, Economic Development & Planning Branch, has received an application for a land development permit. A copy of the application package is attached for your information.

Subject: Case No. Simon / Dutton / Qualls: General Plan Amendment (GPA 16-005) to change the land use designation for Assessor's Parcel Number 079-170-017 from Agriculture to Rural Residential on a ±6.79-acre portion of a 27.83-acre parcel located ¼ miles east of Road 140 and 1,650 feet south of Avenue 328, inside the Urban Area Boundary of Visalia; also, a Change of Zone (PZC 16-007) to change the zone designation on the same ±6.79-acre portion of a 27.83-acre parcel from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A (Rural Residential); and, a Tentative Parcel Map (PPM 16-030) to divide a ±6.79-acre portion of a 27.83-acre parcel into 3 parcels and a Remainder: Parcel 1 = 2.23 acres; Parcel 2 = 2.23 acres; Parcel 3 = 2.23 acres; Remainder = 20.97 acres. (ref: GPI 14-003)

Please review this project and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation. The following information checked below is also applicable for your consideration regarding this project:

- ☒ (a) Please indicate in your response whether this department should prepare a Negative Declaration or Environmental Impact Report (EIR). In the event an EIR is prepared, I will be in further contact with you as to the scope and content of the environmental information pertinent to your agency's statutory responsibilities. Note that Public Resources Code Section 21080(c) requires substantial evidence in the record to show a significant effect on the environment. Any recommendation for preparation of an EIR requires submittal of such evidence with your comments. If there is no such evidence, a Negative Declaration may be prepared. Recommendations or suggestions for changes or mitigation measures requested by agencies having jurisdiction by law over natural resources affected by the project must be accompanied by a proposed reporting or monitoring program for those changes or measures in accordance with Public Resources Code Section 21081.6.
- ☐ (b) The Tulare County Guidelines for Implementing the California Environmental Quality Act (CEQA), indicate this project to be Categorical Exempt and therefore, the preparation of an environmental document is not necessary. However, if your organization has substantial evidence that would indicate to the contrary, please explain.

To all local agencies wishing to make recommendations, all comments must be received by our office by 11/01/2016, in order to be considered during the review process.

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Number referenced above for this project.

*Recommend a  
NDA MND for  
this project.*  
*Signatures*  
*10/21/16*



**From:** Josh McDonnell <Josh.McDonnell@visalia.city>  
**To:** "Dana Mettlen (DMettlen@co.tulare.ca.us)" <DMettlen@co.tulare.ca.us>  
**Date:** 10/25/2016 1:29 PM  
**Subject:** Project Review Consultation Notice

Hi Dana,

Thank you for forwarding the Consultation Notice regarding GPA 16-005. The City has no comment.

Thanks,

Josh McDonnell  
City of Visalia  
315 E. Acequia Avenue  
Visalia, CA 93291  
559-713-4364.

Please note my new email address: [josh.mcdonnell@visalia.city](mailto:josh.mcdonnell@visalia.city)

DRAFT

Attachment No. 10

General Plan Initiation

DRAFT



**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF GENERAL PLAN  
INITIATION NO. GPI 14-003 SIMON,  
DUTTON, QUALLS/VISALIA

)  
) Resolution No. 2016-0488  
)

UPON MOTION OF SUPERVISOR WORTHLEY, SECONDED BY  
SUPERVISOR ISHIDA, THE FOLLOWING WAS ADOPTED BY THE BOARD OF  
SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 14, 2016, BY THE  
FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE



ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY:

Danisa A. Ybana  
Deputy Clerk

\*\*\*\*\*

Approved General Plan Initiation No. 14-003 to authorize the applicant, Paula Simon, Sonjia Dutton, Berwyn Qualls/Visalia, to file a General Plan Amendment to change the land use designation from Agriculture to General Residential on a 7.29 acre portion of a 27.83 acre parcel located ¼ miles west of Road 138 and 1,650 ft. south of Avenue 328 within the Urban Area Boundary of Visalia. Assessor's Parcel Number 079-190-017.

RMA

DAY  
6/16/16



Resource Management  
Agency  
COUNTY OF TULARE  
AGENDA ITEM

BOARD OF SUPERVISORS

ALLEN ISHIDA  
District One  
PETE VANDER POEL  
District Two  
PHILLIP A. COX  
District Three  
J. STEVEN WORTHLEY  
District Four  
MIKE ENNIS  
District Five

**AGENDA DATE:** June 14, 2016

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: 559-624-7010

**SUBJECT:** General Plan Initiation No. GPI 14-003 Simon, Dutton,  
Qualls/Visalia

**REQUEST(S):**

Request that the Board of Supervisors:

Approve General Plan Initiation No. 14-003 to authorize the applicant, Paula Simon, Sonjia Dutton, Berwyn Qualls/Visalia, to file a General Plan Amendment to change the land use designation from Agriculture to Rural Residential on a 7.29 acre portion of a 27.83 acre parcel located ¼ miles east of Road 140 and 1,650 ft. south of Avenue 328 within the Urban Area Boundary of Visalia. Assessor's Parcel Number 079-190-017.

**SUMMARY:**

The Tulare County Resource Management Agency (RMA) has received a request from the applicants to change the County's land use designation within the County Adopted Urban Area Boundary (UAB) of Visalia, from Agriculture to Residential on 7.29 acres. The applicant also requests a change of zone from AE-40 (Exclusive Agriculture-40 acre minimum) to R-A-87 (Single Family Residential) on a 7.29 acre portion of a 27.83 acre parcel. The applicant proposes to divide the property into three 2.37 acre residential lots with a 20.54 acre remainder.

This parcel is located ¼ mile west of Road 138 and 1,650 ft. south of Avenue 328 within the UAB of Visalia. Assessor's Parcel Number 079-190-017 (see Attachment 1 Maps and Graphics). The land to the north, east and west are developed as rural



**SUBJECT:** General Plan Initiation No. GPI 14-003 Simon, Dutton, Qualls/Visalia  
**DATE:** June 14, 2016

residential; the property to the northwest and adjacent to the south is in agricultural production.

As part of the preparatory process, the County contacted the City of Visalia Planning Division, by phone, on January 23, 2016, to discuss the project. A consultation letter was also sent to the City on January, 23, 2016. This is part of a County-City cooperative process regarding the Memorandum of Understanding between the two entities. The City has not provided comments, during the phone conversation or by letter to date.

#### **Tulare County General Plan Consistency**

The County's General Plan Amendment Policy provides that *the Board shall give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, and policies of the general plan and not obstruct their attainment* (Policies and Procedures 391).

The Visalia Land Use Plan General Plan Land Use designation for the parcel is currently Agriculture and within the Visalia UAB.

As such, the General Plan Update and the Visalia Land Use Plan (GPA 92-007 B/C) provide the land use mechanism for development projects within this area. As such, the project requires consistency with the GPU Policies in the Planning Framework Element Section 2.4 Cities and the Visalia Land Use Plan.

The County has adopted stringent policies regarding development around cities that apply to those projects within the Urban Development Boundary, however, not within a UAB.

Under General Plan Policy PF 4.19, a project, within a UAB, may be suitable for a General Plan Amendment, if appropriate under the requirements of the Rural Valley Lands Plan or similar checklist, unless the County has worked with the city to identify and structure an acceptable alternative General Plan land use or zoning classification. Currently the RVLP is the required checklist for this area.

Small "stand alone," non-urban projects which are defined as residential projects of four or fewer lots or non-residential projects smaller than two acres do not need city standards, but shall respect city utility and street master plans for setbacks.

The project received a preliminary RVLP evaluation of 10 points, which means the parcel may be considered for non-agricultural zoning. (See Attachment 2-RVLP Checklist).

#### **Policy RVLP-1.4 Determination of Agriculture Land**

The County shall not allow re-zoning of parcels that accumulate 17 or more points according to the RVLP Development Criteria (contained in Section 1.3 of this chapter). If the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning. A parcel receiving 12-16 points is



**SUBJECT:** General Plan Initiation No. GPI 14-003 Simon, Dutton, Qualls/Visalia  
**DATE:** June 14, 2016

determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors shall make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by this system.

#### **Comments and Unique Factors**

Though no formal consultation letter was sent, several letters of opposition were received by (RMA) and the applicant has provided a letter of response to these letters. Please see Attachment 3 Correspondence and Comment Letters: Exhibit A: County Comments; Exhibit B: Applicant Response; and Exhibit C: Public Comments.

The main unique factors and comments from the public to be considered are summarized below as:

- (1) The existing surrounding rural residential setting/farmland preservation;
- (2) Water;
- (3) The widening of the easement from 45' to 56' easement access; and
- (4) Emergency access.

The majority of these factors would need to be addressed during the processing of a parcel map application. These factors, referenced below, are to inform the Board that they require resolution prior to approval of any division of land.

(1) Surrounding Setting: The surrounding properties to the North, West and East are developed with rural residential housing. This area has been substantially developed with rural residential development, as shown in the aerial photo located in Attachment 1 Maps and Graphics, Exhibit A-2. The properties to the Northwest and south are in agricultural production.

The area was zoned AE-40 in 1978 during the blanket countywide rezoning from the grandfathered A-1 zone to Exclusive Agriculture Zones, as it was outside of any Urban Boundary at that time. The area remained in the RVLP plan area, until it was included within the UAB during the 1992 Visalia Land Use Plan (GPA #92-07B/C).

The existing homes directly north of the project site were created by gift deeds in 1984. The majority of lots further north were created between 1976 and 1983. The lots to the east were permitted between 1972 and 1975. The lots to the west were divided around 1971. The majority of these lots were divided prior to the adoption of the Rural Valley Lands Plan, and where the area was outside any land use plan, adopted for Visalia.

The addition of three residential units would not significantly alter the surrounding area, or lead to the conversion of surrounding farmland. The southern 20 acres of the project site was last farmed around 2011, whereas, it is unknown when the northern 7.5 (the proposed three – 2 1/2 acre parcels)



**SUBJECT:** General Plan Initiation No. GPI 14-003 Simon, Dutton, Qualls/Visalia  
**DATE:** June 14, 2016

acres were last farmed.

(2) Water: The proposed homes would require new wells to be constructed. New wells would require approval from Health and Human Services and tested for water quality and sustainability prior to approval of the homes during that phase of the project (Parcel Map).

(3) Easement Access: Access to the site runs south approximately 1,288' from Avenue 328 and tapers from 55' to 45' near the southern end. (The applicant owns this property). A 45' easement between adjoining property owners then runs south another 332' south from the above endpoint, then east approximately 1,300', to its termination. The pavement width is approximately 20' along the access way. See Attachment 1 Maps and Graphics: Exhibit A-7.

During the parcel map stage, the addition of four homes will require the road to be paved to 36' within a 56' wide easement developed to County Improvement Standards.

Procuring additional easement boundaries beyond the existing boundary from adjoining property owners necessary to accommodate the construction shall be the responsibility of the applicant. The applicant may apply for an exception, to this requirement and meet the criteria for said exception, if the expansion of the easement is not feasible during the parcel map application.

Furthermore, Section 7-01-2230(c)(1) requires "if any parcel created, which does not have the required minimum frontage on a County maintained road and is less than ten acres in area, the length of the easement shall not exceed 660'. However, the easement currently exists and is longer than the above 660'. The applicant would be required to apply for an exception to this requirement and meet the criteria for said exception. See Attachment 3 Correspondence and Comment Letters Exhibit: A: County Comments.

(4) Emergency Access: Currently access to the site is along a private drive, with a pavement width of approximately 20'. Access to the sites is currently along a long easement, with limited turn around points and no end bulb or cul-de-sac.

However, the access way complies with the Tulare County Fire Department standards, which only requires private roads to have a 20' wide pavement width. The Fire Department does not require any turn around points and end bulb or cul-de sac for this project. See Attachment 3 Correspondence and Comment Letters Exhibit: A: County Comments

Other comments received by the County discuss increased traffic, aesthetics, property devaluation, street signs, profitability, maintenance of the easement, Mathews Ditch, additional housing limits pesticide and fertilizer use on adjacent farms, prior legal action and fencing issues. The majority of these comments are



**SUBJECT:** General Plan Initiation No. GPI 14-003 Simon, Dutton, Qualls/Visalia  
**DATE:** June 14, 2016

private matters between the parties. These comments and responses from the applicant are found in Attachment 3 Correspondence and Comment Letters Exhibit: C: Public Comments.

#### **Conclusion**

Based on factors listed above, it can be concluded that the proposed GPA (1) will be consistent with Tulare County's General Plan; (2) will promote the public interest as a greatly needed housing opportunity in the Planning Area; and (3) the proposed project will further the goals, objectives, and policies of the Tulare County General Plan; and will not obstruct their attainment.

Accordingly, it is respectfully submitted that the proposed GPI should be approved. However, approval of this GPI in no way guarantees that the ultimate project will be approved. Instead, approval of this GPI gives the applicants a fair and reasonable opportunity to "make their case" regarding the merits of the resulting planning and development project.

#### **ENVIRONMENTAL SUMMARY:**

An Initial Study will be prepared to determine an approach regarding the preparation of an appropriate environmental document.

#### **FISCAL IMPACT/FINANCING:**

There is No Net County Cost to the General Fund.

The applicant cost for a General Plan Amendment and Zone Change is an initial deposit of \$10,000 to the Tulare County RMA. Additional fees of \$100 per hour may be charged, if actual cost of processing the application exceeds the deposits. CEQA documentation and compliance for the project is also charged at a full cost recovery basis.

#### **LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**


The County's five-year strategic plan includes the "Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living". The authorization to initiate the requested general plan amendment application helps fulfill this initiative by the following:

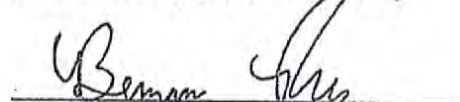
- Providing economic development during the construction phase as well and jobs creation in the commercials areas developed as part of this project;
- Providing effective growth management by allowing urban uses that are consistent and harmonious;
- Providing a higher quality of life by providing jobs and services to the establishments of the County; and



**SUBJECT:** General Plan Initiation No. GPI 14-003 Simon, Dutton, Qualls/Visalia  
**DATE:** June 14, 2016

**ADMINISTRATIVE SIGN-OFF:**

  
Michael Washam  
Assistant Director - Planning

  
Benjamin Ruiz, Jr. S.E., P.E.  
Interim Director

cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment 1 – Maps and Graphics

Attachment 2 - RVL Checklist

Attachment 3 Correspondence and Comment Letters:

Exhibit A County Comments;

Exhibit B Applicant Response; and

Exhibit C Public Comments

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF GENERAL PLAN  
INITIATION NO. GPI 14-003 SIMON,  
DUTTON, QUALLS/VISALIA

)  
) Resolution No. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_,  
2016, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

That the Board of Supervisors:

Approved General Plan Initiation No. 14-003 to authorize the applicant, Paula Simon, Sonjia Dutton, Berwyn Qualls/Visalia, to file a General Plan Amendment to change the land use designation from Agriculture to General Residential on a 7.29 acre portion of a 27.83 acre parcel located ¼ miles west of Road 138 and 1,650 ft. south of Avenue 328 within the Urban Area Boundary of Visalia. Assessor's Parcel Number 079-190-017.

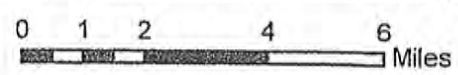
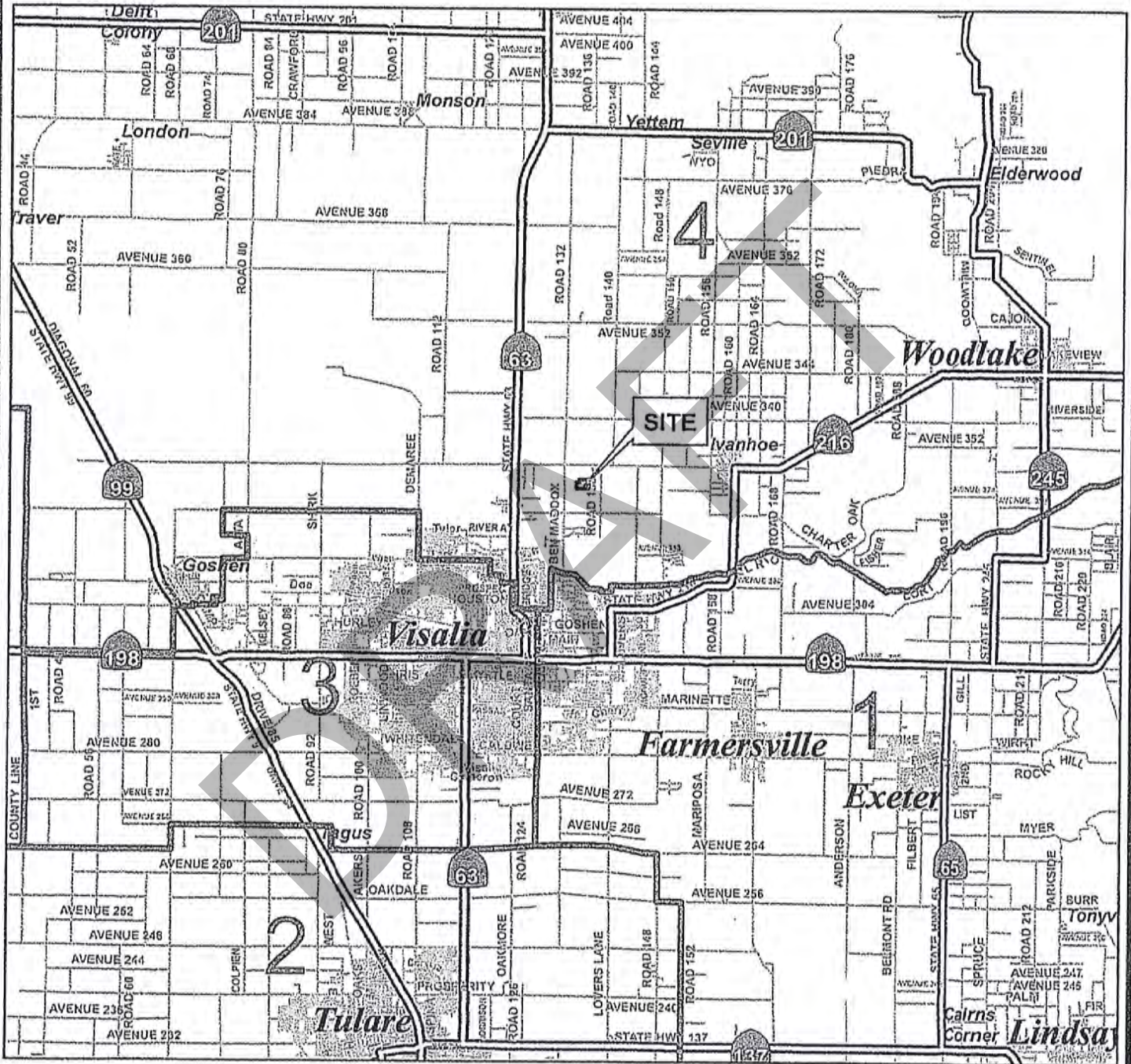


Attachment No. 1  
Board of Supervisors  
Maps and Graphics

DRAFT

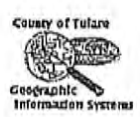


# Vicinity Map For GPI 14-003



Supervisorial Districts

A-1







# Aerial Photograph For GPI 14-003




Owner: Simom, Paula  
c/o J Berwyn Qualls/Sonja Dutton  
Address: 4336 W Hurley # D  
City, State, ZIP: Visalia CA 93291  
Applicant: Simon/Dutton/Qualls

0 250 500 750 1,000 1,250 1,500  
Feet

Supervisory District: 4  
Assessors Parcel: 097-190-017

-10-

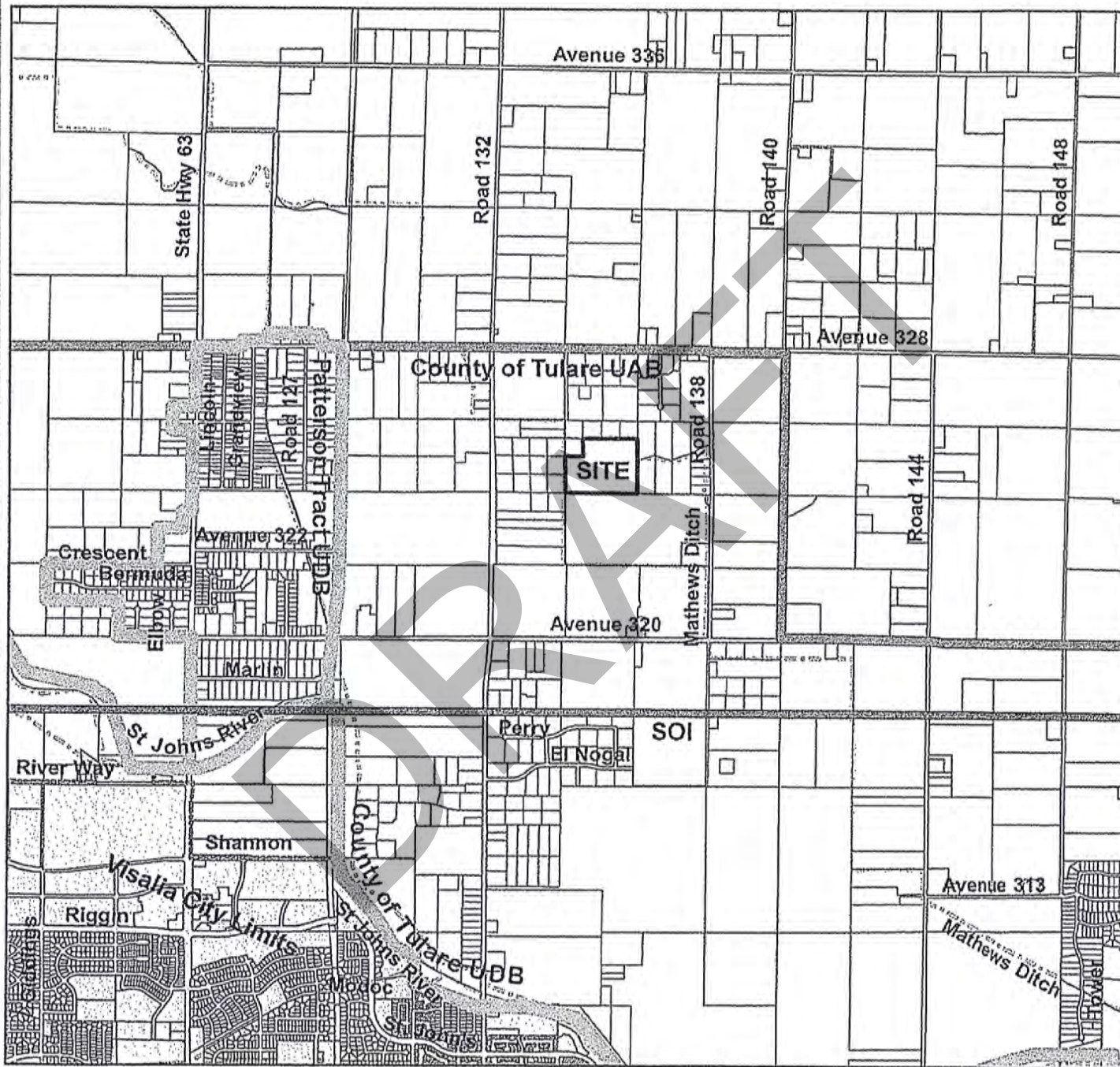
 Project Site for GPI 14-003

A-2





# County Boundaries Map for GPI 14-003



## Legend

- Site
- Spheres of Influence (SOI)
- County of Tulare Urban Development Boundary (1992)
- County of Tulare Urban Area Boundary (1992)
- Visalia City Limits

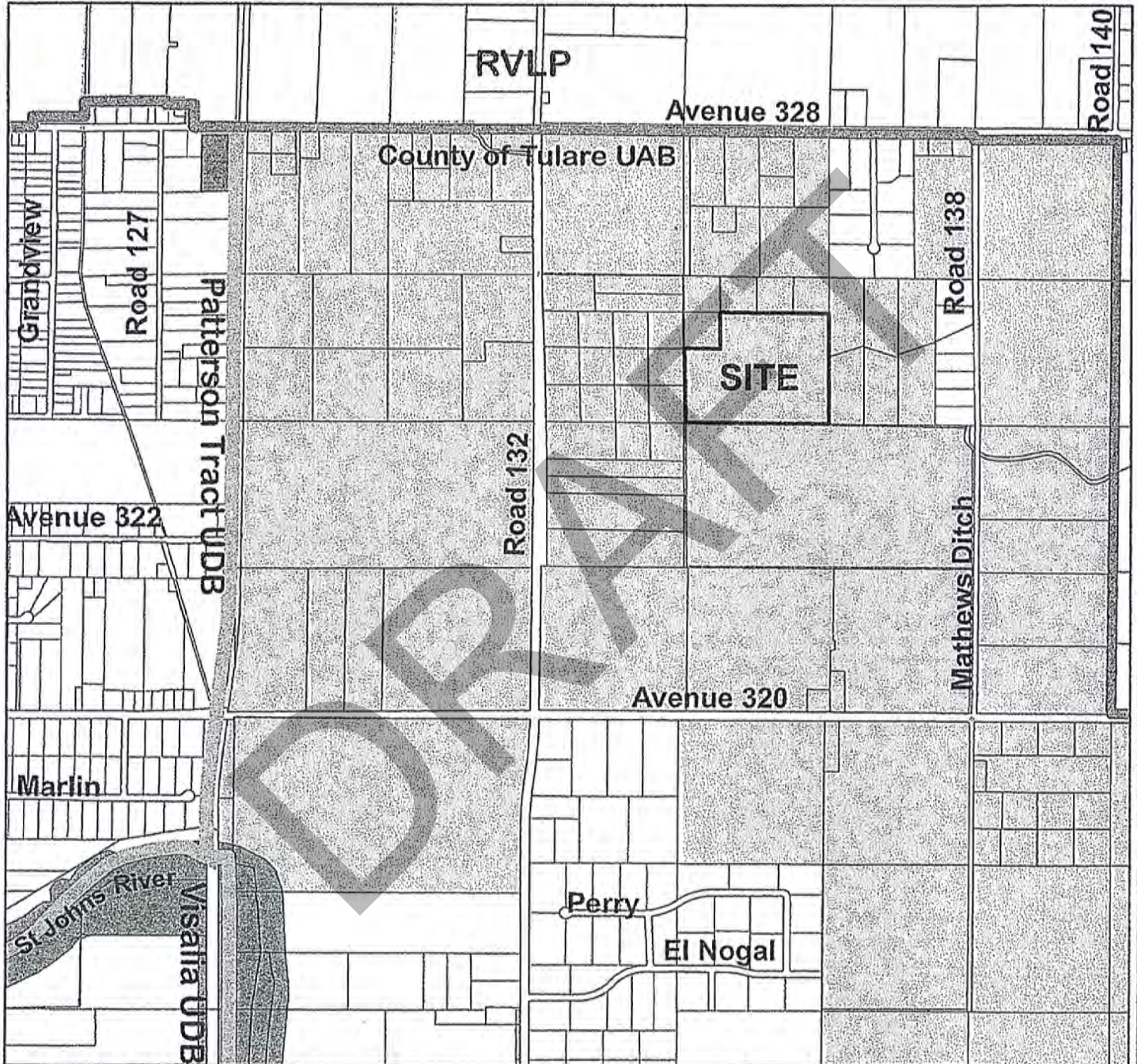
County of Tulare  
Geographic  
Information Systems

A-3



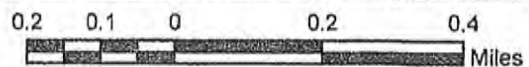


# County of Tulare General Plan Map for GPI 14-003



## General Plan (County)

- Agriculture
- Agriculture (Described as Conservation in Visalia 2020 Plan)
- Industrial
- Planned Residential
- Rural Residential
- County of Tulare Urban Area Boundary (1992)
- Urban Development Boundary

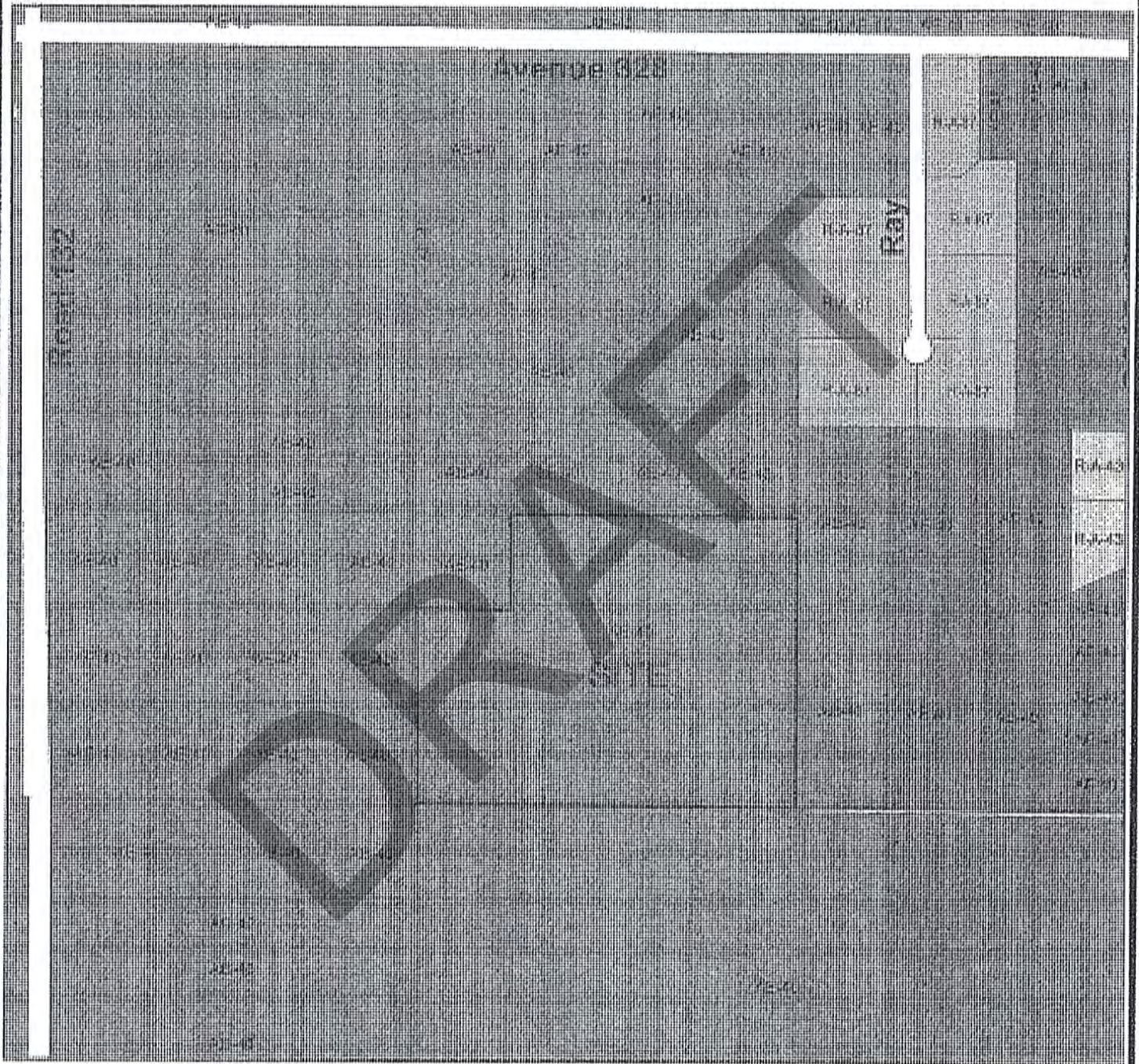


A-4





# Existing Zoning Map For GPI 14-003



Owner: Simon, Paula  
c/o J Berwyn Qualls/Sonja Dutton  
Address: 4336 W Hurley # D  
City, State, ZIP: Visalia, CA 93291  
Applicant: Simon/Dutton/Qualls  
Agent: Forester, Weber & Associates  
Supervisory District: 4  
Assessors Parcel: 079-190-017

0 125 250 500 750 1,000 1,250 1,500 Feet N

A-5



-13- ☐ Project Site for GPI 14-003



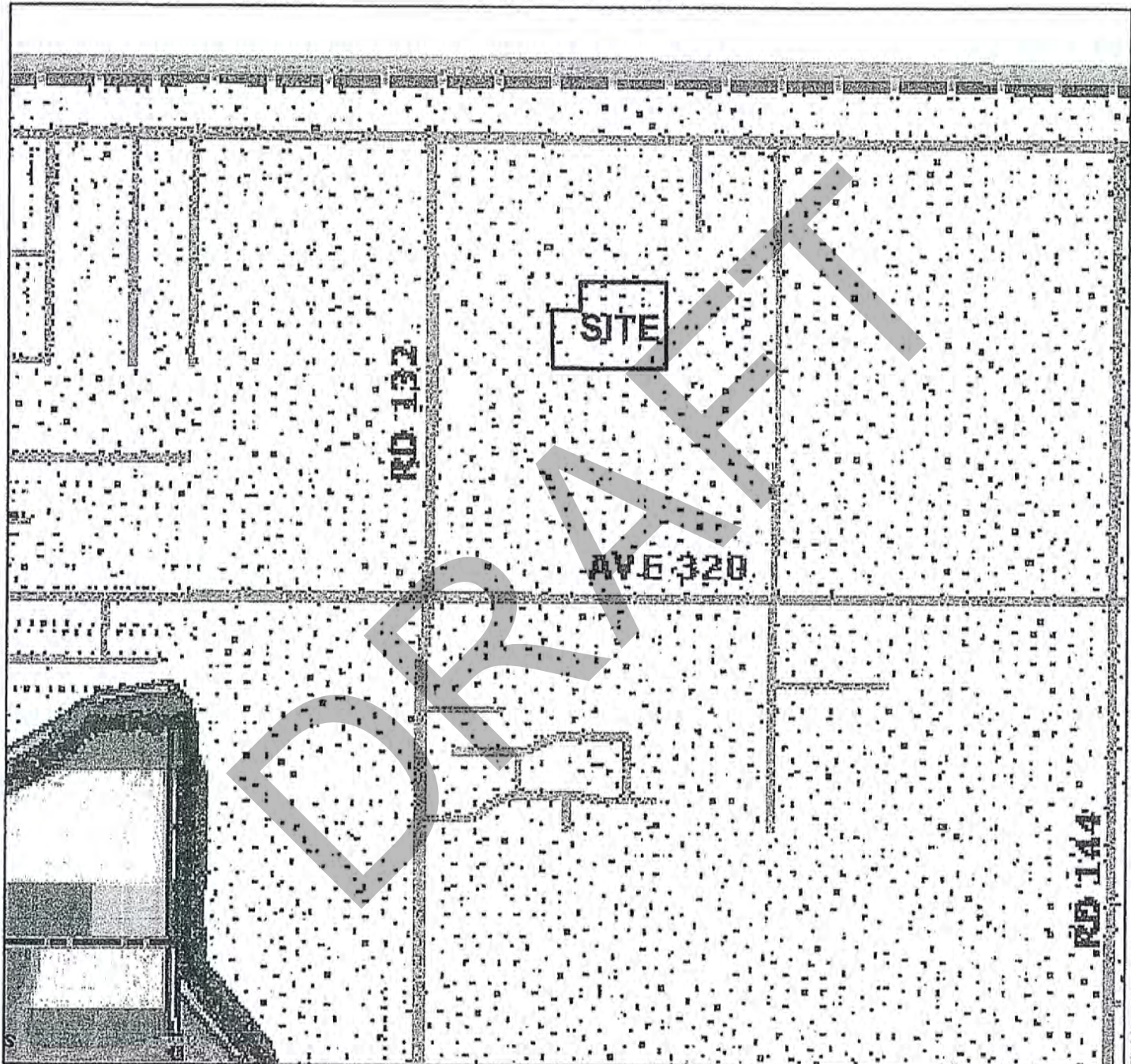


# Visalia General Plan Update

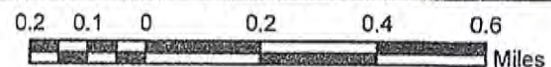
## Land Use

for

### GPI 14-003



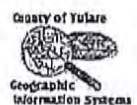
Visalia General Plan (March, 2014)



- |                              |                                   |
|------------------------------|-----------------------------------|
| Agriculture                  | Conservation Buffer               |
| Very Low Density Residential | Proposed Greenway                 |
| Low Density Residential      | Urban Development Boundary Tier 1 |
| Commercial Mixed Use         | Urban Development Boundary Tier 2 |
| Neighborhood Commercial      | Urban Growth Boundary Tier 3      |
| Conservation                 | Planning Area                     |
| Reservoirs/Canals            | City Limits                       |

A-6

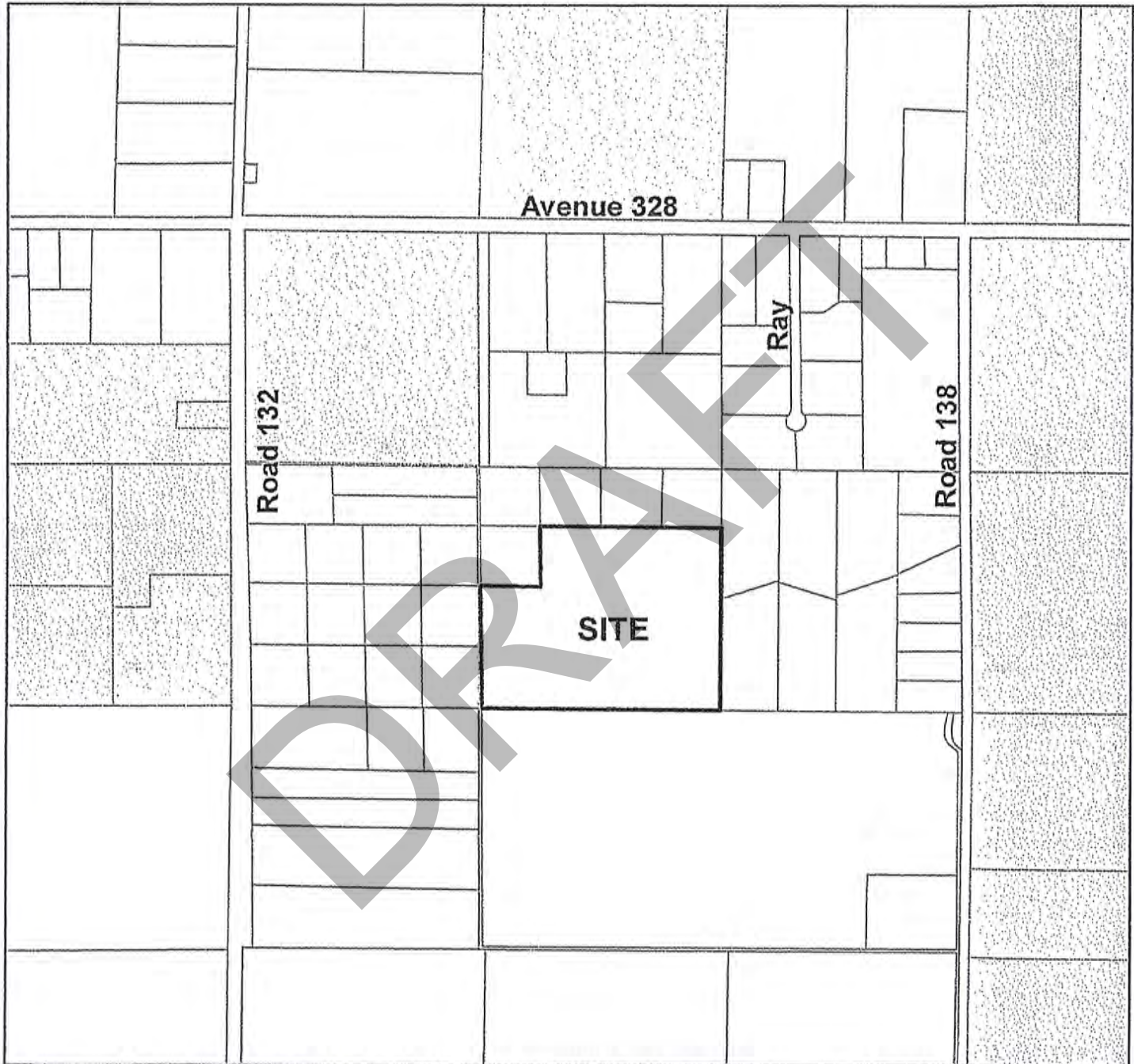
SI-14- Project Site for GPI 14-003







# Ag. Preserve Map For GPI 14-003

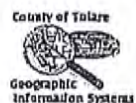


Owner: Simon, Paula  
c/o J Berwyn Qualls/Sonja Dutton  
Address: 4336 W Hurley # D  
City, State, ZIP: Visalia, CA 93291  
Applicant: Simon/Dutton/Qualls  
Agent: Forester, Weber, & Associates  
Supervisory District: 4  
Assessors Parcel: 079-190-017

0 200 400 800 1,200 1,600 2,000 Feet

- Site
- Ag. Preserves**
- Williamson Act Preserves
- Williamson Act Preserves - Non Renewal
- Farmland Security Zone Contracts

A-9





Attachment No. 2  
Board of Supervisors  
Preliminary Rural Valley Lands Plan Checklist

DRAFT

APPLICATION NO. GPI 14-003 APPLICANT'S NAME Simon/Dutton/Qualls/Visalia

### Rural Valley Lands Plan - Parcel Evaluation Checklist – 1/23/16

#### A. RESTRICTED TO AGRICULTURE VALUES

If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Nonagricultural" criteria, place a "0" in the value column and continue the evaluation.

##### VALUE

1. Agricultural Preserve Status----- (0)
2. Limitations for Individual Waste Disposal Facilities ----- (0)

#### B. VARIABLE POINT VALUE

Each of the following land capability ratings (as per U.S.D.A. Soil Conservation Service data) have been awarded a number value, as follows:

LAND CAPABILITY	POINT VALUE
Class I, II, or III	4 points
Class IV	2 points
Class V, VI, or VII	0 points

For the following factor, determine the land capability ratings) of the parcel under review and award its corresponding point value.

- |                     |            |       |       |
|---------------------|------------|-------|-------|
| Class I, II, or III | (4 points) | ----- | ( 4 ) |
| Class IV            | (2 points) | ----- | ( )   |
| Class V, VI, or VII | (0 points) | ----- | ( )   |

#### C. POINT VALUES

If a following factor meets the highest relative suitability criteria, award the factor the number of points listed for the category; if the factor meets the lowest relative suitability criteria, award it a "0".

##### FOUR POINT VALUE CATEGORY

1. Existing Parcel Size (use gross acreage figure) ----- ( 4 )
2. Existing land Use/Suitability for Cultivation----- ( 2 )

##### THREE POINT VALUE CATEGORY

1. Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for 'Existing Land Use/ Suitability for Cultivation'; enter a "0" in such cases) ----- ( 0 )
2. Surrounding Land Use ----- ( 0 )
3. Proximity to Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases) ----- ( 0 )
4. Proximity to Lands in Agricultural Preserves ----- ( 0 )

##### TWO POINT VALUE CATEGORY

1. Level of Ground Water and Soil Permeability ----- ( 0 )

##### ONE POINT VALUE CATEGORY

1. Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases) ----- ( 0 )
2. Access to Paved Roads----- ( 0 )
3. Historical Sites, Archaeological Sites, Wildlife Habitats, and/or Unique Natural Features----- ( 0 )
4. Flood Prone Areas ----- ( 0 )
5. Availability of Community Domestic Water/Fire Flow Requirements ----- ( 0 )
6. Surface Irrigation Water ----- ( 0 )
7. Groundwater Recharge Potential (do not evaluate this factor if the site received "0" points for 'Surface Irrigation Water'; enter a "0" in such cases) ----- ( 0 )

TOTAL POINTS ----- ( 10 )



Attachment No. 3  
Board of Supervisors  
Correspondence and Comments

Exhibit A: County Comments

Exhibit B: Applicant Response

Exhibit C: Public Comments

DRAFT

Attachment No. 3  
Board of Supervisors  
Correspondence and Comments

Exhibit A: County Comments

DRAFT



# RESOURCE MANAGEMENT AGENCY



## INTEROFFICE MEMORANDUM

25 March 2015

**TO:** Chuck Przybylski, Project Planner  
**FROM:** Craig Anderson, Engineer III  
**SUBJECT:** Case No. GPI 14-003  
**OWNER:** Simon/Dutton/Qualls  
**APN:** 079-190-017

We have reviewed the project description and environmental checklist assessing the nature of and potential impacts associated with the proposed general plan amendment.

No adverse impacts to the county road system are anticipated by the proposed action. However, the following comments and recommendations are submitted for consideration in processing this matter.

The applicant proposes to develop 27.8 acres into three 2.4-acre parcels and a 20.5-acre parcel.

The subject site is not located within the Visalia Urban Improvement Area or Urban Development Boundary, whichever is applicable.

### **Flood Information:**

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 645. The subject site is located within FEMA Zone X (0.2 percent chance flood).

Construction of buildings within a shaded Zone X (0.2 percent chance flood) require no specific flood mitigation measures; however, it is recommended that all finished floor levels be elevated one (1) foot above adjacent natural ground. The site is not located within the California Department of Water Resources' awareness floodplain hazard area.

**Right-of-way Information:**

The proposed project area lies south of Avenue 328 served by an existing paved private roadway. The project area does not have county roadway frontage.

No additional right-of-way dedications would be required along Avenue 328 frontage.

**Road Information:**

Access to the project site is via a privately maintained paved road. Pursuant to Tulare County Ordinance Section 7-01-2230 (a)(3), "if more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement width shall be the same as set forth in the standards referred to in Section 7-01-2025 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County." This includes the total count of all parcels the PVAE will serve, existing and proposed.

Furthermore, Section 7-01-2230 (c)(1) requires, "if any parcel created, which does not have the required minimum frontage on a County maintained road, is less than ten (10) acres in area, the length of the easement shall not exceed...six hundred sixty (660) feet."

Any parcel map proposed for the subject site shall be conditioned to reflect the aforementioned ordinance code requirements.

The following conditions would be required to be completed before the recording of a parcel map:

1. The existing Private Vehicular Access Easement (PVAE) serving the project site shall be improved to a Class I county standard road pursuant to Section 7-01-2230 of the Ordinance Code. Said road shall be constructed to a paved width of 36 feet within a 56-foot wide easement in accordance with Plate A-1 of the Tulare County Improvement Standards. Asphalt concrete and base thicknesses shall be based on in-situ R-values and traffic indices. Plate A-17B identifies the requirements for the drive approach that will connect the PVAE to Avenue 328 and the requirements for providing a turnaround bulb at the end of the PVAE.

Procuring additional easement boundaries beyond the existing 50 feet from adjoining property owners necessary to accommodate the PVAE construction shall be the responsibility of the applicant.

A smaller standard PVAE serving four parcels or less may be constructed from the proposed Class I standard road to serve additional parcels created by a future parcel map.

2. An improvement plan with profile shall be prepared for the PVAE. The improvement plan shall be designed and stamped by a licensed civil engineer and shall show detailed information on the construction of the PVAE including curve radii, drainage facilities and erosion control measures as needed. The improvement plan shall be approved by the Tulare County RMA – Engineering Branch before construction of the PVAE improvements.



3. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a county maintained road. The applicant may contract the Resource Management Agency – Encroachment Permit Section at 624-7000 for information on the requirements for encroachment permits in order to avoid unexpected delays. Improvements that typically require encroachment permits are, but not limited to, driveway approaches, curb and gutter, sidewalk, paveout and utilities.
4. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a county road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the county. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a county road.

From: Jimmy Herrera  
To: Charles Przybylski  
CC: Samantha Meza  
Date: 01/27/2016 9:51 AM  
Subject: GPI 14-003

Chuck,

In regards to GPI 14-003, (Simon, Dutton, Qualls/Visalia), in addition to Al Miller's recommendations dated March 31, 2015, the Tulare County Fire Department has the following additional recommendations:

- 1) It appears that the site's current privately owned access road meets Tulare County Improvement Standards.
- 2) New construction will require an approved water source for fire department operations.
- 3) New residential structures require the installation of an approved fire sprinkler system.

Please let me know if you have any questions.

Jimmy Herrera, Fire Inspector  
Tulare County Fire Department  
5961 S. Mooney Blvd  
Visalia, CA 93277  
559.624.7058 Office  
559.285.2115 Cell



DRAFT

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

March 31, 2015

TO: Chuck Przybylski, Project Planner  
FROM: ~~Al~~ Miller, Tulare County Fire Inspector  
SUBJECT: Case No. GPI 14-003

The Fire Department has the following recommendations in response to this item.

1. See attached

If you have any questions please call Al Miller at 624-7058.

AM:sm

DRAFT





JOE GARCIA  
CHIEF

# TULARE COUNTY FIRE DEPARTMENT

907 West Visalia Road, Farmersville, CA 93223 - Phone (559) 747-8233 - Fax (559) 747-8242

## Local Responsibility Area (LRA)

### SITE PLAN REQUIREMENTS:

1. A 30-ft. clearance must be provided from all flammable vegetation. Vegetation must be disposed of prior to the start of construction. Disposal may be accomplished by chipping, discing and removal to a County waste disposal facility.

### Private Road Standards:

1. A private road shall have a minimum 18 foot wide all weather surface traffic lane. Private roads that can not meet this standard shall meet the turnout requirements set forth for a driveway. Private roads shall be constructed with an all weather surface capable of supporting a minimum load of 40,000 pounds. Private Roads should not exceed a 16% grade. Private roads that exceed 16% grade shall be in accordance with the Tulare County Road Improvement Standards which require 2 inches of asphalt concrete over 4 inches of aggregate base material.

### Driveway Standards:

1. Driveways are limited to 16% grade with an all weather surface that can sustain a load tolerance of 40,000 lbs. Driveways that are 18 ft. or wider with all weather access do not have to provide turnouts.

A. A minimum of a 12 ft. wide all weather surface for residential driveway shall be provided and A minimum of a 20 ft. wide all weather surface for commercial driveway shall be provided. A minimum of 15 ft. vertical clearance shall be provided the length of both a driveway and a private road.

### Turnouts:

- 1) Driveways exceeding 150 ft., but less than 800 ft., shall provide a turnout midpoint.
- 2) Driveways in excess of 800 ft. shall provide an approved turnout every 400 ft.
- 3) Turnouts shall be a minimum of 10 ft. wide and 30 ft. long with a minimum of 25 ft. taper on each end.
- 4) A bulb turnaround (40 ft. unobstructed turn radius) or hammerhead "T" shall be provided at all building sites. Driveways in excess of 300 ft. shall provide a turnaround within 50 ft. of the proposed structure.

(Rev 01-12)

### Gate Entrances:

1. Driveway gates shall be 2 feet wider than the access lane and be set back a minimum of 30 ft. to allow a fire engine to stop and open the gate without blocking the street. The gate swing direction must be taken into account. A Knox padlock or gate override shall be required at all gates.

### Premises identification:

1. House numbers / structure numbers shall be provided. The numbers shall be a minimum of 4 inches high with a ½ inch line width. The numbers shall be placed so that they are clearly visible from an adjacent public roadway and shall be of a reflective color that contrasts sharply with the background. If the structure is located more than 100 ft. from a public roadway, the numbers shall be placed upon a non-combustible sign and posted at the intersection of the driveway and the public road.

### Fire Protection: *(NEW CONSTRUCTION)*

Install an automatic fire sprinkler system within each dwelling unit as per standards set forth in NFPA 13D. Three (3) copies of said sprinkler plans shall be submitted to the Fire Department for review and approval prior to construction. The contractor for the system must be appropriately licensed.

The applicant shall select one of the following as a means of providing fire flow protection:

1. Install a pressurized fire hydrant (system) in compliance with NFPA 24 Standards. Copies of improvement plans shall be submitted to the Fire Department and the Public Works Department (3 copies each) for review prior to construction..
2. Install a fire suppression water storage tank meeting NFPA 1142 & NFPA 22 requirements. The locations shall be designated by the Fire Department. The tank shall be equipped with a valved 4-1/2" (National Hose Thread) connection (Also see Tank Standard). Plans for said system shall be reviewed and approved by the Fire Department prior to the start of any construction.

Note: An alternate means of protection may be required or submitted to the Fire Marshal to offset other conditions that cannot be met.

(Rev 01-12)





TULARE COUNTY  
HEALTH & HUMAN SERVICES AGENCY

Jason T. Britt, M.S. • Director • Department of Public Health

Cheryl L. Duerksen, Ph.D.  
Agency Director

February 2, 2016

Tulare County  
Resource Management  
Agency

FEB 8 2016

CHUCK PRZBYLSKI  
RESOURCE MANAGEMENT AGENCY  
5961 SOUTH MOONEY BLVD  
VISALIA CA 93277

Re: GPI 14-03 – Simon, Dutton, Qualls

Dear Mr. Przbylski:

This office has reviewed the above referenced matter. Based upon our review, we have no comments for this project at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allison Shuklian".

Allison Shuklian  
Environmental Health Specialist  
Environmental Health Services Division

Attachment No. 3  
Board of Supervisors  
Correspondence and Comments

Exhibit B: Applicant Response

DRAFT





HERR  
PEDERSEN  
BERGLUND  
ATTORNEYS AT LAW LLP

November 17, 2015

VIA EMAIL ONLY

Mr. Aaron Bock  
Chief Planner, Countywide Division  
Tulare County Economic  
Development Office  
Resource Management Agency  
5961 South Mooney Boulevard  
Visalia, CA 93292  
[abock@co.tulare.ca.us](mailto:abock@co.tulare.ca.us)

Mr. Charles Przybylski  
Planner II  
Resource Management Agency  
Planning Department  
5961 South Mooney Boulevard  
Visalia, CA 93277  
[cprzybyl@co.tulare.ca.us](mailto:cprzybyl@co.tulare.ca.us)

Mr. Michael Washam  
Assistant Planning Director/ Economic  
Development Program Manager  
Tulare County Economic  
Development Office  
Resource Management Agency  
5961 South Mooney Boulevard  
Visalia, CA 93292  
[mwasham@co.tulare.ca.us](mailto:mwasham@co.tulare.ca.us)

Re: Zoning Issues  
Case No.: GPI 14-003/13401  
Ave. 328, Visalia, California Property  
Our File No.: 1594.04

Gentlemen:

Our firm represents Paula Simon, Sonjia Dutton, and Berwyn Qualls with regards to certain property issues relating to APN 079-180-009 (the road off of Avenue 328 in Visalia hereinafter the "Strip") and APN 079-190-017 (approximately 27 acres of vacant land, hereinafter the "Vacant Land"). As you are aware my clients have meet with individuals from the Resource Management Agency (RMA) on several occasions to answer questions and provide information regarding their project. Please note that they continue to remain open and cooperative regarding requests that the RMA may have. Additionally, they have and intend to abide by those requirements from the County and the RMA regarding the project. I have been made aware that you received correspondence from neighbors and others regarding the potential development of the land.

VISALIA  
100 WILLOW PLAZA, SUITE 300  
VISALIA, CA 93291  
TELEPHONE: (559) 636-0200  
FACSIMILE: (559) 636-9759

HANFORD  
1489 LACEY BOULEVARD, SUITE 103  
HANFORD, CA 93230  
TELEPHONE: (559) 410-8560  
FACSIMILE: (559) 410-8922

-30-



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 2

This letter will serve as a response to those concerns addressed in those letters. As to the individual responses to the letters, please note that many of the concerns appear to be similar. Also, many of the concerns are speculative and relate to personal issues that those individuals may have had with my clients. I have attempted to summarize a response to each of the concerns and if I omitted something it is because of my oversight and not because my clients concede the point of concern.

After reviewing the concerns and my letter, please provide some guidance as to the issues with which you are concerned regarding potential development that would prevent approval. My clients look forward to working with County of Tulare on this project.

The "opposition" to this development should be evaluated in the context of the recent history of this neighborhood. Prior to responding to the complainers, I set forth a general description of the area and a summary of some of the litigation regarding the land in the area.

In the area near the Vacant Land, there exists 5 two and a half acre lots (hereinafter the "Blocks"). Additionally there are easements that provide access from the Vacant Land and the Blocks to the Strip. These easements run along the northern 22.5 feet of the Vacant Land and the Blocks to the west. Those Blocks directly to the north of the Vacant Land also have a 22.5 foot easement across the south end of those properties. The residents in the north western most Block have a 45 foot easement along the west side of their property as well as a 22.5 foot easement along the south part of their property. In essence these easements on the Vacant Land and the Blocks provide a 45 foot easement for my clients' and the residents' ingress and egress from the properties to the Strip (these easements will specifically be referenced hereinafter as the "Access Easement"). Those residents also have an ingress and egress easement over the Strip to Avenue 328. Attached as Exhibit A are Tulare County Assessor Map's which show the area in question, page 1 shows the Strip and page 2 shows the Vacant Lot and Blocks. In Exhibit A my clients' property is outlined with a pink highlighter and the Access Easement is highlighted in green.

Those 5 Blocks were created by gift deeds from my clients' parents, Floyd and Kathryn Qualls to their children. Eventually ownership of the Blocks changed hands and only Kathy Hoveiler and her husband Rod Hoveiler are the only residents with continual ownership.

This land was always meant to be developed further. Even reviewing Exhibit A, page 2, it is apparent that the symmetry of the lot design should account for at least 4 more two and a half acre blocks from the northern part of the Vacant Land. It is my clients' understanding; however, that the proposed plan would include 3 additional two and a half acre blocks to finish out a row. Looking to the west of the Vacant Land there are 12 two and a half acre blocks in the area.

As part of the gift deed process, certificates of compliance were sought and obtained for all 5 Blocks. Attached as Exhibit B is a sample of these certificates which indicates that the original 5 Blocks were appropriately subdivided.



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 3

Unfortunately, there have been disputes concerning this land. The Vacant Land, owned by Kathryn and Floyd Qualls was placed into their trust. Floyd and Kathryn are the deceased parents of my clients and Kathy Hoveiler (one of the complaining neighbors). Disagreements arose after Floyd and Kathryn's passing regarding the disposition of their assets. Litigation was commenced by Kathy Hoveiler, where she sought to remove my clients as trustees of the trust. Eventually the parties settled where my clients bought out Kathy Hoveiler's interest in the property. At the close of the litigation, Mrs. Hoveiler wanted to be included if any development of the property was to occur. Her request was denied. It was apparent that further litigation would continue if the parties were required to "cooperate."

In October of 2013, Kathy Hoveiler along with her husband, Rod Hoveiler and others residing in the area: Philip and Barbara Clarey, Carl and Joanne Manning, Steve Vreeland, and Karen MacKenzie sued my clients on the mistaken belief that my clients were going to put up a fence across the front of their properties or remove anything they placed in the Access Easement on their properties. Additionally, my clients were alleged to engage in harassing behavior. These neighbors sought to decrease the width of the Access Easement. This litigation eventually settled. The parties agreed that no items in the Access Easement would be added to or disturbed. The parties also agreed that if the land was developed, the items would be removed out of the Access Easement. The items included certain landscaping, fencing, sprinkler systems, etcetera.

Also in 2013 my clients were sued by farmers regarding use of the west side of the Strip because they fenced off their property. My clients placed a fence along the Strip to prevent trespassing, to stop prevent persons from creating interests in their land, and to prevent damage to their road. Especially concerning for my clients was the use of semi-trucks, tractors, harvesters and other farm equipment on the Strip. Looking at the property it is clear that the asphalt on the west side (closest to the farmers' operation) is in a much poorer condition than the asphalt on the right side. Additionally there are several photos showing tracks leading from the farmers' property onto the Strip. In the litigation the farmers had alleged that they had permission to use my clients' property in the past, and they should be able to continue to use it, therefore no fence should be installed. Their theory for this "permission" was an impromptu conversation between Floyd Qualls, my clients' deceased father, and a farmer over 30 years ago. My clients went through an entire trial and the court found that the farmers were unable to support their claims. In essence, the farmers did not have any right to use the property.

Throughout my clients' ownership of the property they have sought to protect the integrity of their property lines, the condition of their land, and themselves from risk of injury by others who may trespass. My clients seek to put the land at issue to its highest and best use. Unfortunately, these goals have been difficult to reach as surrounding neighbors have made this process very difficult. My clients' land and structures have been vandalized and trespassed upon repeatedly.



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 4

### **Response to Kathy and Rod Hoveiler's February 18, 2015 Letter**

There is much animosity from Kathy Hoveiler towards my clients. As stated above she has sued my clients on two prior occasions. Also in regard to the farmers' lawsuit against my clients, Mrs. Hoveiler signed declarations in support of an argument the farmers had made in the litigation.

As to the substance of their letter Mr. and Mrs. Hoveiler appear to have the following concerns: (1) that the road and easements are too narrow; (2) the drought; (3) prior legal action; (4) the "Qualls Road" sign; (5) maintenance of pavement on the easement and asphalt; (6) traffic; (7) property values; (8) development might be profitable to someone; and (9) other developments.

First, the road and the easement widths. The concern is that there is an easement for an underground pipeline that would narrow the width of the road on the Strip. This easement is a maintenance easement. There is no provision in the easement requiring any exclusive areas of use thus resulting in a narrowing of the way.

As to the Access Easement which allows ingress and egress across the 5 gift deed properties, many of the property owners have narrowed the width of the Access Easement by placing landscaping into the easement; they are in essence complaining about their own conduct. They all signed an agreement indicating that the items in the Access Agreement would be removed if the property is developed. The appropriateness of the development in conjunction with the width of the Strip and the Access Easement will be approved by Tulare County and my clients expect the County's input on the design of the development. My clients intend to meet all regulations when a plan is approved.

Second, the drought. Any new development will be faced with concerns regarding the drought. A determination of water use would need to be made regarding using the land for farming and using it for residential building. A commonly used statistic is that agriculture uses 80% of the water. The land is not being farmed and not irrigated therefore no recharge of the ground water will occur through farm irrigation. The vacant land is surrounded by 2 ½, 5, and 10 acre parcels who likely have been engaged in saving water along with the entire State of California. My clients have not caused any water issues that neighbors might be experiencing. Hopefully, development across the entire state has not halted due to concerns of the drought. The proposed plan includes only three additional lots. My clients intend to adhere to a plan, which will take into consideration these issues and look forward to working with Tulare County regarding this issue.

Third, legal action both prior and anticipated. In every lawsuit there are two sides to every story. My clients' have only sought to use their property as they are legally entitled. Interestingly the only lawsuit that has resulted in a trial was decided in my clients' favor. In that lawsuit someone was attempting to use their land and they were not legally entitled to do so. Their use conflicted with my clients' goals and plans for the land. They should not be punished because others have unsuccessfully sought legal remedy. It should be



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 5

noted that in each litigation matter, my clients were sued, they did not initiate the legal process.

Mr. and Mrs. Hoveiler bring up a potential legal action from an unnamed farmer regarding a weir/valve on a pipeline that runs under my clients' property. The fear is that my clients will block or fill it in, thus stopping water from flowing, without asking anyone first. This is incorrect. There is an open hole down to the pipe in one area and my clients were interested in filling it in so no one would fall into it. My clients' were also entertaining having a cover placed over it. This issues is a private matter between my clients and that farmer. Mr. and Mrs. Hoveiler do not have an interest in it.

Fourth, the "Qualls Road" sign. This sign is on private property and was placed in honor of my clients' deceased parents. My clients have informed me that they have not received complaints from anyone regarding the sign, except for the neighbors. The sign also includes 13401 Avenue 328, which should eliminate the perceived problem of the sign.

Fifth, the maintenance of the pavement on the Strip and Access Easement. As users of the Strip and the Access Easement, those users should be required to pay for any wear and tear on the road. It is unlikely that 3 additional residential parcels will create additional damage, but this would allow additional contribution to maintenance and repair. Also, it should be noted that the Strip, upon which Mr. and Mrs. Hoveiler have an ingress and egress easement to use, has been protected from further damage through my clients' effort by defeating the farmers' legal claims and preventing access with equipment.

My clients will readily admit there were weeds on their property. They had previously made arrangements to have them abated prior to receiving information from the Tulare County Weed Abatement. It should be noted that the action from Tulare County Weed Abatement stemmed from a complaint. Additionally, other properties in the area had weeds of the same height and it appears they did not receive any information or requests from Tulare County Weed Abatement. When the property is developed, it is likely that the weed problems would not be an issue.

Sixth, traffic. As stated above, the neighbors along the Access Easement have narrowed access themselves by placing items in the Access Easement. If the land is developed they are contractually bound to remove those items. The characterizations of Mr. and Mrs. Hoveiler regarding traffic appear to be exaggerated and speculative regarding what might occur.

It should be noted that if Mr. and Mrs. Hoveiler are having contractors come to perform work on their property, they should not be upset that the contractor uses their driveway to turn around. If there are issues with turning around, my clients' expect to work with the County on the design and plan to remedy issues.

Seventh, property values. Mr. and Mrs. Hoveiler's concerns are speculative in nature. Generally new home construction will result in higher values of property.



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 6

Eighth, the development might be profitable to someone. Mr. and Mrs. Hoveiler take issue with the fact that my clients seek to make a profit from their endeavors. My clients admit that they seek to profit from the work they are performing. Their decisions to accept or reject offers from others is irrelevant

Ninth, other developments. The other developments referenced in Mr. and Mrs. Hoveiler's letter should have no bearing on what occurs on my clients' property. Reviewing most of their concerns, they relate to having more people in the area and disturbing the status quo. Those other developments referenced by Mr. and Mrs. Hoveiler, pertain to lots that have not been developed. If my clients' are able to subdivide the property and it remains vacant, Mr. and Mrs. Hoveiler's concerns will never be realized.

**Response to Dr. Karen MacKenzie's February 28, 2015 Letter**

Dr. Karen MacKenzie is among one of the individuals who sued my clients and when the case was settled agreed to the removal of items she or others may have placed in the Access Easement. In both her letter and that previous lawsuit, Dr. MacKenzie accused my clients of harassment toward her or her family. The claims made were absolutely inappropriate and have no bearing on the development of the property. Additionally, Dr. MacKenzie could not provide any evidence of harassment during the course of the litigation. It should also be noted that Dr. MacKenzie settled her lawsuit, along with the other property owners. As part of the settlement, there was no compensation paid to Dr. MacKenzie for any alleged harassment; the litigation was really about land use and not harassment.

Dr. MacKenzie is concerned about the road width and cul-de-sac issues. My clients' intend to follow County regulations. Additionally, the Access Easement will be clear of items once development is approved as Dr. MacKenzie agreed to have the items placed in the easement removed.

Additionally the road safety issues are a not relevant given the sign language. See above discussion regarding the "Qualls" sign.

The drought issues have also been discussed above.

The additional concerns regarding other subdivisions have been addressed above. In essence, if the lots remain empty, Dr. MacKenzie's concerns cannot be realized.

**Response to Steve and Nancy Vreeland's February 12, 2015 Letter**

Steve and Nancy Vreeland are among the individuals who sued my clients and when the case was settled agreed to the removal of items they or others may have placed in the Access Easement on their property.

Mr. and Mrs. Vreeland's concerns have already been addressed above.



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 7

**Response to Philip Clarey's February 9, 2015 Letter**

Philip and Barbara Clarey are among the individuals who sued my clients and when the case was settled agreed to the removal of items they or others may have placed in the Access Easement on their property.

Mr. and Mrs. Clarey have concerns about traffic, which are addressed above. It should be noted that Mr. and Mrs. Clarey have placed or continue to maintain items within the Access Easement that further narrow the ingress and egress.

They are also concerned with the affect that additional individuals in the area will have on the property. They believe the property values will decrease, safety issues, additional traffic, more noise, less aesthetic views of the property. The majority of the concerns are speculative and pertain to Mr. and Mrs. Clarey's personal preference of having less individuals present. My clients' property is not in front of Mr. and Mrs. Clarey's residence; the view across my clients' vacant dirt field appears does not appear to be a genuine concern.

Additionally, Mr. Clarey submitted an email from Jeff Newton for support regarding the confusion of the "Qualls Rd." sign. My clients do not understand who would call emergency services and fail to give an explanation as to their location. The neighbors accessing this road each have addresses that reference the 13401 Avenue 328, this is also located on the sign. The confusion regarding the sign appears to be more of a personal issue between the neighbors.

It is also unclear how Mr. and Mrs. Clarey's home will become unlivable. The risk of further development is always present. Giving this current neighborhood's layout, it is only natural for an additional 3 lots to be developed along the Access Easement.

**Response to Ken Kugler's February 25, 2015 Letter**

Mr. Kugler owns property just east of the Strip. It should be noted that much of the information provided by Mr. Kugler was obtained by Mr. Kugler from Rod Hoveiler. Mr. Hoveiler did not mention the County providing a "large list" of requirements. Mr. Kugler's concerns appear to be personal in nature and those concerns regarding the development have not been identified.

Mr. Kugler appears to take issue with the fence my clients erected on the east side of the Strip which borders Mr. Kugler's property. It should be noted that my clients placed the fence 6 inches onto their own property. He also alleges that he has access through another oral agreement that the predecessor owner of Mr. Kugler's property had with my clients' father, Floyd Qualls. The basis for this claim is remarkably similar to the claim made by the farmer in the litigation described above. Mr. Kugler had filed a lawsuit, but then dismissed it prior to serving it on our clients.



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 8

My clients and their parents have attempted to protect and limit access to their land. Mrs. Jenkins, referenced in Mr. Kugler's letter, attempted to place asphalt connecting her property to the Strip and only removed it after my clients' parents' request through their attorney. Given the issues surrounding their property, their concern of someone making spurious claims to use their land is real.

Additionally, Mr. Kugler's contractor who was planting walnuts was informed that a fence was to be erected; however, the walnut trees were planted regardless of my clients' warning. Mr. Kugler, as a farmer, is required to farm within his own property.

**Response to Gordon McClaskey's February 27, 2015 Letter**

Mr. McClaskey resides on a 5 acre parcel of land directly east of the Strip. He has never had permission to use the Strip, and has created a dirt trail on his property to the Strip. Mr. McClaskey has eucalyptus trees that have been hanging over my clients' property and my clients have no knowledge of Mr. McClaskey ever maintaining those trees. Prior to installing their fence, my clients requested that Mr. McClaskey trim his trees. He failed to do so. My clients were forced, at great expense, to trim back his trees in order to fully utilize their property. Like others, Mr. McClaskey has failed to plan his activities to occur within the confines of his own property. With 5 acres of property, it is unreasonable for Mr. McClaskey to require use of my clients' property. Surely with the health and safety concerns referenced in his letter, Mr. McClaskey has created another path to his property to mitigate not having another access point.

**Response to Lloyd and Vanabeth Trout's March 2015 Letter**

Mr. and Mrs. Trout do not have access or permission to Access Easement or the Strip. In past years, Mr. and Mrs. Trout have trespassed onto my clients' vacant land and then proceeded to use the Access Easement and Strip to access Avenue 328. The concerns alleged in their letter do not pertain to them. Additionally those concerns regarding the drought have been addressed above.

**Response to Scott Pratt's Undated Letter on behalf of Olson-Pratt Farms**

Mr. Pratt's concerns are not specified other than the "impact of more housing/people will definitely affect the farming practices of any crops in the area." No specific effects have been identified, except for drought issues which have been addressed above. The fact that an offer was made on the property should be irrelevant to the discussion of whether or not my clients should subdivide the land.

**Response to Shari Pratt's February 22, 2015 Letter**

Ms. Pratt lists several concerns generally, but no specific information is provided as to how the subdivision of the vacant land will impact the local school, roads, general traffic and neighboring farming operations. My clients do not have control over the potential possibility of trespassers. Additionally, it is unknown whether any additional homes built



Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 9

in the area will have young children. There are currently residences in the area and no information is provided as to the effect the cultural practices have had on those residential dwellings or persons. Even if there are possibility of complaints about farming practices by possible residents in homes that have not been built yet, the potential residents have a right to voice concerns, just as Ms. Pratt has voiced her concerns.

**Response to Mark Pratt's March 3, 2015 Letter as President of Mathew's Ditch Company**

Mr. Pratt's concerns regarding Mathew's Ditch running along the west side of the Vacant Land can easily be mitigated how other ditches have mitigated issues, by placing a fence along the ditch. There are several residences in the City of Visalia that abut canals and ditches. These properties typically have fences abutting the ditch. The issue with trash and trespassing should not be concerning given that only 3 additional lots would be created with the current proposal.

Additionally the concerns regarding the drought issues have been addressed above. Mr. Pratt also indicates that the 18 shares of Mathew's Ditch Stock will not be used instead of groundwater if the land remains solely as agricultural use. My clients have the option to use the well or use water from Mathew's Ditch. Additionally, there may be times when water from the ditch is not available and ground water would have to be used.

As to the pesticide and fertilizer issues, Mr. Pratt has failed to identify any regulations that would cause him to change his farming practices. Again it should be noted that there are residences in the area all around Mr. Pratt's farm. Mr. Pratt is likely taking precautions to limit the exposure of fertilizer and chemicals to those families living in the area.

**Response to Tricia Blatter's March 3, 2015 Letter on behalf of the Tulare County Farm Bureau**

According to the Tulare County Farm Bureau's website at <http://www.tulcofb.org/index.php?page=committees&id=27>, "The preservation of prime agricultural land is an important concern of the Tulare County Farm Bureau and one of our core responsibilities." This organization specifically seeks to protect farmland in Tulare County. The effect of the subdivision appears to be overstated and conclusory. There are no specific concerns on issues relating to the subdivision that have not been previously addressed above. It appears the majority of Tulare County Farm Bureau's information has come from neighbors and other landowners who may have already sent letters addressing their concerns.

The current amount of land is insufficient for my clients' to make an acceptable return on investment through farming if it remains agricultural use only. Despite Tulare County Farm Bureau's concerns, my clients are open to suggestions on how to improve their property.

Mr. Aaron Bock  
Mr. Charles Przybylski  
Mr. Michael Washam  
November 17, 2015  
Page 10

**Response to "The Concerned Property Owners" March 4, 2015 Letter**


It appears that many of the concerns raised in this letter have been addressed above. One issue is the right-to-farm interference with those farmers who are adjacent to the Strip. None of those farmers should be using the Strip, it is fenced off on the east and west sides. My clients' were sued because farmers thought their right-to-farm extended to interfere with my clients' property rights. Those farmers did not prevail and now have been compelled to remove trees on the eastside of their property in order to accommodate their farming operations within their property lines. Most of the "Concerned Property Owners" do not have farming operations in the area.

In conclusion, my clients are interested in working with Tulare County to resolve concerns that would impede the development of this land. If there are any concerns that could be further addressed, please contact me and we will provide clarification to those issues.

Thank you for your courtesy and cooperation with this matter. If you have any questions or concerns, please contact this office.

Very truly yours,

HERR PEDERSEN & BERGLUND LLP

  
Leonard C. Herr

LCH:sp

Enclosures

F:\Client Files\Qualls, J. Berwyn, P. Simon & S. Dutton\Zoning Issues\Correspondence\ltr to Bock, Washam, and Przybylski re Zoning Issues.doc



DRAFT

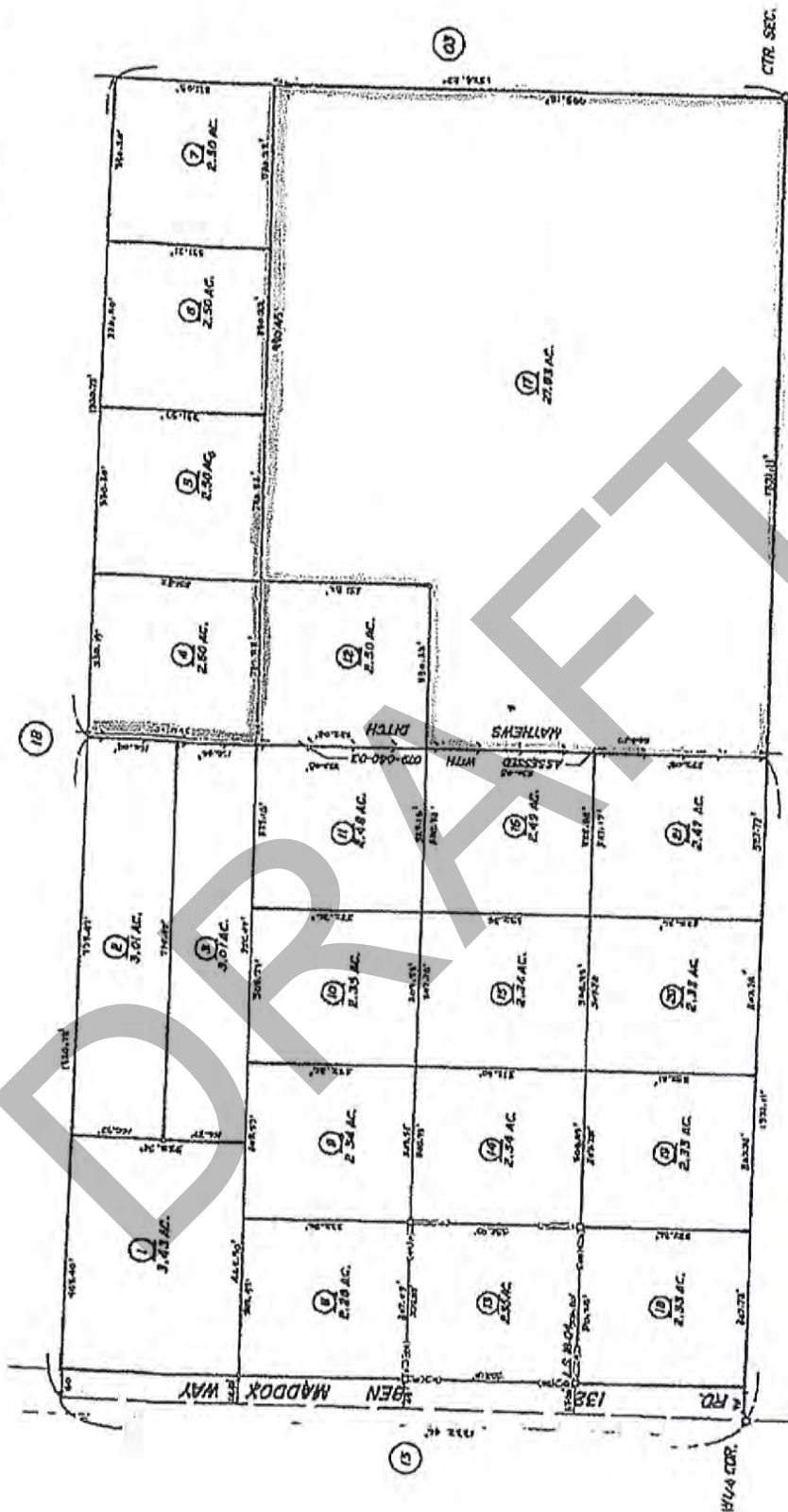
## Exhibit A





S 1/2 OF NW 1/4 SEC. 9, T. 18 S., R. 25 E., M.D.B. & M.

TAX CODE AREA  
153-045 79-19



FOR RECORD OF SURVEY, L.S. 10-35 (ALL SEC. 9)  
RECORD OF SURVEY, L.S. 18-04

ASSESSOR'S MAPS BK. 79 PG. 19  
COUNTY OF TULARE, CALIF.

NOTE—ASSESSOR'S BLOCK NUMBERS SHOWN IN CIRCLES  
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

DRAFT

## Exhibit B



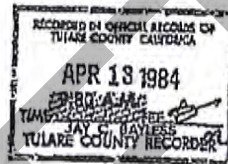
19208

VOL 4180 PAGE 9

Recording Requested by  
and Return to:

PCC 84-12, QUALYS, S.  
Date: APRIL 12, 1984

Tulare County Building and  
Planning Department  
County Civic Center  
Courthouse, Room 105



CERTIFICATE OF COMPLIANCE

NOTICE IS HEREBY GIVEN, in accordance with Sections 7130-7135 of the Ordinance Code of the County of Tulare, that the Building and Planning Director of the County of Tulare has determined that the real property described in attached Exhibit "A" was divided in accordance with the applicable provisions of the Subdivision Map Act and those sections of the Ordinance Code of the County of Tulare adopted pursuant to the Subdivision Map Act as said Ordinance read at the time the division of land occurred.

COUNTY OF TULARE

*Eugene E. Smith*  
Eugene E. Smith  
Building and Planning Director

at

EXHIBIT "A"

VOL 4180 PAGE 10

*The Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, N.D.B. & M., in the County of Tulare, State of California, according to the official plat thereof.*

*Subject to an Easement for ingress and egress over the South 22.5 feet of said land and over the East 45 feet of the West 55 feet of said land.*

*Together with a non-exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter, the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter, the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter all in Section 9, Township 18 South, Range 25 East, N.D.B. & M., County of Tulare, State of California, according to the official plat thereof.*

*The above-described real property appears on the assessment records of the County of Tulare as AER 079-031-47 and is owned by Sonja Qualls.*



Attachment No. 3  
Board of Supervisors  
Correspondence and Comments

Exhibit C: Public Comments

DRAFT



# RESOURCE MANAGEMENT AGENCY

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

Michael Washam      Economic Development and Planning  
Benjamin Ruiz, Jr.      Public Works  
Roger Hunt      Administration

BENJAMIN RUIZ, JR., INTERIM DIRECTOR

January 25, 2016

## PROJECT REVIEW - CONSULTATION NOTICE

To: Tulare County Fire Department, Health and Human Services Environmental Health Division *City of Visalia*  
From: Chuck Przybylski, Project Planner  
Subject: General Plan Initiation Case No. GPI 14-03 – Simon, Dutton, Qualls/Visalia.

The Tulare County Resource Management Agency has received a request the applicants to change the County's land use designation within the County Adopted Urban Area Boundary (UAB) of Visalia, from Agriculture to Residential. The applicant also requests a change of zone from AE-40 (Exclusive Agriculture-40 acre minimum) to R-1 (Single Family Residential) on a 7.29 acre portion of a 27.83 acre parcel. The applicant proposes to divide the property into three 2.37 acre residential lots with a 20.54 acre remainder.

This parcel is located ¼ miles east of Road 140 and 1,650 ft. south of Avenue 328 within the Urban Area Boundary of Visalia. Assessor's Parcel Number 079-190-017. The land to the north, east and west are developed as rural residential and agricultural production; the property adjacent to the south is in agricultural production.

Please review this proposal and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation. This case is very sensitive and has a lot of opposition and both sides have legal representation. Please briefly review the comments attached.

This stage of the proposal is a request to authorize the applicant to submit an application for a General Plan Amendment. If so authorized, a formal environmental review consultation will be sent to all interested agencies.

Please forward your comments and/or recommendations to our office by **February 10, 2016** so that they may be considered during the review process. **If you do not have recommendations and/or comments, please respond with "no comment."**

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Number referenced above for this project.

Sincerely,

Chuck Przybylski, Project Planner



Phil Clarey

---

From: Kyle Newton <knewton@co.tulare.ca.us>  
Sent: Tuesday, September 10, 2013 6:38 PM  
To: Pclarey@tularefcu.org  
Subject: Fwd: Avenue 328/Qualls Rd

>>> Jeff Newton 09/10/13 10:44 AM >>>

Seems a new road sign has been put up on a private drive off of Avenue 328. The sign states Qualls Rd, 13401 Ave. 328. My concern with this is that FireComm has no listing for a Qualls Rd.

So, if a reporting party calls 911 and states they have an emergency on or around Qualls Rd. we will have been misled as to the location. All of the residences on this private drive have Avenue 328 addresses which coincide with the counties numbering system. There are numerous addresses (residences) on this private drive but they are not on Qualls Rd.

In checking APN numbers I believe this may point back to a Burwin Qualls, 4336 W. Hurley "D" Visalia 93291. That name and address would need to be confirmed.

This job is difficult enough on our people and in light of the incident the other night in the same area I feel we have a duty to address this issue in a proactive manner.

It is my opinion that if someone was having a heart attack they would prefer CPR sooner than later. The same holds true of fires or traffic accidents, our service needs to be sooner than later.

Jeff Newton  
Battalion Chief 1/A  
Tulare County Fire Department

February 9, 2015

Tulare County  
Resource Management  
Agency

FEB 10 2015

Mr. Chuck Przybylski, Planner  
County of Tulare-Resource Management Agency

Mr. Przybylski,

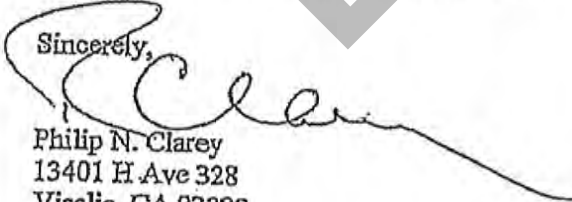
My wife and I live at 13401 H Ave 328, Visalia. I am writing to you in order to express our concerns with any development of the Qualls 27.8 acres on the adjacent property to ours. As you probably know we have just settled a law-suit with the Qualls, in which they (Qualls) agreed to leave us and the ingress and egress road alone unless the property is developed.

We (Clarey's) own the northern most property on the western portion of the original 40 acres. Our property has the ingress and egress easement for all the properties in our small community. The easement on the western property line is 55 feet (west to east), with the first 10 feet of the easement allocated to the irrigation ditch company. The next 45 feet of eastern portion of the western 55 feet is allocated to ingress and egress, of which there is an existing paved road of 25 feet wide. The road's western edge is placed within a foot or two of the ditch's eastern edge easement.

There are three (3) problems with their (Qualls) development proposal. First, any additional development, other than the existing homes, would put an undue burden on the existing paved road of 25 feet wide. Specifically, 3 houses or eventually 11 houses would quadruple the daily volume of vehicles (assuming 2 cars per household) driving past our residence and using our paved 25 foot wide road. Second, the existing 25 foot wide paved road eastern edge is only 20 feet from the western wall of my residence, so additional traffic would clearly affect the noise level, increasing accident hazards, and devaluing the view currently enjoyed from within our home. Third, any expansion of the paved road over the 45 foot easement would place the road to about 10 feet from the western wall of our home, which if approved would make our home unlivable. Finally, when we brought the house in 4/1999, we purchased the country view along with an environment of calm and quiet rural living that will be impaired with any development to the Qualls 27.8 acres. In order fully understand the impact of their proposal on our home, we would like to invite you to visit our home, at your earliest opportunity, to see for yourself the issues associated with the existing road and easement.

The personal and economic values that our home currently affords us would forever be lost as we move into retirement. So, we are appealing to you, as homeowners that will be significantly negatively impacted by the proposed development of any houses on the 27.8 acres, to decline their development application for anything other than agriculture purposes.

Sincerely,



Philip N. Clarey  
13401 H Ave 328  
Visalia, CA 93292  
(559) 738-0527 home  
(559) 972-2688 cell



February 12, 2015

FEB 12 2015  
Tulare County  
Housing Management  
Agency

To Whom It May Concern:

We would like to express our objections to the proposed development of the land owned by Paula Simon, Sonjia Dutton and J. Berwyn Qualls located near Road 132 and Avenue 328 APN: 079-190-017 and 079-180-009. Our property is adjacent to the proposed development. Our home is located at the end of the currently paved private road.

Here are some of our objections:

1. Most importantly is the fact that the land is farm land zoned AE 40. We would like the land to remain agriculture. The land comes with 18 shares of ditch water (when available) for irrigation, hence not depleting the water table as much as homes would. Let's contain the urban sprawl and fill the vacant land/lots already primed for development.
2. The road to the proposed subdivision is too narrow and in need of repair to support the extra traffic. If the road was to be widened traffic would be within a few feet of the house currently on the inside corner. Who would be responsible for maintaining the road?
3. There is only one way in or out to a public road. A dangerous situation in the event of an emergency.
4. We are in the middle of a drought. Adding more houses would deplete the water table even more. More housing is not necessary at this time.

We hope you will consider our concerns. Thank you.

Sincerely,

  
Steve and Nancy Vreeland

13401 Avenue 328

Visalia, CA 93292-9089

559-733-7103

Cc Steve Worthley

Chuck Przybylski, Planner

February 22, 2015

Resource Management Agency

5961 South Mooney Blvd

Visalia, Ca 93277

Re: Qualls Proposed Subdivision, APN #079-190-017

I would like to express my concerns is regards to the proposed above referenced Subdivision development by the Qualls (subject property).

The subject property borders the north side of my property which currently is in walnuts. My family has farmed in this location for approximately 60 years. We actually farmed the subject property for 25 years or so when the Qualls parents were alive. This is agricultural ground and I feel strongly that it should remain that way.

There are several issues that come to mind regarding the proposed Subdivision with water being the first on the list. It is hard to imagine what an additional eleven wells would do to our existing water table. The ditch shares that are held for the benefit of the subject property are in most cases able to provide for the crops typically produced on that property. This is surface water and not water that would be pumped from the underground. A fully developed subdivision likely will require much more pumped groundwater than a continued farming operation would.

Concerns arise from the additional population that this subdivision tract would bring. Included are the impact on the local school, roads, general traffic but more importantly, the other impacts it will have on neighboring farming operations.

A significant concern in the area is that of illegal trespass onto neighboring farm property. This already occurs in the area from nearby residences. People take advantage of farming parcels by riding quads, bicycles, horses or using farm roads for vehicle travel, all without landowner permission. This not only creates a potential liability issue for the property owner but can be a nuisance to general farming operations. On occasion, such trespass has resulted in vandalism or theft of personal property.

It is well known, general farming practice involves the use of fertilizers, herbicides, pesticides and other materials that can be hazardous to the general public, especially those who may reside next to farming operations. Illegal trespass in any form can increase the risk of contact with fertilizers and chemicals used to economically produce crops. Application of certain chemicals cannot take place in some cases where residences and domestic well(s) are located within a certain distance of a farming parcel. This simple adds to the concerns, burdens and regulations farmers already have to deal with and which can adversely impact ongoing and necessary operation.



Dust and order created by farming resulting from land preparation activities and the application of certain fertilizers and/or chemicals cannot be entirely controlled or eliminated. Also, some farming practices must be conducted at night including the spray application of certain chemicals on permanent plantings. This creates a noise factor that may not be acceptable to nearby residents. These can lead to complaints by people who don't understand such required practices which in turn can lead to their contact with public entities who they expect to correct what is considered a potential health issue or an inconvenience. Even though people who decide to move or build in a rural farming area may have received notice of the counties regulation pertaining to a farmers right-to-farm, that does not stop any of the issues or concerns mentioned in this letter from occurring.

It is sincerely hoped that the Resource Management Agency will give strong consideration to the negative impacts the creation of the proposed Subdivision will have on any neighboring farm properties and to area in general. While some concerns set forth above are definitely potential occurrences, others do in fact take place today creating additional burdens farmers should not have to contend with.

Sincerely,

Shari Pratt

32311 Rd 138

Visalia, CA 93292

559-732-1138

Faxed 2/22/2015, hard copy to follow



14231 Avenue 248 - Tulare, CA 93274  
559-685-1768 Phone 559-685-1504 Fax

To Steve Worthley County Supervisor;

This letter is regarding the property located in north Visalia south of Ave 328 & east of road 132 approximately 28 acres. The property APN # is 079-190-017 owned by the Qualls.

My name is Scott Pratt and my family owns the neighboring 120 acres. On this acreage I have developed 60 acres into walnuts. Our walnuts are located immediately south of the property being considered for Subdivision Development. The impact of more housing/people will definitely affect the farming practices of any crops in the area. The added use of water alone in our area is not needed; we are all experiencing water challenges which are causing us to drill new wells for Ag land and our homes. Farmland in this area should be priority when it comes to water.

In the year 2012 my partner and I made a formal offer to the realtor listing the property, we delivered a written proposal and a check made to Chicago Title in good faith. Our plan was to develop it into walnuts just as our family property has been. I don't believe the proposal was ever officially considered or seriously looked at. I am not opposed to developing properties outside of city limits however I don't believe this is one that should be.

For the above reasons I am against any consideration for subdivision on the parcel listed above.

Thanks for your time

Scott Pratt



February 25, 2015

County of Tulare Resource Management Agency  
Mr. Chuck Przybylski Planner  
5961 South Mooney Blvd  
Visalia, CA 93277

Re: Proposed Zone Change Subdivision Development 27.8 acres Zoned AE40  
Owners Paula Simon, Sonja Dutton J. Berwyn Qualls

Dear Mr. Przybylski

I am writing this letter to oppose the approval for the above referenced property to be developed into additional Rural Residential Parcels and diminish the properties ability to be farmed as it is currently approved for as Agricultural property 40 acre parcel size.

I am the owner of approximately 9.5 acres in two parcels APN's 079-180-010-000 & 079-180-011-000 which is immediately east & adjacent to the 20 foot AC road way and easement to the proposed development. My address is 13455-A Ave 328. I have owned the property since September 2011. The property was originally approved for the 9.5 acres to be used as a walnut orchard which was put in place in approximately 1985. Subsequent to the Orchard being developed the property was improved with a single family home and two shop buildings and the Parcel was created in 1986 or 1987 to have the home and shop buildings on their own parcel number. (As you know this is done primarily to have a more appealing property for banks to finance as opposed to commercial Ag land.)

During the escrow period of my purchase of the property, the owner of the property, Mrs. Barbara Jenkins, (the original owner's wife and now widow as Mr. Jenkins had passed away several years earlier), informed me that for reasons unknown to her, there was a developing problem with the "Qualls Kids" as they were fighting over how and who would be the owners of the road and the 27.8 acres of land in the back of the development. Mrs. Jenkins told me that her husband and Floyd Qualls had an agreement that allowed Mr. Jenkins to use the road to the east of the property anytime he needed and for many years a driveway was attached from the Jenkins parcel to the roadway to allow for a nice clean AC driveway to the home. Mrs. Jenkins informed me that in just the last "several months" someone came and cut out the AC driveway section about a foot wide so that she could no longer easily drive in from the road to her driveway.

After the close of escrow I was able to meet some of the neighbors in the area. One neighbor is Mr. Rod Hoveiler, (Mr. Hoveiler is married to Kathy Qualls one of the Qualls children involved in the ownership of the 27.8 acres), and who is the only original owner living on a 2.5 acre parcel just to south of my property. Rod and I spoke for quite some time regarding the issues that he and his wife Kathy had been dealing with regarding the property and the desire of some of the family members to subdivide the property into one acre parcels. As it was purported to me the family members had all done intensive



investigation into the possibility of further subdividing the 27.8 acres and were informed by the county that it was "probably never going to happen" as the county was now not in favor of creating these large home sites and removing any further land that was still economically viable due to location and size to be able to be farmed.

Additionally, the county laid out a "large list" of requirements that would be need to be met to further develop the property into home sites and a major issue was the access road did not and could not meet the county requirements so it was not a viable thought to think the property was going to be approved for anything other than Agricultural uses. It was at this point, according to Rod, that the division between the family members became even more intense.

As of this point in late 2011 the only person to ever contact me or tell me of the numerous issues of the family fighting had come from Mr. Hoveillier. I had not been contacted by anyone else and I continued to use the road if I needed to.

In January 2012 I began the development of the new walnut orchard on the parcel which had been walnuts up through 2010. After the passing of Mr. Jenkins, Mrs. Jenkins did not feel the walnuts were still viable from a commercial production standpoint and she had them removed and the land cleaned and leveled to be able to replant. She told me that after much consideration she felt it was best to sell the property and not take on the farming as she was not able to do any of the work and she wanted to simplify her life. By the end of March 2012 the parcel had been improved and developed and all the trees had been planted. During the next year several issues had transpired with the use of the road and it was purported to the Sheriff's department that I was trespassing on the property. I met with several different Sheriff's officers and described the situation and they said it was not their jurisdiction to determine usage of the road. I also was able to show the Sheriff's officers that I had to travel down the road as the mailbox for my property was located at the end of the road along with the other mailboxes so it was easier for the mail delivery to be all in one location.

It has been a continual issue with everyone in the area as to the rights of the homeowners to who can use the access road and I have been told that numerous lawsuits over the issue have been filed and several settled.

In October 2013 with no notice, a fence was installed on the roadway parcel property line on both the east and west side. The west side fence was put in over the top of a ditch easement and was so intrusive it prevented the owner of the property from harvesting his crop. An injunction as to the fence was quickly put in place and the fence was removed on the west side pending final lawsuit to determine if the fence was or should be allowed as it was felt it was nothing more than a "spite fence". As for my property, a grader was brought out and my walnut furrow was covered over and a fence placed within 4 feet of my walnut trees. These trees were planted in the exact same location as the original walnuts that were there from 1985. Also concrete parking barriers were place on "my driveway" clearly on my side of the property east of the fence that was installed. I have filed a case of vandalism with the Sheriff's office regarding this.

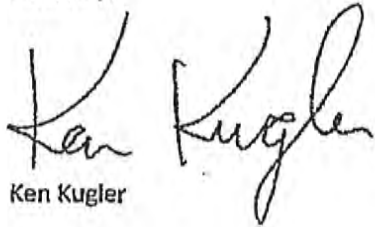
I do not know all the details of all of the other owner's issues they have had with the proposed developers of this property. I do believe that the list is quite extensive. I don't believe that the approval of additional parcels for home ownership is desirable in this area due to the myriad of problems with the roadway access. I think the property is currently best suited to be maintained as a viable farm property.



If you would like to discuss this with me personally you can contact me directly at (559) 303-8369.

I appreciate your consideration in this matter.

Sincerely,



Ken Kugler

Cc Mr. Dennis Lehman

DRAFT

To: Tulare County Resource Management Agency

February 27, 2015

Chuck Przybylski, Planner

5961 South Mooney Blvd.

Visalia, Ca. 93277

Re: Proposed Subdivision, APN #079-180-009, #079-190-017


Dear Mr. Przybylski,

I am an owner occupant of a five acre parcel, including my residence, adjacent to property owned by Paula Simon, Berwyn Qualls and Sonjia Dutton. My property borders Avenue 328 to the north and APN #079-180-009 to the west. This is a 1.33 acre parcel that is used as an access road to my neighbors and was my primary access to the back of my property south of my residence. I had unabated access since 1988 until approximately a year and one half ago when the above named parties constructed a barbed wire fence and denied me access. I explained that this was my only method of entry and I was being landlocked from access for the purposes of property management to include fire access and the ability to service my groundwater pump. I requested gated access for health and safety concerns and but was denied. It is noted that there are not any other alternative methods of entry.

I have consulted with Tulare County Fire and they have the same concerns that I have as they need these access points for fire safety and prevention. Furthermore, I am no longer able to maintain the mature eucalyptus trees on the west side of my parcel as the barbed wire fence was constructed in a manner that doesn't allow clearance to properly maintain these trees from falling onto the roadway. This could cause injury to anyone or vehicle that may be struck by falling limbs or trees. This has been an issue in the past as when storms are present these trees are very susceptible to breakage and toppling over. I have concerns that the additional traffic resulting from the proposed increase in residences would impact the odds and probability of potential damages or injuries.

I understand that there are other concerns by my neighbors and farmers. I have requested viable solutions to my health and safety issues only to be met with a lack of compassion or concern.

Sincerely,

  
Gordon McClaskey

13427 Ave 328

Visalia, Ca. 93292



To: County of Tulare Resource Management Agency

February 18, 2015

Chuck Przybylski, Planner

5961 South Mooney Blvd

Visalia, Ca 93277

Re: Proposed Subdivision, APN #079-190-017, #079-180-009

From: Rod & Kathy Hoveller

Dear Mr. Przybylski,

My Wife and I are current home owners in the area that this proposed division will affect. Listed below are some of our concerns regarding development of a 27.83 parcel of farm land owned by Paula Simon, Sonjia Dutton and Berwyn Qualls (aka The Qualls) off of Avenue 328 and Road 132.

1. The Qualls own two separate parcels of land that do not "**directly join each other**". These two parcels only have one way in and the same way out. First parcel is APN #079-180-009 that consists of 1.33 acres of land which is a long narrow strip that is 45' wide and ends at Mr. Clarey's property. The 1.33 parcel also includes a 10' ingress and egress on their 45' for the underground water pipeline that runs the entire length and serves the farmers to the north of Avenue 328. Leaving only 35' useable feet of which 20' feet is currently paved and within approximately two feet of the underground pipeline. The second parcel APN#079-190-017 consists of 27.83 acres of farm land with a well that has not been used in many years on the south east corner of the property. The Qualls have to access several other properties by way of ingress and egress to get to their 27.83 acres. Which would be first Clarey's then a left turn that proceeds through the south end of Clarey's and north end of Manning's.
2. Mr. Clarey's property line goes to the middle of the ditch with a 45' easement that runs alongside the ditch on his property. This easement allows the property owners ingress and egress, The Qualls have ingress and egress on this easement. The map does not clearly show the actual ownership of the 45'

easement that runs east and west between these properties due to the fact that it is not a separate, stand alone parcel. The Qualls do not own a 45' foot easement. In fact the 45' foot easement that runs east and west is made of 22.5' feet of easement on the four property owners to the north of their 27.83 acres and 22.5' feet easement on the two properties (Manning's) and the Qualls 27.83 acres to the south of the current residents. The Qualls are well aware of the easement problems on the joint 45' easement as well as the water rights of the underground pipeline.

3. The Qualls' properties do not meet current Tulare County regulations, 55 feet easement, 36 feet of paving. They currently only have 35' useable feet on the 1.33 due to the ditch rights of the underground water pipeline. Also, on the east side of the useable 35' feet there is an A.T.&T. telephone line that feeds the existing homes with junction boxes on Clarey's and Hoveiler's property.
4. Allowing anything more than a single residence on the 27.83 acres creates even more problems than we already have. Our understanding of the County regulations, consider fewer than eight parcels a minor development, eight parcels or more to be a major development. If the Qualls four parcels are approved that will add four more parcels to the existing five residents for a total of nine parcels, which makes it a major development. Creating more problems for the current residents and farmers of this area. Example: water rights, utility easements, traffic, road maintenance just to name a few.
5. We are in the fourth year of drought, If development is approved that will mean another three with potential of eleven more wells that will affect the existing homes wells, farmers and water table for this area. Two and one half acre parcels are usually large water users, with no benefit to our area. The 27.83 acres has 18 shares of ditch stock that would be servicing that farm land and as farm land be recharging our water table.
6. All five (5) current residents have already had to take legal action against the Qualls along with existing Farmers on the west side of the 1.33 acres. To protect their farming practices, property and water rights. The Ditch Company has had to consult with their Attorney to protect the ditch and water rights. Every person that



surrounds the Qualls property has had problems with them, from family, neighbors, Post Office, Ditch Company and the Farmers. Even the Farmers to the north of avenue 328 have had problems with the Qualls. The Qualls had tried to fill in the weir/valve on the pipeline that feeds those farmers ditch water. They may have to take legal action to protect their water rights depending on the outcome of current litigation against the Qualls and the decision of the County for development. Hundreds of thousands of legal fees have been spent tying up our Courts and personal lives for the last five (5) years just to affirm that the Qualls do not own everything out here.

7. The Qualls installed a sign approximately ½ foot away from the County easement that reads "Qualls Road" 13401 Ave 328 on the entrance of the 1.33 off avenue 328 that has caused many problems with the Post Office subs, Fire Department, delivery people etc.. The Qualls have been repeatedly asked to remove it. Their blatant disregard for the safety and security of the people who do live here is astonishing. Not to mention their property's have APN#s not addresses. The address 13401 actually belongs to one of the property owners that live here not the Qualls. The sign has already jeopardized our safety. Not long ago a nearby neighbor was doing a permitted control burn. Someone traveling on Avenue 328 saw the smoke and called the Fire Dept. This person instructed the Fire Dept. that she saw the smoke/fire on Qualls Road. The Fire Dept. was delayed because they could not find this road name on any map. Nor has this been approved as an actual road name by any agency. Thus, leaving delivery, repair people to name a few perplexed because they can't find us. Can you imagine if I/we had to call an ambulance? Which then brings the next issue of will we have eleven (3-11) more homes with 13401 – addresses with sixteen (16) letters following the 13401 address? The Qualls cannot deed the County a road since the Qualls do not have it to deed to them and cannot deed property they do not own.
8. The current agreement between the adjacent home owners and the Qualls, negotiated in litigation does not address new multiple parcels in regards to the maintenance of the existing pavement. It does not address the issues of long



term maintenance or future requirements that might be needed. If three or more parcels are allowed it will create unwarranted hardship on the existing property owners as well to any new property owners in respect to the issue of our easements. Any new parcels created would have the right of ingress and egress only through the current property owner's property. Expanding the current 20' feet of paved road on Clarey's property to utilize the full easement would put the pavement within approximately eight feet of his kitchen.

9. Traffic should be a major concern. The average household in the U.S. has 2.28 cars which means with the added three to eleven (3-11) lots, existing five (5) lots with the total of a potential sixteen (16) houses on a single entrance and exit would be a minimum of thirty-six (36) cars to upwards of three times that a day coming and going several times a day. That does not take into account Professional services such as pest control, pool service, service workers, U.P.S., Fed Ex, gardeners, friends and family members, construction people etc. utilizing a 20' foot paved road with easement and maintenance issues. It is already hard to get out of this road at peak times, sometimes having to wait five or more minutes.
10. Floyd Qualls was the owner of the original 40 acres. He then gift deeded 2 1/2 acre parcels to each one of his children. Paula Simon a 20+ year and current primary resident of Palm Springs, Sonjia Dutton a 15 – 20 year and current resident of Lancaster and Berwyn Qualls his children have already owned two and one half (2 1/2) acre parcels that they sold in the mid 1980's. In fact four out of the five parcels deeded to the children were sold. When the Qualls sold their parcels (that the current residents own) they were adamant about imposing a two thousand square footage minimum on any home being built by the buyers. What assurances do we have of that minimum being imposed on these new parcels if approved, to preserve our property values?
11. This subdivision is not for the betterment of the County, City, neighbors and farmers, but just too in rich the pockets of a few of which two have not been invested in our community in many, many years. We have talked to the City of Visalia Planning Department and they told us this is in the U.A.B. but for the next



10 to 15 years. They are only developing property south of Saint Johns River and guessing it may take 20 to 30 years before this land will be part of future subdivisions. Cities have been reducing lot sizes for years, not sixteen (16) houses on a 40 acre parcel. We all know that someday the City will be out here, but this is years out. We all feel that agriculture and farming is the best use of this land until the City grows.

12. There have been several divisions north of the St. Johns River close to this area that were started approximately twenty years ago that are still not all filled. More prime farm land taken away before needed. There is currently a subdivision already in progress going into an approved area at Riggan Avenue and south Shirk. See article attached. Approximately 15 years ago a subdivision was created on Road 132 called El Rio. El Rio has two and one half (2 1/2) acre lots with the proper infrastructure. Only six (6) lots have built houses and the rest of the lots are still unsold and lay empty.
13. Many people have put bids on the Qualls properties for farm use such as, Scott Pratt, Joe Russell, Joe Bettencourt, Jim Simmons, Ritchie's, Shannon's, Ken Macklin are just a few that we know
14. The Qualls have done minimal maintenance to their properties, but it is now in four to six feet of weeds along the easements and the entire 27.83 acres is a weed mess. Showing once again the disregard for the adjacent farmers and property owners
15. Will only the four proposed parcels be rezoned or our entire area? If so how will this affect our current agriculture status? If so will it be A-E 20, A-E 40? Will a rezoning, change the current resident's taxes and what will the current residents be classified as?
16. The Qualls proposed site map show no easements for the utilities for the proposed parcels, nor does it address a turnaround or cul de sac to accommodate large trucks, Waste Management, construction vehicles or excessive traffic. Tractor trailer's have come down this road and cannot turn around. They have had to back all the way out to Avenue 328. The Qualls gated a utility easement and fenced areas of their property that added to this problem

which restricted their own hired workers from turning around. This makes no sense when they have 27.83 acres of bare land. The existing property owner's private driveways are now being used as turnarounds.

17. The additional parcels do not address existing drainage problems along the ditch which will make this problem worse.

18. Will the proposed 55' foot easement between the new lots be required to be paved or left dirt to create further maintenance problems?

Mr. Przybylski these are just a few of the problems and concerns we have. Others that share our concerns will also tell of their own reasons why this should not be rezoned or subdivided at this time.

Sincerely,

---

Rod Hoveiler

13401B Avenue 328

Visalia, Ca 93292

559 733-3979

559 259-0925 cell

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Kathy Hoveiler



From: Dr. Karen MacKenzie  
13401 Ave 328, House S  
Visalia, Ca 93292  
559-302-7040

To: Mr Chuck Przybylski, Planner  
County of Tulare Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, Ca 93277

Re: Proposed Subdivision, APN#079-190-017, #079-180-009

28 Feb, 2015

Dear Mr. Przybylski,

I am the homeowner of the above address, directly adjacent to the proposed subdivision development of the farmland owned by Paula Simon, Sonjia Dutton and J. Berwyn Qualls (collectively referred to as 'the Qualls'). I am the newest resident on the street, having lived here with my two children since just 2007.

The Qualls have maintained a campaign of harassment for every resident on this street and all properties immediately surrounding it for years. Their actions prompted a joint lawsuit by all the resident homeowners, another lawsuit from a farmer denied access to harvest his fruit by the Qualls, and a restraining order filed by myself after the Qualls harassed my then ten year old son and later attempted to run me off the road with his vehicle when I had four children in the car. They have inappropriately photographed my children for as yet undetermined reasons. They are truly bad people with no good intentions for this community, for the land or for the people. They seem only to be determined to create this subdivision for maximum financial gain, and they don't care who they hurt in the process.

As a business person I recognize the right to grow and develop and make financial gain. However, I do not believe this tenet should be at the expense of others. This road will simply not support more residences. From a width of road standpoint alone it would disrupt ditch water for adjacent farmers, require destruction of landscaping and driveways of every resident's easements, and would destroy one homeowner's actual physical home. In regards to safety, there is only one way in and out with no cul-de-sac or adequate area for large vehicles to turn around. This causes enough problems with only five residences but with additional homes and families it would simply be dangerous.

As a physician I am quite familiar with safety issues. I am very concerned with the above increased burden and that the Qualls have installed a very real appearing road sign designating our road as 'Qualls Road'. This is not a named road on any map and the fire department has written a letter explaining how placing this sign could confuse and delay emergency responses by health agencies such as paramedics,

fire department personnel, or ambulances. This again demonstrates their very real lack of concern for any current or future residents on this street.

Recently I had to drop the pump on my well an additional 40 feet. Another adjacent resident has had to dig an entire new well. We are not unlike many in the valley, we are feeling the drought. Adding more homes and increasing the water usage with no resorption such as farming would add, there is no doubt we are setting up many families and farmers for failure.

There appear to be many vacant lots, many nearby subdivisions with empty lots or homes, and many vacant homes all over the city of Visalia. There is no need for additional houses in this area. The Qualls are acting out of pure selfish financial interests. They do not live here, they are not custodians of the land and they do not contribute anything other than hardships upon the residents of this property.

I am certainly not well versed in planning or zoning designations. I cannot argue intelligently on minor or major subdivisions or future land projections for growth or agricultural issues. However, I can tell you with much certainty this subdivision will hurt five highly successful contributing business person's homes and families, will hurt every farmer in the vicinity of this proposed site and is completely undesired by everyone involved, except three greedy individuals.

I would ask that the Qualls' application for development be denied. Their behavior to date is indicative of their motives and can be applied to predict future potential for disasters which can only increase the burden on current and future residents and the farming and legal systems of this city as a whole. Your consideration of this matter is greatly appreciated.

Sincerely,



Karen M. MacKenzie, MD



March 3, 2015

To: Chuck Przybylski, Planner  
Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277

RE: Qualls Proposed Subdivision, APN #079-190-017

As President of the Mathew's Ditch Company, I have a great concern regarding the proposed re-zone application of the Qualls Property. The Mathew's Ditch Company has an easement through the west side of the said property. Ditches are open, mud-lined waterways that carry irrigation water to local farmland. The water can travel up to 15 miles per hour in these narrow channels, creating a safety hazard for anyone unfamiliar with their characteristics. By re-zoning said property with 11 more households (possibly with children residing), it could increase the likelihood of potential accidents. Another factor that we, as a ditch company, experience is more trash and debris thrown into ditches that are near housing developments. This causes another safety issue within the ditch and also potential flooding of properties lower than the ditch.

As a local farmer in the area of the proposed Subdivision as well, I have several concerns with the plans of more housing on this property. This property is zoned AE-40 which is part of the Williamson Act to protect farmland from development. I have personally farmed said property approximately 12 years in the past and raised well-above County average yields due to its uniquely fertile soils. It would be a shame to lose such vital farmland to housing projects. As you know, once the farmland is taken over, it cannot be recovered. This property also possesses 18 shares of Mathew's Ditch Stock and this water allocation minimizes ground water pumping in in our immediate area.

If this property is developed into housing, it will greatly affect the types of fertilizers, herbicides and pesticides that can be applied to the farmland surrounding it. We own and lease property within a quarter mile of the south side of said property. By developing this into a "subdivision-type" property, it would change the current regulations that must be adhered to by DPR (Department of Pesticide Regulations). It would limit some of my pesticide applications due to application regulations around a subdivision.

We have recently been involved in re-drilling two wells on properties we farm in this area due to decreased water tables. By adding 11 new homes with 11 independent wells, this would compound the water issues in the area.

My last concern is trespassing on private property. We already experience people within the area that trespass without permission. This is very difficult to monitor and increases our personal liability. It can also be a safety and health hazard for the individuals trespassing. There are chemical applications that

can expose untrained persons to health issues when they come in contact with it. There is also large equipment operating in dusty conditions, where visibility can be limited, exposing people on the ground to danger.

I hope you give strong consideration to the re-zone application for said property as it will definitely have several negative effects to the surrounding area. I appreciate your thoughtful consideration on this matter.

Sincerely,



Mark Pratt

President, Matthews Ditch Company and Local Farmer

Visalia, CA

559-740-2045 (Cell)

DRAFT



Chuck Przybylski, Planner

February 17, 2015

Resource Management Agency

5961 South Mooney Blvd

Visalia, Ca 93277

Re: Qualls Proposed Subdivision, APN #079-190-017

Tulare County  
Resource Management  
Agency

FEB 18 2015

I would like to express my concerns is regards to the proposed above referenced Subdivision development by the Qualls (subject property).

The subject property borders the north side of my property which currently is in walnuts. My family has farmed in this location for approximately 60 years. We actually farmed the subject property for 25 years or so when the Qualls parents were alive. This is agricultural ground and I feel strongly that it should remain that way.

There are several issues that come to mind regarding the proposed Subdivision with water being the first on the list. It is hard to imagine what an additional eleven wells would do to our existing water table. The ditch shares that are held for the benefit of the subject property are in most cases able to provide for the crops typically produced on that property. This is surface water and not water that would be pumped from the underground. A fully developed subdivision likely will require much more pumped groundwater than a continued farming operation would.

Concerns arise from the additional population that this subdivision tract would bring. Included are the impact on the local school, roads, general traffic but more importantly, the other impacts it will have on neighboring farming operations.

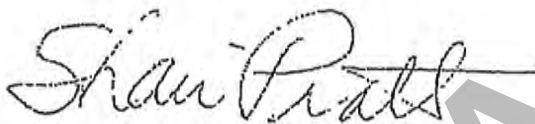
A significant concern in the area is that of illegal trespass onto neighboring farm property. This already occurs in the area from nearby residences. People take advantage of farming parcels by riding quads, bicycles, horses or using farm roads for vehicle travel, all without landowner permission. This not only creates a potential liability issue for the property owner but can be a nuisance to general farming operations. On occasion, such trespass has resulted in vandalism or theft of personal property.

It is well known, general farming practice involves the use of fertilizers, herbicides, pesticides and other materials that can be hazardous to the general public, especially those who may reside next to farming operations. Illegal trespass in any form can increase the risk of contact with fertilizers and chemicals used to economically produce crops. Application of certain chemicals cannot take place in some cases where residences and domestic well(s) are located within a certain distance of a farming parcel. This simple adds to the concerns, burdens and regulations farmers already have to deal with and which can adversely impact ongoing and necessary operation.

Dust and order created by farming resulting from land preparation activities and the application of certain fertilizers and/or chemicals cannot be entirely controlled or eliminated. Also, some farming practices must be conducted at night including the spray application of certain chemicals on permanent plantings. This creates a noise factor that may not be acceptable to nearby residents. These can lead to complaints by people who don't understand such required practices which in turn can lead to their contact with public entities who they expect to correct what is considered a potential health issue or an inconvenience. Even though people who decide to move or build in a rural farming area may have received notice of the counties regulation pertaining to a farmers right-to-farm, that does not stop any of the issues or concerns mentioned in this letter from occurring.

It is sincerely hoped that the Resource Management Agency will give strong consideration to the negative impacts the creation of the proposed Subdivision will have on any neighboring farm properties and to area in general. While some concerns set forth above are definitely potential occurrences, others do in fact take place today creating additional burdens farmers should not have to contend with.

Sincerely,



Shari Pratt

32311 Rd 138

Visalia, CA 93292

559-732-1138

Faxed 2/17/2015, hard copy to follow



To: County of Tulare Resource Management Agency

March 4, 2015

Mr. Chuck Przybylski

5961 S. Mooney Blvd

Visalia, Ca 93277

Re: Proposed Subdivision, APN #079-190-017, APN #079-180-009

Mr. Przybylski,

The adjacent property owners have concerns regarding the application filed by Paula Simon, Sonjia Dutton and Berwyn Qualls (known as the "Qualls") on December 18, 2014. Simon, Dutton and Qualls have applied for the rezoning of a 27.83 acre parcel of farmland into four (4) parcels, three (3) 2.37 acres for rural residential and one (1) twenty (20) acre parcel to become AE-20. This property is not a standalone development and the two parcels they own are not adjoining. To allow these parcels would actually be an expansion on an existing subdivision, making it nine (9) houses from the originating forty (40) acres, due to only having one access in and same way out. According to your planning engineer this would not be considered a minor development. But a major development which would require a Class 1 road with a 56' ft. easement and 36' ft paved that conforms to the Government Improvement Standards. The "Qualls" only have thirty five (35') useable feet on this the 1.33 acre parcel leading up to the first house (Clarey's) due to a ten ft (10') easement owned by the Bettencourt's on the west side and another ten ft (10') easement also on the west side owned by Toney Serpa, Jr. and Antonio Collucci. These easements have an underground ditch pipeline. There is also a telephone easement on the east side, further reducing the useable footage. Along with two wells/pumps, one on each side of the 1.33 creating another issue of distance to line setbacks. Deeds are provided in our packet, as well as more documents concerning these properties.

Phil Clarey's home APN #079-190-004 would not make it possible to expand the road wider than the existing twenty ft (20') of pavement according to setback requirements in section 7-19-1185 of the Tulare County Ordinance Codes. Any expansion of this easement would create a safety hazard to his family and property. This road would also need the required Cull-de-Sac at the end.

This proposal will also conflict with Article 3, ordinance 7-29-1050 of the Tulare County Ordinance Code the "Right to Farm". This will put further restrictions on the Farmers and their farming practices, adjacent to the proposed parcels that include the 1.33 road. For the last four years this Valley has been in drought conditions. Allowing more parcels at this time is of great

concern regarding more wells taxing the water table in this area. A few property owners have already had to adjust their wells and even dig new ones. Leaving this acreage in tact as farm land would benefit our area by recharging the water table. Also we find perplexing a statement in the letter from their Attorney Thomas Ward "The property in question will never again be used for agriculture." This property has been for sale for approximately four years with many offers to buy from farmers who are still interested in buying it and want to farm it.

Simon, Dutton and Qualls were well aware of the easement issues and County requirements before submitting their application to the County. Mediation was held with Judge Broadman in April of 2014 in the case between landowners Clarey's, Hoveiler's, Mannings, McKenzie and Vreeland's vs. Sonjia Dutton, Paula Simon and Berwyn Qualls Case #25385 in Tulare County Superior Court. Where upon the request of Simon, Dutton and Qualls a Tulare County engineer, Craig Anderson told us at that time that the "Qualls" needed a fifty six ft (56') easement with thirty six ft (36') paved and again recently at the RMA.

Tulare County Ordinance Code, 2030 General Plan, Government Improvements and Standards, City of Visalia planning all state by ordinance and or code that their priority is that Farmland, remain farmland until needed. There are currently several Provisions in the Settlement with the Sierra Club out of the eleven (11) provisions that apply to this development. Allowing the expansion of the current subdivision will only create more issues for the current residents, any new residents and adjacent farmers and property owners. Ex: infrastructure, farming practices, water, health and safety (emergency services), undue hardship and stress of possible future litigation, water, ditch rights, utilities and dedication of the road to the County. These are just a few of the conflicts with this proposal and ordinances. We are asking the County to adhere to the County standards and deny this proposal.

Documents included in the packet for you are: deeds, Easements, ditch easements letters from adjacent property owners, pictures of the areas in conflict, maps and articles. Thank you for your consideration in this matter.

Sincerely,

The Concerned Property Owners





# TULARE COUNTY FARM BUREAU

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

March 3, 2015

Mr. Chuck Przybylski, Planner  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd  
Visalia CA 93277

March 03 2015  
Tulare County  
Resource Management  
Agency

Dear Mr. Przybylski,

The Tulare County Farm Bureau has served as a watchdog in the community for many years monitoring land use conditions, permit requests, development activities and seeking to work cooperatively with the Cities and the County of Tulare on protecting farmland and providing a quality of living for our residents through smart planning and responsible land use decision making.

We are writing to you on behalf of neighbors and concerned landowners who live near APN # 079-190-017 and #079-180-009, East of Road 132 and south of Ave 328, north east of Visalia. Property for which the County has received notice for a proposed subdivision of land on approximately 27 acres currently zoned AE-40. The property is in the UAB for the City of Visalia, but currently is in the county's planning authority.

We believe that, in accordance with Farm Bureau policies and the county's adherence to their own General Plan, this is not an appropriate proposal to approve and will promote the premature conversion of agricultural zoned land to more intensified uses. Sub-dividing this acreage into four additional lots will bring a host of additional nuisances and concerns to the surrounding landowners, many of which are engaged in commercial farming practices and have had considerable disputes with the owners of these parcels.

Studies have shown that one of the strongest influences on maintaining the ability to farm is predictability. Failure of the county to provide the predictability of appropriate farm land conversion through the rigorous application of the General Plan will result in continuing untimely requests to convert agriculturally suitable land. The loss of predictability disrupts management decisions and investments in critical improvements, devaluing the land base of the agricultural business and shifting the greater value toward development.

Allowing this AE-40 property to be re-zoned and sub-divided will only create more issues in this rural farming area. Subdivision of this land will lead to a number of concerns including how commercial farming activities adjacent to the new lots will be maintained and protected. The cultural practices of applying crop protection materials, insecticides, herbicides, right of way access for farm equipment, as well as rights to water are all key considerations.

We urge the County to adhere to their own standards for development based on the County's General Plan policies, and ask that you do not allow a sub-division to occur on this land, when it is suitable to remain zoned for agricultural purposes. We would further request that although an RVLP analysis is not required, that one be done to determine the viability of this land for future agricultural pursuits.

Thank you,

TRICIA STEVER BLATTLER  
Executive Director

March, 2015

MAR 09 2015

Hon. Steven Worthley,  
Tulare County Supervisor  
Tulare County Courthouse

Dear Mr. Worthley:

We are the owners of the five acres to the East adjoining the Qualls property. We are objecting to any residential development on the Qualls property. This is due to a narrow road and decreasing water levels.

The gated road at the south/east corner of our property is no longer available as an entrance or exit. This narrow road is maintained by all the owners in our neighborhood. We maintain the asphalt, pay for all repairs and resurfacing. This road is not wide enough for large trucks and emergency vehicles to turn around. Several times during the year the ground can be muddy or soft, creating a problem for anyone attempting to maneuver around the small road. Without the permission of our owners, this road would not be available to anyone in the proposed residential property.

Since we built our home and installed a well, the water level has decreased approximately 60 feet. We are concerned that additional residential development near to us with multiple wells could severely impact our water supply.

Sincerely Yours,

*Vanabeth & Lloyd Trout*

Lloyd & Vanabeth Trout  
32411 Road 138  
Visalia



### Subdivision Development:

There are 3 phases that have to be approved and passed before an application can move to the next phase.

Phase 1: \$5,000.00 range. This will most likely be approved because they will have no legitimate reason to deny it. Initial letter is important stating grievances to this project. 2 month required for county to view this starting now, Feb. 3, 2015. It is in his office at this time.

Phase 2: \$50,000 - \$100,000.00 range for the maximum which includes environmental impact reports. This is for the zoning change and the general plan, most important phase.

OR

\$10,000 - \$15,000 or lower than \$10,000 for the cheaper version to achieve the zoning change.

In either case of how they determine they will proceed, it will be 6 months out for the county to rule on their decision. If denied it stops there, done.

Phase 3: \$1,000.00 per lot. (I believe) . This is for the map showing how it is intended to be subdivided. This phase could take another 6 months out, which brings the project to well over a year.

### Their intentions:

To split the 27.8 acres into 3, 2 ½ acre lots facing north with the remainder as one larger 20 acre lot to later to be split by whoever buys the property. The county planner, Chuck Przybylski, informed us the Qualls intend for the larger portion of 20 acres would later be split into 8 more 2 ½ acre lots. This totals 11 lots.

The county planner said this is a tough decision to rule on because this 27.8 acres is already located within the city boundary for urban development. Just look around you, such as Ray Court. There are already a large number of ranches and they are on our street. He also said the farmland does not play into it. They are going to follow the general plan rules and consider does it fit the area?



**COUNTY OF TULARE  
RESOURCE MANAGEMENT AGENCY**

**Chuck Przybylski**  
Planner  
[cprzybyl@co.tulare.ca.us](mailto:cprzybyl@co.tulare.ca.us)  
[www.co.tulare.ca.us](http://www.co.tulare.ca.us)

5961 South Mooney Blvd.  
Visalia, CA 93277-9394  
(559) 624-7000  
Fax: (559) 730-2653

DRAFT



# HORSWILL, MEDEROS & SOARES

JOSEPH LEWIS HORSWILL

DENNIS A. MEDEROS

JOSEPH F. SOARES

BRANDON M. ORMONDE

JOSEPH L. SOARES (1918-1989)

BRIAN M. ROWSON, (1923-2010)

ATTORNEYS AT LAW

791 NORTH CHERRY STREET

TULARE, CALIFORNIA 93274

WEBSITE: WWW.TULAREESO.COM

EMAIL: ADMIN@TULAREESO.COM

MAILING ADDRESS

P.O. BOX 29

TULARE, CALIFORNIA 93275

TELEPHONE

(559) 686-3661

FACSIMILE

(559) 686-1514

February 18, 2015

Tulare County Resource  
Management Agency (RMA)  
5961 South Mooney Blvd.  
Visalia, CA 93277

Tulare County  
Resource Management  
Agency  
FEB 18 2015


Re: APN 079-190-017

To Whom It May Concern:

Our office represents Phil Clarey, adjoining land owner of the property in issue, who resides at 13401-H Avenue 328, Visalia, CA 93292. I am hereby requesting all available information on the above mentioned Assessor's Parcel Number. I would like copies of all documents of public record that are available. My law clerk, Erika Rascon, has a signed check to be used as payment for any expenses that may be incurred in obtaining the copies of the documents.

Very truly yours,

HORSWILL, MEDEROS & SOARES

  
Joseph F. Soares

To: County of Tulare Resource Management Agency

February 18, 2015

Chuck Przybylski, Planner

5961 South Mooney Blvd

Visalia, Ca 93277

Re: Proposed Subdivision, APN #079-190-017, #079-180-009

From: Rod & Kathy Hoveiler

Dear Mr. Przybylski,

My Wife and I are current home owners in the area that this proposed division will affect. Listed below are some of our concerns regarding development of a 27.83 parcel of farm land owned by Paula Simon, Sonjia Dutton and Berwyn Qualls (aka The Qualls) off of Avenue 328 and Road 132.

1. The Qualls own two separate parcels of land that do not "**directly join each other**". These two parcels only have one way in and the same way out. First parcel is APN #079-180-009 that consists of 1.33 acres of land which is a long narrow strip that is 45' wide and ends at Mr. Clarey's property. The 1.33 parcel also includes a 10' ingress and egress on their 45' for the underground water pipeline that runs the entire length and serves the farmers to the north of Avenue 328. Leaving only 35' useable feet of which 20' feet is currently paved and within approximately two feet of the underground pipeline. The second parcel APN#079-190-017 consists of 27.83 acres of farm land with a well that has not been used in many years on the south east corner of the property. The Qualls have to access several other properties by way of ingress and egress to get to their 27.83 acres. Which would be first Clarey's then a left turn that proceeds through the south end of Clarey's and north end of Manning's.
2. Mr. Clarey's property line goes to the middle of the ditch with a 45' easement that runs alongside the ditch on his property. This easement allows the property owners ingress and egress, The Qualls have ingress and egress on this easement. The map does not clearly show the actual ownership of the 45'



easement that runs east and west between these properties due to the fact that it is not a separate, stand alone parcel. The Qualls do not own a 45' foot easement. In fact the 45' foot easement that runs east and west is made of 22.5' feet of easement on the four property owners to the north of their 27.83 acres and 22.5' feet easement on the two properties (Manning's) and the Qualls 27.83 acres to the south of the current residents. The Qualls are well aware of the easement problems on the joint 45' easement as well as the water rights of the underground pipeline.

3. The Qualls properties do not meet current Tulare County regulations, 55 feet easement, 36 feet of paving. They currently only have 35' useable feet on the 1.33 due to the ditch rights of the underground water pipeline. Also, on the east side of the useable 35' feet there is an A.T.&T. telephone line that feeds the existing homes with junction boxes on Clarey's and Hoveiler's property.
4. Allowing anything more than a single residence on the 27.83 acres creates even more problems than we already have. Our understanding of the County regulations, consider fewer than eight parcels a minor development, eight parcels or more to be a major development. If the Qualls four parcels are approved that will add four more parcels to the existing five residents for a total of nine parcels, which makes it a major development. Creating more problems for the current residents and farmers of this area. Example: water rights, utility easements, traffic, road maintenance just to name a few.
5. We are in the fourth year of drought, If development is approved that will mean another three with potential of eleven more wells that will affect the existing homes wells, farmers and water table for this area. Two and one half acre parcels are usually large water users, with no benefit to our area. The 27.83 acres has 18 shares of ditch stock that would be servicing that farm land and as farm land be recharging our water table.
6. All five (5) current residents have already had to take legal action against the Qualls along with existing Farmers on the west side of the 1.33 acres. To protect their farming practices, property and water rights. The Ditch Company has had to consult with their Attorney to protect the ditch and water rights. Every person that

surrounds the Qualls property has had problems with them, from family, neighbors, Post Office, Ditch Company and the Farmers. Even the Farmers to the north of avenue 328 have had problems with the Qualls. The Qualls had tried to fill in the weir/valve on the pipeline that feeds those farmers ditch water. They may have to take legal action to protect their water rights depending on the outcome of current litigation against the Qualls and the decision of the County for development. Hundreds of thousands of legal fees have been spent tying up our Courts and personal lives for the last five (5) years just to affirm that the Qualls do not own everything out here.

7. The Qualls installed a sign approximately ½ foot away from the County easement that reads "Qualls Road" 13401 Ave 328 on the entrance of the 1.33 off avenue 328 that has caused many problems with the Post Office subs, Fire Department, delivery people etc.. The Qualls have been repeatedly asked to remove it. Their blatant disregard for the safety and security of the people who do live here is astonishing. Not to mention their property's have APN#s not addresses. The address 13401 actually belongs to one of the property owners that live here not the Qualls. The sign has already jeopardized our safety. Not long ago a nearby neighbor was doing a permitted control burn. Someone traveling on Avenue 328 saw the smoke and called the Fire Dept. This person instructed the Fire Dept. that she saw the smoke/fire on Qualls Road. The Fire Dept. was delayed because they could not find this road name on any map. Nor has this been approved as an actual road name by any agency. Thus, leaving delivery, repair people to name a few perplexed because they can't find us. Can you imagine if I/we had to call an ambulance? Which then brings the next issue of will we have eleven (3-11) more homes with 13401 – addresses with sixteen (16) letters following the 13401 address? The Qualls cannot deed the County a road since the Qualls do not have it to deed to them and cannot deed property they do not own.
8. The current agreement between the adjacent home owners and the Qualls, negotiated in litigation does not address new multiple parcels in regards to the maintenance of the existing pavement. It does not address the issues of long



term maintenance or future requirements that might be needed. If three or more parcels are allowed it will create unwarranted hardship on the existing property owners as well to any new property owners in respect to the issue of our easements. Any new parcels created would have the right of ingress and egress only through the current property owner's property. Expanding the current 20' feet of paved road on Clarey's property to utilize the full easement would put the pavement within approximately eight feet of his kitchen. .

9. Traffic should be a major concern. The average household in the U.S. has 2.28 cars which means with the added three to eleven (3-11) lots, existing five (5) lots with the total of a potential sixteen (16) houses on a single entrance and exit would be a minimum of thirty-six (36) cars to upwards of three times that a day coming and going several times a day. That does not take into account Professional services such as pest control, pool service, service workers, U.P.S., Fed Ex, gardeners, friends and family members, construction people etc. utilizing a 20' foot paved road with easement and maintenance issues. It is already hard to get out of this road at peak times, sometimes having to wait five or more minutes.
10. Floyd Qualls was the owner of the original 40 acres. He then gift deeded 2 1/2 acre parcels to each one of his children. Paula Simon a 20+ year and current primary resident of Palm Springs, Sonjia Dutton a 15 – 20 year and current resident of Lancaster and Berwyn Qualls his children have already owned two and one half (2 1/2) acre parcels that they sold in the mid 1980's. In fact four out of the five parcels deeded to the children were sold. When the Qualls sold their parcels (that the current residents own) they were adamant about imposing a two thousand square footage minimum on any home being built by the buyers. What assurances do we have of that minimum being imposed on these new parcels if approved, to preserve our property values?
11. This subdivision is not for the betterment of the County, City, neighbors and farmers, but just too in rich the pockets of a few of which two have not been invested in our community in many, many years. We have talked to the City of Visalia Planning Department and they told us this is in the U.A.B. but for the next

10 to 15 years. They are only developing property south of Saint Johns River and guessing it may take 20 to 30 years before this land will be part of future subdivisions. Cities have been reducing lot sizes for years, not sixteen (16) houses on a 40 acre parcel. We all know that someday the City will be out here, but this is years out. We all feel that agriculture and farming is the best use of this land until the City grows.

12. There have been several divisions north of the St. Johns River close to this area that were started approximately twenty years ago that are still not all filled. More prime farm land taken away before needed. There is currently a subdivision already in progress going into an approved area at Riggins Avenue and south Shirk. See article attached. Approximately 15 years ago a subdivision was created on Road 132 called El Rio. El Rio has two and one half (2 1/2) acre lots with the proper infrastructure. Only six (6) lots have built houses and the rest of the lots are still unsold and lay empty.
13. Many people have put bids on the Qualls properties for farm use such as, Scott Pratt, Joe Russell, Joe Bettencourt, Jim Simmons, Ritchie's, Shannon's, Ken Macklin are just a few that we know
14. The Qualls have done minimal maintenance to their properties, but it is now in four to six feet of weeds along the easements and the entire 27.83 acres is a weed mess. Showing once again the disregard for the adjacent farmers and property owners
15. Will only the four proposed parcels be rezoned or our entire area? If so how will this affect our current agriculture status? If so will it be A-E 20, A-E 40? Will a rezoning, change the current resident's taxes and what will the current residents be classified as?
16. The Qualls proposed site map show no easements for the utilities for the proposed parcels, nor does it address a turnaround or cul de sac to accommodate large trucks, Waste Management, construction vehicles or excessive traffic. Tractor trailer's have come down this road and cannot turn around. They have had to back all the way out to Avenue 328. The Qualls gated a utility easement and fenced areas of their property that added to this problem

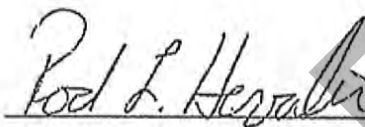


which restricted their own hired workers from turning around. This makes no sense when they have 27.83 acres of bare land. The existing property owner's private driveways are now being used as turnarounds.

17. The additional parcels do not address existing drainage problems along the ditch which will make this problem worse.
18. Will the proposed 55' foot easement between the new lots be required to be paved or left dirt to create further maintenance problems?

Mr. Przybylski these are just a few of the problems and concerns we have. Others that share our concerns will also tell of their own reasons why this should not be rezoned or subdivided at this time.

Sincerely,



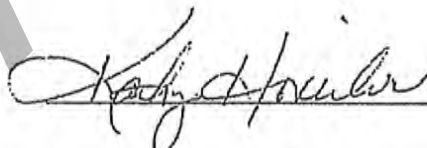
Rod Hoveiler

13401B Avenue 328

Visalia, Ca 93292

559 733-3979

559 259-0925 cell



Kathy Hoveiler

## Local home builders busy

Two local home builders have recently broke ground on large new projects.

San Joaquin Valley Homes has started construction on a 26-acre single-family residential project called San Marino that will offer 95 detached homes in northwest Visalia. A grand opening is tentatively scheduled for April.

"We're anticipating a very high demand due to a lack of inventory of larger new homes with high-end amenities," said Lissa Walker, director of marketing for San Joaquin Valley Homes, which is based in Visalia. San Marino, located on a vacant piece of land at Riffin Avenue and South Shirk Road, will offer four floor plans and three elevations with three to six bedrooms. The homes will have tile roofs, courtyards, granite counter-tops and tile flooring.

Standing in line: Mean-

ARY 14-15, 2015

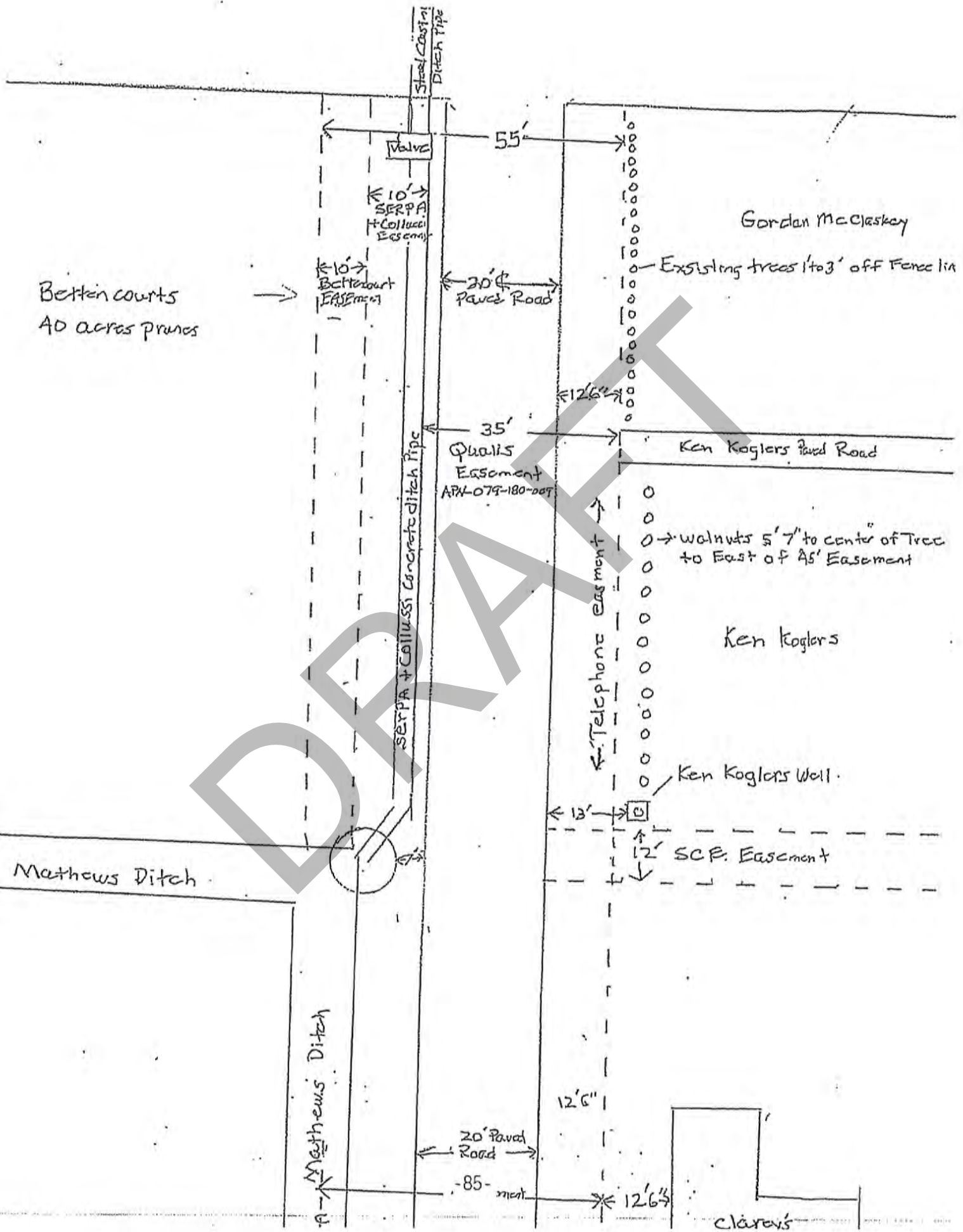
while, one of the home tracts in this is in Goshen where Builders has ground on Cotton low — a 110 lot subdivision near Ave 308. Bui ry Smee says various phases are added will be more of homes. Prices range \$150,000 to \$180,000.

"We got them standing in line to buy the project," says Smee, in part because of attractive financing offered to income buyers.



## Comment Maps

DRAFT



Bettin courts  
40 acres prunes

Gordon McCleskey

Existing trees 1 to 3' off Fence line

Ken Koglers Paved Road

Ken Koglers

Ken Koglers Wall

Mathews Ditch

Mathews Ditch

Clarens



AVE 328

PN 079-180-009  
Qualls Rd.  
1.33 Acres

APN 079-190-004  
Clarey

APN 079-190-005  
Hoveiler

APN 079-190-006  
Mackenzie

APN 079-190-007  
Vreeland

Ditch

Clareys  
Property From  
Center of Rd.  
to Center of Ditch

Watheus  
Ditch

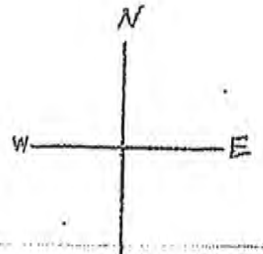
Mannings  
Property From  
Center of Rd. to Center of Ditch

Paved Road

Note: ALL (6) Properties own to Center of Rd.

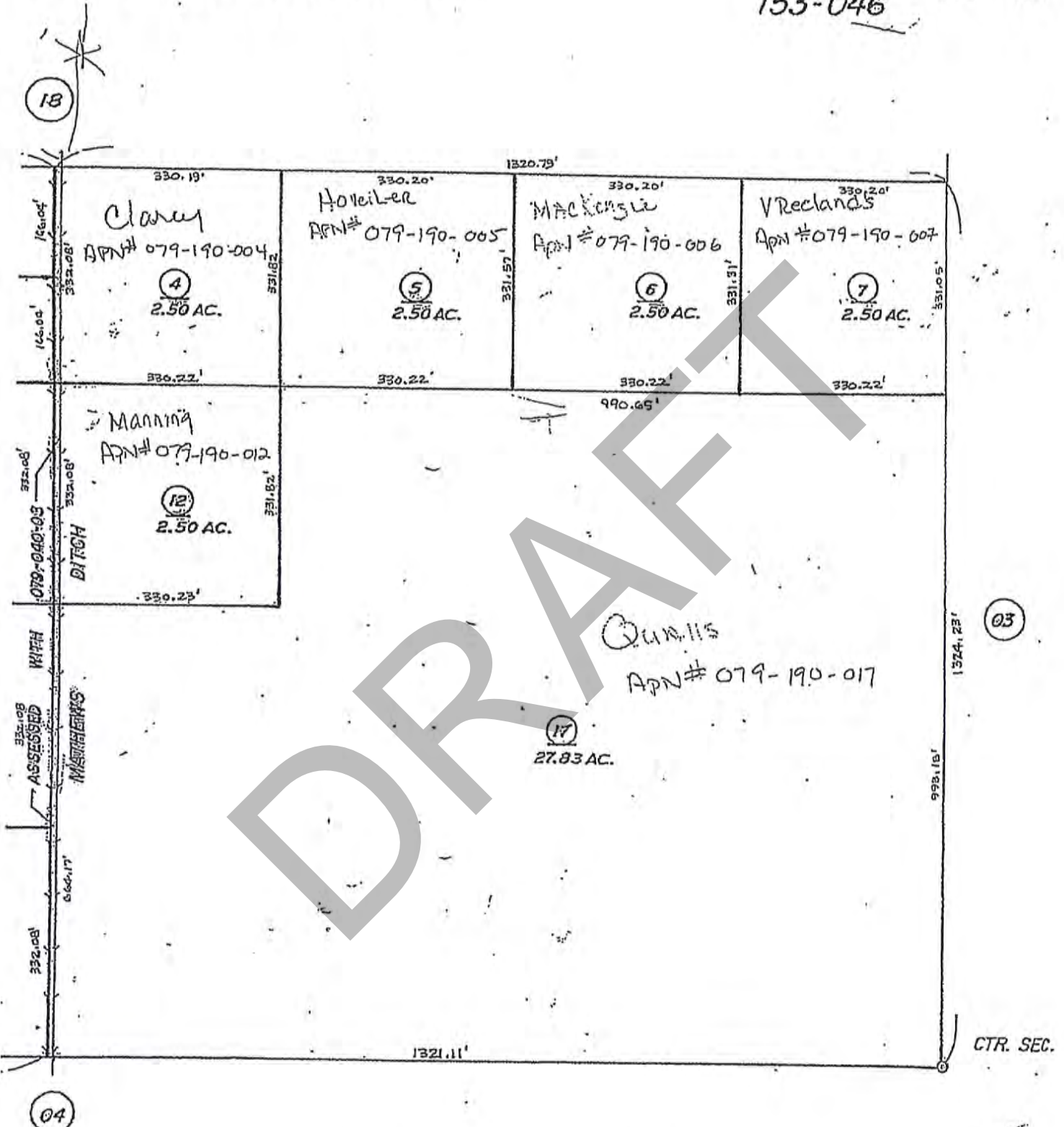
Manning  
APN 079-190-012

Qualls APN 079-190-017  
27.8 acres



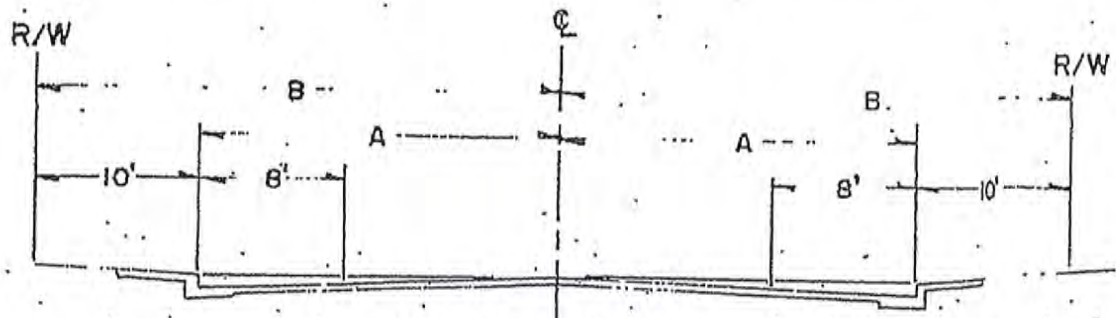
7, T.18S., R.25E., M.D.B. & M.

TAX CODE AREA 79-19  
153-046



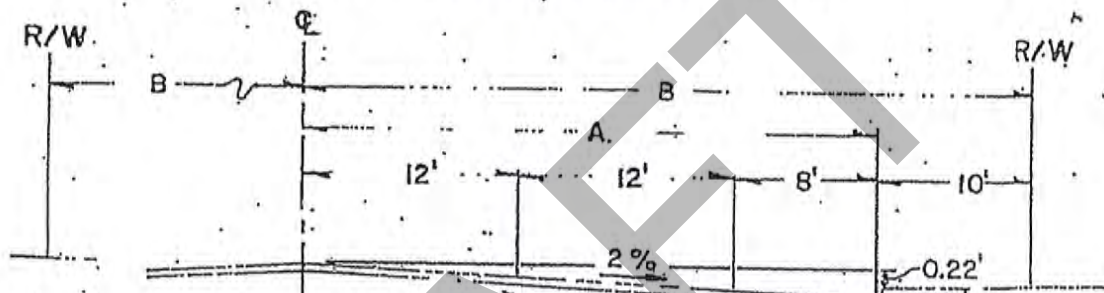
ASSESSOR'S MAPS BK. 79 PG. 19  
COUNTY OF TULARE, CALIF.





### CLASS 1, 2, & 3 TWO LANE ROADS

Top of curb elevation = centerline elevation



Top of curb elevation is 0.22' lower than CL elevation

### CLASS 3 & SELECT SYSTEM FOUR LANE UNDIVIDED ROADS

\*Note: The distance between face of curb and right of way and distance B may be reduced to 8 feet and 40 feet respectively on existing, 80 foot right of ways. The chart below applies to urban areas with speed control zones, and select system

ROAD CLASS	NO. OF LANES	DESIGN VELOCITY	A MIN.	B MIN.	MAX. GRADE	MAX. SUPER
1	2	25 MPH	18	28	10%	
2	2	30 MPH	20	30	10%	
3	2	35 MPH	20	30	10%	
3	4	40 MPH	32	42*	8%	8%
SELECT	2	40 MPH	20	30	8%	
SELECT	4	50 MPH	32	42*	8%	

roads outside such areas shall be designed to 60 m.p.h. minimum using a maximum super of 10%.

## PUBLIC ROAD STANDARDS

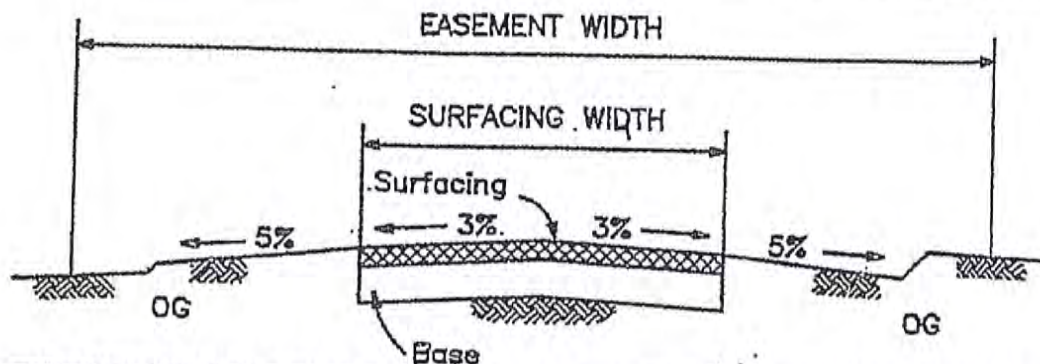
### VALLEY AREA

TULARE COUNTY  
ORDINANCE CODE  
SECTION No. 7080

GEOMETRIC  
SECTIONS

PLATE NO. A-1





EASEMENT AND SURFACING WIDTHS ***			STRUCTURAL SECTION (minimum) ***		
NO. OF PARCELS TO BE SERVED *	EASEMENT WIDTH (ft.)	PAVEMENT WIDTH (ft.)	NO. OF PARCELS TO BE SERVED *	BASE	SURFACING
1	18	10	1-2	3" AB(3)	OIL PENETRATION **
2	18	16	3	3" AB(3)	1.5" RMAS or AC
3	20	18	4	AB (3)	RMAS or AC
4	26	20		Use TI = 4.0 for thickness	

- NOTES:
1. A 37' paved radius turnaround bulb shall be constructed within a 45' easement radius at the end of access easements serving 2, 3, and 4 parcels. In the SRA, turnarounds will also be required for access easements serving one parcel with more than two buildings or four or more dwelling units. Turnaround bulbs shall be paved to a 40' radius within a 48' easement radius.
  2. Private Vehicular Access connections to County roads shall be constructed in accordance with Plate No. A-17.
  3. When more than four parcels are served, County Road Standards for right-of-way, surfacing widths, and structural section shall apply.
  4. When RMAS is used, the oil quantity and the quality of aggregate will be tested using test method No. Calif. 304 and other tests as required in Section III-B6 of these standards.
  5. Compaction of OG and AB shall be to a minimum of 90% relative compaction. Compliance tests will be taken as directed by the Public Works Director.
  6. Improvement Standards for public roads shall be applicable for those standards not specifically stated in these Private Vehicular Access Easement Standards.

#### ABBREVIATIONS

RMAS = ROAD MIX ASPHALT SURFACING  
 AB(3) = CLASS III AGGREGATE BASE  
 OG = ORIGINAL GROUND

AC = ASPHALTIC CONCRETE  
 SRA = STATE RESPONSIBILITY AREA  
 TI = TRAFFIC INDEX

\* Parcels served which do not have public road frontage

\*\* Penetrating oil shall be SC 800 grade

\*\*\* In the SRA, surfacing widths and structural section requirements for PVAEs serving three parcels, two parcels, or one parcel with more than two buildings or four or more dwelling units shall be improved to the following standards. Structural section requirements shall consist of AB(3) surfaced with AC or RMAS designed using a TI of 3.0. Pavement width shall be 18 feet, within an easement width of 20 feet. Grades shall not exceed 16 percent.

## PRIVATE VEHICULAR ACCESS EASEMENT STANDARDS

TULARE COUNTY  
 ORDINANCE CODE  
 SECTION NO. 7080

VEHICULAR  
 ACCESS  
 EASEMENTS

PLATE NO. A-17-B



## Deeds, Agreement and Easements

DRAFT

Mr. Przybylski,

Below is a guide to the easement documents. The parcel numbers were either corrected or changed by the County. All of these parcels came from an original 40 acre parcel owned by Floyd and Kathryn Qualls.

Reference guide to easements:

Current owners: Simon, Dutton and Qualls

APN #079-190-017, APN #079-180-009

Previous Owners: Floyd and Kathryn Qualls

Current owners: Clarey's APN # 079-190-004

First parcel owner: Sonjia Qualls-Dutton

Current owner: Hoveiler APN #079-190-005

First parcel owner: Floyd and Kathryn Qualls

Current owner: McKenzie APN #079-190-006

First parcel owner: J. Berwyn Qualls

Current owner: Vreeland APN #079-190-007

First parcel owner: Paula Qualls-Hill-Simon

Current owner: Manning APN #079-190-012

First parcel owner: Sheila Qualls-Bartel



part of D.F.  
APM  
Bk 79  
13

AND WHEN RECORDED MAIL TO

Name  
Sonja Qualls  
Address  
1335 West Laurel  
Visalia, California 93277  
City & State

MAIL TAX STATEMENT TO

Name  
SAME AS ABOVE.  
Address  
City & State

36708

CORRECTOR  
RECORDED AT REQUEST OF  
TITLE INS. & TRUST CO.  
TIME 2:30 PM  
JUN 26 1978  
OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY C. DAVIES, RECORDER

VOL 3545 PAGE 797

Grant Deed

THIS FORM FURNISHED BY TULARE COUNTY ESCROW CO.

079-03-031-15.02  
079-03-031-15.03  
079-03-031-15.04  
079-03-031-15.05  
079-03-031-15.06  
079-03-031-15.07  
079-03-031-15.08  
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079-03-031-15.97  
079-03-031-15.98  
079-03-031-15.99  
079-03-031-16.00

The undersigned grantor(s) declare(s):  
Documentary transfer tax is \$ None  
( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens and encumbrances remaining at time of sale.  
( ) Unincorporated area: ( ) City of \_\_\_\_\_, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

FLOYD J. QUALLS and KATHRYN V. QUALLS, husband and wife

hereby GRANT(S) to SONJA QUALLS, daughter of the Grantors

the following described real property in the  
County of Tulare, State of California:

PARCEL NO. 1: The Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, according to the official plat thereof.

RESERVING UNTO the Grantor herein an Easement for ingress and egress over the South 22.5 feet of said land and over the East 45 feet of the West 55 feet of said land.

PARCEL NO. 2: A non-exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter, the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter, the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter all in Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, County of Tulare, State of California, according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

THIS DEED IS BEING RECORDED TO CORRECT THE DESCRIPTION IN PREVIOUS DEED BETWEEN THE PARTIES HERETO RECORDED ON April 7th, 1978 in BOOK 3520, PAGE 131 OF OFFICIAL RECORDS.

Dated June 9th, 1978

*Floyd J. Qualls*  
*Kathryn V. Qualls*  
Floyd J. Qualls  
Kathryn V. Qualls

STATE OF CALIFORNIA }  
COUNTY OF TULARE } ss.  
On June 23, 1978 before me, the undersigned, a Notary Public in and for said State, personally appeared  
FLOYD J. QUALLS and KATHRYN V. QUALLS

known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature *Earl Parsons, Jr.*

EARL PARSONS, JR.  
NOTARY PUBLIC  
TULARE COUNTY, CALIFORNIA  
My Commission Expires May 12, 1980

Title Order No. \_\_\_\_\_ Escrow or Loan No. \_\_\_\_\_

MAIL TAX STATEMENTS AS DIRECTED ABOVE



AWR REV. 2-75  
S.C.E. CO.

32500

LYA 3539 PAGE 407

RECORDING REQUESTED BY

SOUTHERN CALIFORNIA EDISON COMPANY.

WHEN RECORDED MAIL TO  
SOUTHERN CALIFORNIA EDISON COMPANY  
P. O. Box 111  
Visalia, CA 93277

RECORDED AT REQUEST OF  
TIME INS. & TRUST CO.  
TIME 5:30 A.M.

JUN 7 1978

OFFICIAL RECORDS  
YULARE COUNTY, CALIFORNIA  
JAY C. DAVIES, REC'D

222126-6 bl  
GRANT OF EASEMENT (INDIVIDUAL)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEED/TRANSFER TAX & None (no consideration)

SIGNATURE OF DEED/TRANSFER TAX & None (no consideration)

SUBJECT MATTER, INsofar as her individual interests appear of Record

(hereinafter referred to as "Grantor(S)", hereby grant(s) to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns, (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead and underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of poles, guys and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

The northerly 6 feet of the North half of the North half of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, M.D.M.

DISTRICT  
VISALIA  
WORK ORDER  
6050  
IDENTITY  
8-3056  
MAP BOOK  
127-66  
APPROVED  
BY & LAND  
DEPARTMENT  
BY  
DATE  
5-16-78

This instrument filed for record by Title Insurance and Trust Company as an accommodation only, it has not been executed as to its execution or as to its effect upon the title.

Grantor(s) agree(s) for themselves, their heirs and assigns, not to erect, place or maintain nor to permit the erection, placement or maintenance of any building, plaster, boxes, earth fill or other structures except walls and fences on

The Grantee, and its contractors, agents and employees, shall have the right to trim or top such trees and to cut such roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantee, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

EXECUTED this 19th day of May, 1978

Sentia Qualls

GRANTOR(S)

WITNESS

STATE OF CALIFORNIA  
COUNTY OF Tulare

On May 19, 1978

before me, a Notary Public in and for said State, personally appeared Sentia Qualls known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that it (she) (they) executed the same.

WITNESS my hand and official seal.

Theresa W. Keasling

Theresa W. Keasling  
NOTARY PUBLIC  
Tulare County, California  
My Comm. Exp. 12/31/79

079-03-031-15.01, 15.02, 15.03, 15.04



RECORDING REQUESTED BY  
SOUTHERN CALIFORNIA GAS CO.

58275

lve 3570 mo 878

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA GAS CO.  
ENGINEERING DEPARTMENT  
P.O. BOX 9249, TERMINAL ANNEX  
LOS ANGELES, CALIFORNIA 90051

RECORDS IN OFFICIAL RECORDS OF  
TULARE COUNTY, CALIFORNIA

SEP 11 1978

TULARE COUNTY REC'D  
JAY C. BAYLESS  
TULARE COUNTY RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ NONE  
COMPUTED ON FULL VALUE OF PROPERTY CONVD.  
OR COMPUTED ON FULL VALUE LESS LIENS AND  
ENCUMBRANCES REMAINING AT TIME OF SALE  
SOUTHERN CALIFORNIA GAS CO.  
SIGNATURE OF PERSON OR AGENT DETERMINING TAX. FIRM NAME

BHO 30828-039 LG

R.W. 39,394

RIGHT OF WAY  
SONJIA QUALLS

FOR A CONSIDERATION

of the County of Tulare, State of California, do grant to Southern California Gas Company, a corporation organized and existing under and by virtue of the laws of the State of California, their successors and assigns, a right of way to lay, construct, maintain, operate, repair, renew, change the size of and remove one or more pipe lines, with metering, measuring, regulating and other equipment, for the transportation of gas, petroleum products and other substances, with the right of ingress and egress to and from the same, over, through, under and along that parcel of land 30 feet in width, in Tulare County, California, which is described as follows:

The north 30 feet of a parcel of land recorded in Book 3545, Page 707, Tulare County Records, which is described as the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian.

rec 3570 118979

Together with the right to use grantor's abutting land when constructing pipeline and to construct, operate and maintain a public road along the right of way with the right of reasonable ingress and egress over grantor's property to and from right of way.

The grantor to fully use the premises, except as to the rights granted; and the grantees agree to pay any damages which may arise to crops, fences or buildings from the laying, construction, maintenance or operation of the pipe line, provided, however, that grantor shall not construct or maintain on the premises, over which this right of way is granted, any buildings or other structures, plant trees, inundate, or change the grade of the premises. Damages to crops, fences, buildings or other structures, if not mutually agreed upon, are to be determined by three disinterested persons; one to be appointed by the grantor, or assigns, one by the grantees, or assigns, and the third by the two so appointed. The award of the three persons, or any two of them, shall be final and conclusive.

IN WITNESS WHEREOF, these presents are hereby signed this 10<sup>th</sup> day of August, 1978.

Executed in the presence of:

Leslie Pearson  
Subscribing Witness

Sonja Qualls  
SONJA QUALLS

#### INDIVIDUAL ACKNOWLEDGEMENT

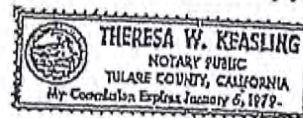
STATE OF CALIFORNIA  
COUNTY OF Tulare

On August 10, 1978, before me, a Notary Public in and for said State, personally appeared Sonja Qualls

known to me to be the person(s) whose name(s) is(are) subscribed in the foregoing instrument, and acknowledged to me that he (she) (they) executed the same.

WITNESS my hand and official seal.

Theresa W. Keasling



#### WITNESS ACKNOWLEDGEMENT

STATE OF CALIFORNIA  
COUNTY OF Tulare

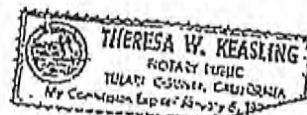
On August 10, 1978, before me, a Notary Public in and for said State, personally appeared Leslie Pearson

personally known to me to be the same person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me duly sworn, deposed and said that he resides in the County of Tulare State of California, that he was present and saw Sonja Qualls

personally known to him to be the same person(s) described in and whose name(s) is(are) subscribed to the foregoing instrument as a party/parties thereto, sign, execute and deliver the same, and that such person(s) acknowledged to said agent that he (she) (they) executed the same, and that he, the agent, then and there subscribed his name to said instrument as a witness.

WITNESS my hand and official seal.

Theresa W. Keasling



NOTARIAL CALIFORNIA, DKS CO-1980-100



SD8250Q-Visalia-R/W1290

66687

VOL 3590 PAGE 767

79-03-47

R/W 6 (11-73)

## RECORDATION REQUESTED BY

## FOR RECORDER'S USE ONLY

AFTER RECORDATION  
RETURN TO

*Lucy R. Thompson*  
THE PACIFIC TELEPHONE AND TELEGRAPH CO.  
Right-of-Way Force  
1925 E. Dakota Avenue  
Room 228-261  
Fresno, California 93726

RECORDED AT REQUEST OF  
FIRST AMERICAN TITLE CO.  
TIME 9:00 AM FEB 3-  
NOV. 8 1978  
OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY C. HAYLESS, RECORDER

*Right of Way Grant*Sonja Qualls

Grantor, hereby grants to THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, Grantee, the right from time to time to construct, place, inspect, maintain, replace and remove communication facilities consisting of underground conduits, pipes, manholes, service boxes, wires, cables, other electrical conductors, aboveground marker posts, risers and terminals, and other appurtenances, together with a right of way therefor and the right of ingress thereto and egress therefrom, across, upon, in and under the following described real property in the unincorporated area of the County of Tulare, State of California:

The West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, M.D.M., EXCEPTING THEREFROM, however, the North 40 feet.

*Lucy R. Thompson*  
Neither the value of the interest conveyed  
hereby nor the... therein paid therefor is  
... and Dollars.

This instrument filed for record by the  
American Title Co. of Tulare County on  
November 8, 1978, at 9:00 AM, and  
its execution or filing is hereby acknowledged.

Dated: 10-31-1978

1978

*Sonja Qualls*  
Sonja Qualls

Witness:

*[Signature]*

STATE OF CALIFORNIA

SS.

County of Fresno

On this 2nd day of November

1978, before me, VERA N. ALBERTSON

a Notary Public of the State of California, personally appeared, G. NORTON

known to me to be the person whose  
name is subscribed to the within instrument as a witness thereto, who being by me duly  
sworn, deposed and said that he resides in Fresno  
County, State of California, and that he was present and saw  
SONJA QUALLS

-96- known to him to be the same person whose name is subscribed  
to the within instrument, execute the same; and he then and there acknowledged to  
said affiant that S. he executed the same, and that said affiant subscribed his name  
to said instrument as a witness.

CF 0054 (3-8) R/W Sub 4/11/78 Ind 1/1/81  
M.F. 85P 037-131-802P

RECORDING REQUESTED BY

37067

VOL. 4213 PAGE 608

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME  
ADDRESS  
CITY & STATE  
Mr. & Mrs. Walter Hines  
820 W. Vine Street  
Exeter, Ca. 93221

RECORDED AT REQUEST OF  
SAFE-TITLE INS. CO.  
TIME 4:02 PM FEB 4/84  
JUL 27 1984  
OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY G. BAYLESS, RECORDER

Title Order No. 224364 Escrow No. W11709-bkk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

The undersigned declares that the documentary transfer tax is \$ 40.70 and is  
☒ computed on the full value of the interest or property conveyed, or is  
☐ computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land,  
tenements or realty is located in  
☐ unincorporated area ☐ city of \_\_\_\_\_ and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

SONJIA QUALLS

hereby GRANT(S) to WALTER J. HINES and LAURA D. HINES,  
Husband and Wife, as Joint Tenants

the following described real property in the  
county of Tulare, state of California

See Exhibit "1" attached hereto and made a part hereof:

"It is understood and agreed that the minimum square footage is to be 2,000 sq. ft. and the structure will be a custom built residence on a solid foundation; and the access to the property is a private road which will be maintained on an equal basis by any property owner who has built a residence on the parcel. Grantee also agrees to maintain and disc any weeds on acreage while subject property is vacant land." \*

Dated June 19, 1984

*Sonja E. Qualls*  
SONJIA QUALLS

STATE OF CALIFORNIA

COUNTY OF *San Luis Obispo* ss.

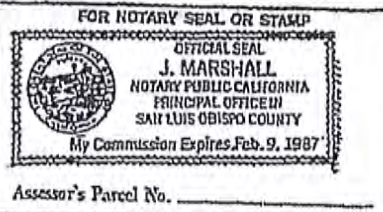
On this 27th day of June, 1984, before me the undersigned, a

Notary Public in and for said County and State, personally appeared

*Sonja E. Qualls*

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

*J. Marshall*  
Signature of Notary



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name \_\_\_\_\_ Street \_\_\_\_\_ City & State \_\_\_\_\_



RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

David L. Rauber, Esq.  
RAUBER & JOHNSON  
1007 North Demaree Street  
Visalia, CA 93291

MAIL TAX STATEMENTS AS DIRECTED BELOW

2010-0081463

Recorded  
Official Records  
County of  
Tulare  
GREGORY B. HARDCASTLE  
Clerk Recorder

REC FEE 26.00  
SURVEY NAME 10.00

01:09PM 21-Dec-2010

PG  
Page 1 of 1

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## Grant Deed

THE UNDERSIGNED GRANTOR (s) DECLARE (s)

DOCUMENTARY TRANSFER TAX IS \$ No transfer tax due: The Grantors and Grantee consist of exactly the same parties with exactly the same proportional interest. Transfer tax was previously paid on February 6, 2003, with instrument 2003-0010504, 26 C.F.R. §47.4361-2(b)(3), (as codified 11/8/67)

☒ unincorporated area ☐ City of

Parcel Nos. 078-040-028, 079-180-001, 079-020-027, 079-150-023, 079-150-024, 119-090-008 and 119-080-016

☐ computed on full value of interest or property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JOSEPH L. BETTENCOURT, also known as JOE L. BETTENCOURT, and LORRAINE M. BETTENCOURT, as Trustees of the Joseph L. and Lorraine M. Bettencourt Revocable Trust dated November 14, 1988,

hereby GRANT(S) to J & L Bettencourt Family Limited Partnership, a California limited partnership, the following described real property in the County of Tulare, State of California:

See Exhibit A attached hereto.

Dated December 20, 2010

STATE OF CALIFORNIA  
COUNTY OF TULARE } ss.

On December 20, 2010

DAVID L. RAUBER, Notary Public,  
personally appeared JOSEPH L. BETTENCOURT and LORRAINE M. BETTENCOURT

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), on 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

David L. Rauber

Joseph L. Bettencourt  
Joseph L. Bettencourt, as Trustee of the Joseph L. and Lorraine M. Bettencourt Revocable Trust dated November 14, 1988

Lorraine M. Bettencourt  
Lorraine M. Bettencourt, as Trustee of the Joseph L. and Lorraine M. Bettencourt Revocable Trust dated November 14, 1988

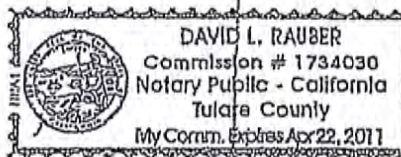




EXHIBIT A

1. The Southwest quarter of the Southeast quarter and the West half of the Southeast quarter of the Southeast quarter of Section 6, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

EXCEPTING THEREFROM an undivided one-half interest in all oil, gas and/or minerals in and under said land as conveyed by Occidental Life Insurance Company, a corporation, to California Lands, Inc., a corporation, by Deed dated December 23, 1936, recorded in Book 717, Page 90 of Official Records, together with the right of the grantee, its successors, assigns, lessees and legal representatives at all times to enter on the above described property and take all the usual necessary or convenient means to bore wells, make excavations, and to remove all the oil, gas and/or minerals found thereon.

(APN 078-040-028)

2. The Northwest quarter of the Northwest quarter and the West 10 feet of the Northeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 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.

EXCEPTING THEREFROM the North 40 feet thereof as conveyed to the County of Tulare, by Deeds recorded December 1, 1950, in Book 1481, Page 71 of Official Records, File No. 29425, and recorded March 3, 1953, in Book 1656, Page 489 of Official Records, File No. 6902.

(APN 079-180-001)

3. The Southeast quarter of the Southwest quarter of Section 4, Township 18 South, Range 25 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.

EXCEPTING THEREFROM the South 40 feet thereof as conveyed to the County of Tulare by Deed recorded November 7, 1951, in Book 1551, Page 231 of Official Records, File No. 28297.

(APN 079-020-027)



4. The North half of the Southwest quarter of Section 5, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

EXCEPTING THEREFROM that portion described as follows:

Beginning at the Northeast corner of the Southwest quarter of said Section 5; thence West along the North line of said Southwest quarter, 1336.13 feet; thence South  $81^{\circ}25'35''$  East, a distance of 89.00 feet; thence South  $78^{\circ}09'33''$  East, a distance of 71.35 feet; thence South  $77^{\circ}03'04''$  East, a distance of 88.21 feet; thence South  $81^{\circ}35'34''$  East, a distance of 70.04 feet; thence South  $84^{\circ}07'43''$  East, a distance of 71.26 feet; thence North  $89^{\circ}11'06''$  East, a distance of 52.94 feet; thence North  $84^{\circ}57'07''$  East, a distance of 49.50 feet; thence North  $83^{\circ}31'32''$  East, a distance of 272.30 feet; thence North  $88^{\circ}02'30''$  East, a distance of 115.30 feet; thence South  $80^{\circ}57'22''$  East, a distance of 100.09 feet; thence South  $73^{\circ}09'32''$  East, a distance of 246.55 feet; thence South  $82^{\circ}37'31''$  East, a distance of 65.26 feet; thence South  $90^{\circ}00'00''$  East, a distance of 61.50 feet to a point in the East line of said Southwest quarter; thence North  $01^{\circ}27'04''$  East, along said East line, a distance of 121.03 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM the West 40 feet thereof.

(APN 079-150-023)

5. All of that certain portion of the former Atchison, Topeka and Santa Fe Railway Company's (ATSF) right of way lying in the West half of Section 5, Township 18 South, Range 25 East of the Mount Diablo Base and Meridian in Tulare County, California, which is adjacent to Parcel 079-150-020 as it exists October 14, 1997.

(APN 079-150-024)

6. The Southeast quarter of the Southeast quarter of Section 10, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

EXCEPTING THEREFROM that portion thereof conveyed to the County of Tulare by Grant Deed recorded October 21, 1971, in Book 2993 Page 892 as Document No. 41412 of Official Records.

ALSO EXCEPTING THEREFROM that portion thereof conveyed by gift Deed dated January 7, 1986, to Dorteia M. Jennings, a single woman, and Maxine R. White, a single woman, as joint tenants, recorded January 7, 1986, in Book 4380, Page 257 as Document No. 792 of Official Records, more particularly described as follows:

Beginning at the Northeast corner of the Southeast quarter of the Southeast quarter of Section 10, Township 19 South, Range 24 East, Mount Diablo Base and Meridian; thence West 20 feet to the true point of beginning; thence continuing West 295.2 feet; thence South 295.2 feet; thence East 295.2 feet; thence North 295.2 feet to the true point of beginning.

(APN 119-090-008)

7. Parcel 1: The Southeast quarter of the Southwest quarter of Section 11, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

Parcel 2: The Southwest quarter of the Southwest quarter of Section 11, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

EXCEPTING THEREFROM that portion thereof conveyed to the County of Tulare by Grant Deed recorded October 21, 1971, in Book 2993, Page 892 as Document No. 41412 of Official Records.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to the County of Tulare by Grant Deed recorded February 25, 1972, in Book 3019, Page 378 as Document No. 8379 of Official Records.

(APN 119-080-016)



37403

VOL 3787 PAGE 438

RECORDING REQUESTED BY

McCORMICK, MOOCK &amp; McCORMICK

AND WHEN RECORDED MAIL TO

NAME McCORMICK, MOOCK & McCORMICK  
 ADDRESS P. O. Box 1029  
 CITY & STATE Visalia, California 93279

De Order No. \_\_\_\_\_ Escrow No. \_\_\_\_\_

RECORDED IN OFFICIAL RECORDS OF	
TULARE COUNTY, CALIFORNIA	
001002 10 2547 08-13-80	1
CASH 1 TOTAL 1	3.00
AUG 13 1980	
TIME 2:45 PM	FEE 3
JAY C. BAYLESS TULARE COUNTY RECORDER	

MAIL TAX STATEMENTS TO

NAME  
 ADDRESS  
 CITY & STATE

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary transfer tax \$ None  
☐ Computed on full value of property conveyed, or  
☐ Computed on full value less liens and encumbrances  
 remaining thereon at time of sale.

Signature of declarant or agent determining tax—firm name

## Individual Grant Deed

WESTERN TITLE FORM NO. 104.

FOR VALUE RECEIVED, FLOYD QUALLS and KATHRYN V. QUALLS

GRANT to TONY SERPA, JR., a married man dealing with his separate property as to an undivided 1/2 interest, and ANTONIO F. COLUCCI and ROSE C. COLUCCI, husband and wife, as joint tenants, as to an undivided 1/2 interest, an easement for the purpose of installing, repairing, replacing and maintaining a 10-inch pipeline, together with appurtenant structures, to convey irrigation waters from the Mathews Ditch in the property of grantors described as follows: The West 10 feet of the East 45 feet of the West 55 feet of the North-east 1/4 of the Northwest 1/4 of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof. EXCEPTING THEREFROM the north 40 feet.

The easement herein conveyed is appurtenant to the respective interests of the parties as set forth below.

The property of grantee, TONY SERPA, JR., to which his share of the easement herein conveyed is appurtenant is as follows:

The South 1/3 of the West 1/2 of the Southwest 1/4 of Section 4, Township 18 South, Range 25 East, M.D.B. & M., in the County of Tulare, except that part thereof conveyed to Virginia V. Rocha by Deed recorded August 13, 1954, in Book 1771, Page 187 of Official Records of Tulare County.

The property of grantees, ANTONIO F. COLUCCI and ROSE C. COLUCCI, to which their share of the easement herein conveyed is appurtenant is as follows:

All real property described in that certain deed dated May 2, 1976, and recorded on June 5, 1976, in Volume 3330, at page 79 of the Official Records of the County of Tulare, State of California.

100-100-5 80



GRANT to TONY SERPA, JR., a married man dealing with his separate property as to an undivided 1/2 interest, and ANTONIO F. COLUCCI and ROSE C. COLUCCI, husband and wife, as joint tenants, as to an undivided 1/2 interest, an easement for the purpose of installing, repairing, replacing and maintaining a 20-inch pipeline, together with appurtenant structures, to convey irrigation waters from the Mathews Ditch in the property of grantors described as follows: The West 10 feet of the East 45 feet of the West 55 feet of the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof. EXCEPTING THEREFROM the north 40 feet.

The easement herein conveyed is appurtenant to the respective interests of the parties as set forth below.

The property of grantee, TONY SERPA, JR., to which his share of the easement herein conveyed is appurtenant is as follows:

The South 1/3 of the West 1/2 of the Southwest 1/4 of Section 4, Township 18 South, Range 25 East, M.D.B. & M., in the County of Tulare, except that part thereof conveyed to Virginia V. Rocha by Deed recorded August 13, 1954, in Book 1771, Page 187 of Official Records of Tulare County.

The property of grantees, ANTONIO F. COLUCCI and ROSE C. COLUCCI, to which their share of the easement herein conveyed is appurtenant is as follows:

All real property described in that certain deed dated May 2, 1976, and recorded on June 5, 1976, in Volume 3330, at page 79 of the Official Records of the County of Tulare, State of California.

Dated Aug 5 1980

FLOYD QUALLS

KATHRYN V. QUALLS

STATE OF CALIFORNIA

County of Tulare

On Aug 5 1980 before me, the undersigned,

a Notary Public, in and for said State, personally appeared

Floyd Qualls and Kathryn V. Qualls

known to me to be the persons whose name s are

subscribed to the within instrument, and acknowledged to me that

the Y executed the same.

Bileen M. Hardy  
Notary Public

FOR NOTARY SEAL OR STAMP





NWS REV. 2-72  
S.C.E. CO.

RECORDING REQUESTED BY

SOUTHERN CALIFORNIA EDISON COMPANY

WHEN RECORDED MAIL TO  
SOUTHERN CALIFORNIA EDISON COMPANY  
P. O. Box 111  
Visalia, CA 93277

32496

LVQ 3539 PAGE 403

RECORDED AT REQUEST OF  
THE INS. & TRUST CO.  
TULARE COUNTY, CALIFORNIA  
JUN 7 1978  
OFFICIAL RECORDS  
JAY C. BAYLESS, RECORDER

GRANT OF EASEMENT (INDIVIDUAL)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEED/TAX/TAXPAYER TAX \$ None (no consideration)

SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX, FROM NAME

PAULA HILL, insofar as her individual interest in the above described property is concerned

(hereinafter referred to as "Grantor(s)"), hereby grant(s) to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns, (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead and underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of poles, guys and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

The northerly 6 feet of the North half of the North half of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, N.D.M.

DISTRICT  
VISALIA  
WORK ORDER  
6050  
3040  
LOCATION  
8-3056  
MAP SHEET  
127-66  
APPROVED  
BY  
DATE  
5-16-78

This instrument filed for record by this Bureau and Trust Company is a recommendation only. It has not been reviewed as to its execution as to its effect upon the file.

Grantor(s) agree(s) for themselves, (himself) or their (himself) heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, plant, box, car, rail or other structure, except walls and fences on

The Grantee, and its contractors, agents and employees, shall have the right to trim or top such trees and to cut such roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor(s), the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

EXECUTED this 25th day of May 25, 1978

Paula Hill

PAULA HILL

STATE OF CALIFORNIA  
COUNTY OF Tulare

WITNESS

GRANTOR(S).

On May 25, 1978

Paula Hill, before me, a Notary Public in and for said State, personally appeared known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.  
WITNESS my hand and official seal.

Theresa W. Keasing

THERESA W. KEASING  
NOTARY PUBLIC  
TULARE COUNTY, CALIFORNIA  
My Commission Expires January 6, 1979

SD8250Q-Vlsalia-R/W 1290

66686

VOL 3590 PAGE 766

79-03-50

R/W 6 (11-73)

## RECORDATION REQUESTED BY

## FOR RECORDER'S USE ONLY

AFTER RECORDATION  
RETURN TO

*LeRoy L. Thompson*  
THE PACIFIC TELEPHONE AND TELEGRAPH CO.  
Right-of-Way Force  
1925 E. Dakota Avenue  
Fresno, Calif. 93726

RECORDED AT REQUEST OF  
FIRST AMERICAN TITLE CO.  
TIME 9:40 PM FILE 9-  
NOV 8 1978  
OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY C. BAYLES, RECORDER

*Right of Way Grant*

Paula Hill

Grantor, hereby grants to THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, Grantee, the right from time to time to construct, place, inspect, maintain, replace and remove communication facilities consisting of underground conduits, pipes, manholes, service boxes, wires, cables, other electrical conductors, aboveground marker posts, risers and terminals, and other appurtenances, together with a right of way therefor and the right of ingress thereto and egress therefrom, across, upon, in and under the following described real property in the unincorporated area of the County of Tulare, State of California:

The South 22 feet of the Northeast quarter of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, M.D.M.

*LeRoy L. Thompson*  
The value of this property is estimated at One Hundred Dollars (\$100.00)

This instrument is not to be recorded by First American Title Co. of Tulare County, as an Accommodation only. It is not to be recorded as to its execution or effect upon the title.

Dated: October 31, 1978

Witness:

Paula Hill

STATE OF CALIFORNIA

County of Fresno

On this 2nd day of November

SS.

a Notary Public of the State of California, personally appeared

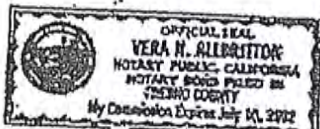
G. NORTON

1978, before me, VERA N. ALDRITTON

known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being by me duly sworn, deposed and said that he resides in Fresno County, State of California, and that he was present and saw

PAULA HILL

known to him to be the same person whose name is subscribed to the within instrument, execute the same and as he then and there acknowledged to said affiant that he executed the same and that said affiant subscribed his name to said instrument as a witness.



Witness my hand and official seal

*Vera N. Aldritton*  
NOTARY PUBLIC in and for said State



RECORDING REQUESTED BY  
SOUTHERN CALIFORNIA GAS CO.

53272

100 3570 072

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA GAS CO.  
ENGINEERING DEPARTMENT  
P.O. BOX 9249, TERMINAL ANNEX  
LOS ANGELES, CALIFORNIA 90051

ACCOUNT IN OFFICIAL RECORDS OF TULARE COUNTY, CALIFORNIA	
SEP 11 1978	
TAX 28.00	FEES \$4.00 PD.
JAY E. EATLESS TULARE COUNTY RECORDING	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$	NONE
COMPUTED ON FULL VALUE OF PROPERTY CARRIED ON RECORDS ON FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING AT TIME OF SALE	
<i>Ant. Hernandez</i> SOUTHERN CALIFORNIA GAS CO. SIGNATURE OF RECORDOR OF DEEDS OR AUTHORIZED TAX FILER	

BKS 30828-039 LG

RIGHT OF WAY  
PAULA HILL

R.W. 39.391

FOR A CONSIDERATION

of the County of Tulare, State of California, do es grant to Southern California Gas Company, a corporation organized and existing under and by virtue of the laws of the State of California, their successors and assigns, a right of way to lay, construct, maintain, operate, repair, renew, change the size of and remove one or more pipe lines, with metering, measuring, regulating and other equipment, for the transportation of gas, petroleum products and other substances, with the right of ingress and egress to and from the same, over, through, under and along that parcel of land 30 feet in width, in Tulare County, California, which is described as follows:

The north 30 feet and the ~~30~~<sup>EAST</sup> 30 feet of a parcel of land recorded in Book 3545, Page 795, Tulare County Records, which is described as the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian.

LVC 3570-100 973

Together with the right to use grantor's abutting land when constructing pipeline and to construct, operate and maintain a pipeline along the right of way with the right of reasonable ingress and egress over grantor's property to and from right of way.

The grantor to fully use the premises, except as to the rights granted; and the grantees agree to pay any damages which may arise to crops, fences or buildings from the laying, construction, maintenance or operation of the pipe line, provided, however, that grantor shall not construct or maintain on the premises, over which this right of way is granted, any buildings or other structures, plant trees, inundate, or change the grade of the premises. Damages to crops, fences, buildings or other structures, if not mutually agreed upon, are to be determined by three disinterested persons; one to be appointed by the grantor, or assigns, one by the grantees, or assigns, and the third by the two so appointed. The award of the three persons, or any two of them, shall be final and conclusive.

IN WITNESS WHEREOF, these presents are hereby signed this 10 day of August, 1978

Executed in the presence of:

Louis Parsons  
Subscribing Witness

Paula Hill  
PAULA HILL

#### INDIVIDUAL ACKNOWLEDGEMENT

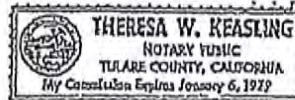
STATE OF CALIFORNIA }  
COUNTY OF Delaware }

On August 10, 1978, before me, a Notary Public in and for said State, personally appeared Paula Hill

known to me to be the person(s) whose name(s) is(are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same.

WITNESS my hand and official seal.

Theresa W. Keasling



#### WITNESS ACKNOWLEDGEMENT

STATE OF CALIFORNIA }  
COUNTY OF Delaware }

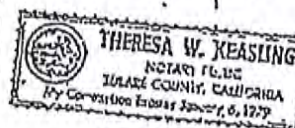
On August 10, 1978, before me, a Notary Public in and for said State, personally appeared Louis Parsons

personally known to me to be the same person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me duly sworn, deposed and said that he resides in the County of Delaware State of California, that he was present and saw Paula Hill

personally known to him to be the same person(s) described in and whose name(s) is(are) subscribed to the foregoing instrument as a party(parties) thereto, sign, execute and deliver the same, and that said person(s) acknowledged to said affiant that he (she) (they) executed the same, and that he, the affiant, then and there subscribed his name to said instrument as a witness.

WITNESS my hand and official seal.

Theresa W. Keasling





SCHEDULE A

POLICY NUMBER : 272968  
POLICY DATE : JULY 29, 1985 AT 9:00 A.M.  
POLICY AMOUNT : \$43,000.00  
PREMIUM : \$657.50

THE POLICY AMOUNT WILL AUTOMATICALLY INCREASE BY 10% OF THE AMOUNT SHOWN ABOVE ON EACH OF THE FIRST FIVE ANNIVERSARIES OF THE POLICY DATE.

1. NAME OF INSURED:

STEPHEN D. VREELAND & NANCY W. VREELAND, HUSBAND AND WIFE, AS JOINT TENANTS

2. YOUR INTEREST IN THE LAND COVERED BY THIS POLICY IS A FEE.

3. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL NO. 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE EAST 45 FEET OF THE WEST 55 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THE EAST 45 FEET OF THE WEST 55 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THE SOUTH 22.5 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH 22.5 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER ALL IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING ANY PORTION INCLUDED WITHIN PARCEL NO. 1 ABOVE.

SCHEDULE B  
EXCEPTIONS

IN ADDITION TO THE EXCLUSIONS, YOU ARE NOT INSURED AGAINST LOSS, COSTS, ATTORNEYS' FEES AND EXPENSES RESULTING FROM:

STANDARD EXCEPTIONS:

- (A) ANY RIGHTS, INTERESTS OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.
- (B) ANY EASEMENTS OR LIENS NOT SHOWN BY THE PUBLIC RECORDS.  
THIS DOES NOT LIMIT THE LIEN COVERAGE IN ITEM 8 OF COVERED TITLE RISKS.
- (C) ANY FACTS ABOUT THE LAND WHICH A CORRECT SURVEY WOULD DISCLOSE AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.  
THIS DOES NOT LIMIT THE FORCED REMOVAL COVERAGE IN ITEM 12 OF COVERED TITLE RISKS.
- (D) ANY WATER RIGHTS, CLAIMS OR TITLE TO WATER ON OR UNDER THE LAND.

SPECIAL EXCEPTIONS:

- 1. GENERAL AND SPECIAL COUNTY TAXES FOR THE FISCAL YEAR 1985-1986, A LIEN NOT YET PAYABLE.
  - 1A. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 498, STATUTES OF 1983 OF THE STATE OF CALIFORNIA.
- 2. AN EASEMENT FOR THE RIGHT TO CONVEY WATER THROUGH THE DITCH OR PIPELINE RUNNING ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, AND ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9 FOR THE PURPOSE OF CONVEYING WATER FROM THE MATHEWS DITCH COMPANY, AS GRANTED TO HUSTON V. BUTLER AND HELEN L. BUTLER, HUSBAND AND WIFE, AS COMMUNITY PROPERTY IN DEED RECORDED JULY 30, 1970 IN BOOK 2905 PAGE 913 OF OFFICIAL RECORDS.



3. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES,  
IN FAVOR OF : CAROLYNN B. NICHOLSON, A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY

FOR : A DITCH OR WATER PIPELINE  
RECORDED : DECEMBER 6, 1977 IN BOOK 3481 PAGE 138 OF OFFICIAL RECORDS  
AFFECTS : THE EAST LINE OF SAID PROPERTY

✓ 4. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR INCIDENTAL PURPOSES

IN FAVOR OF : THE SOUTHERN CALIFORNIA EDISON COMPANY  
FOR : UNDERGROUND ELECTRICAL AND COMMUNICATION SYSTEMS  
RECORDED : JUNE 7, 1978 IN BOOK 3539 PAGE 4083 OFFICIAL RECORDS  
AFFECTS : THE NORTHERLY 6 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN. # 32496

\* 5. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR INCIDENTAL PURPOSES

AS RESERVED BY : FLOYD J. QUALLS AND KATHRYN V. QUALLS, HUSBAND AND WIFE  
FOR : ROAD PURPOSES  
AFFECTS : THE SOUTH 22.5 FEET OF SAID LAND  
RECORDED : AUGUST 26, 1978 AS FILE NO. 36706

6. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES,

IN FAVOR OF : SOUTHERN CALIFORNIA GAS COMPANY, A CORPORATION  
FOR : PIPE LINES  
RECORDED : SEPTEMBER 11, 1978 IN BOOK 3570 PAGE 972 OF OFFICIAL RECORDS AS FILE NO. 53272  
AFFECTS : THE NORTH 30 FEET AND THE EAST 30 FEET OF SAID LAND

✓ 7. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES,

IN FAVOR OF : THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, ITS SUCCESSORS AND ASSIGNS  
FOR : COMMUNICATION FACILITIES  
RECORDED : NOVEMBER 8, 1978 IN BOOK 3590 PAGE 766 OF OFFICIAL RECORDS AS FILE NO. 66686  
AFFECTS : THE SOUTH 22 FEET OF SAID LAND

\* 8. COVENANTS, CONDITIONS AND RESTRICTIONS IN THE DEED  
RECORDED : JULY 29, 1985 AS FILE NO. 35259

9. A DEED OF TRUST TO SECURE AN INDEBTEDNESS OF THE AMOUNT STATED  
HEREIN  
DATED : JULY 22, 1985  
AMOUNT : \$76,812.00  
TRUSTOR : STEPHEN D. VREELAND AND NANCY W. VREELAND, HUSBAND AND  
WIFE  
TRUSTEE : FPM INC., A DELAWARE CORPORATION  
BENEFICIARY : FPM INC., A DELAWARE CORPORATION  
RECORDED : JULY 29, 1985 IN BOOK 4326 PAGE 241, OFFICIAL RECORDS  
AS FILE NO. 35260  
  
MAILED TO : FPM INC.  
1320 E. SHAW AVE STE. 167  
FRESNO, CALIFORNIA 93710  
LOAN NO. : 045-1717465-703

THE BENEFICIAL INTEREST UNDER SAID DEED OF TRUST WAS ASSIGNED  
TO : MANUFACTURERS HANOVER MORTGAGE CORPORATION,  
ITS SUCCESSORS AND ASSIGNS  
BY ASSIGNMENT DATED : JULY 23, 1985  
RECORDED : JULY 29, 1985 IN BOOK 4326 PAGE 244, OFFICIAL  
RECORDS AS FILE NO. 35261



## RECORDATION REQUESTED BY

## FOR RECORDER'S USE ONLY

AFTER RECORDATION  
RETURN TO

*L. Roy L. Thompson*  
THE PACIFIC TELEPHONE AND TELEGRAPH CO.  
P.O. Box 100  
1725 E. Dakota Avenue  
Room 225  
Fresno, California 93725

RECORDED AT REQUEST OF  
FIRST AMERICAN TITLE CO.  
TIME 9:11 AM RE 3-  
NOV 8 1978  
OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY C. DAYLESS, RECORDER

*Right of Way Grant*

Kenneth L. Bartel and Sheila Bartel, his wife

Grantor, hereby grants to THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, Grantee, the right from time to time to construct, place, inspect, maintain, replace and remove communication facilities consisting of underground conduits, pipes, manholes, service boxes, wires, cables, other electrical conductors, aboveground marker posts, risers and terminals, and other appurtenances, together with a right of way therefor and the right of ingress thereto and egress therefrom, across, upon, in and under the following described real property in the unincorporated area of the County of Tulare, State of California:

The West 55 feet of the Southwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, M.D.M.

This instrument filed for record by First American Title Co. of Tulare County as an Accommodation only it has not been examined as to its accuracy or its effect upon the title.

*L. Roy L. Thompson*  
Neither the value of the interest conveyed hereby nor the consideration paid therefor is in excess of One Hundred Dollars (\$100.00)

Dated: *Oct 31, 1978* 1978

Witness:

*Sheila Bartel*  
Sheila Bartel  
*Kenneth L. Bartel*  
Kenneth L. Bartel

STATE OF CALIFORNIA

County of Fresno

On this 2nd day of November

a Notary Public of the State of California, personally appeared G. NORTON

known to me to be the person whose name is subscribed to the within instrument at a witness there, who being by me duly sworn, deposed and said that he resides in Fresno

County, State of California, and that he was present and saw

KENNETH L. BARTEL and SHEILA BARTEL

personally known to him to be the same persons whose names are

subscribed to the within instrument, execute the same; and he thereupon acknowledged to said affiant that he saw executed the same; and that said affiant subscribed his name to said instrument as a witness.

-112-

OFFICIAL SEAL  
VERA N. ALBERTSON

CF 0054 (3-79) RAW Sub-Witness Individual  
(Re: USP 937-211-00277)

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA  
120 NORTH FLORAL  
VISALIA, CALIFORNIA 93291

(209) 733-4900

JANUARY 6, 1984

TO: TULARE COUNTY ESCROW  
P. O. BOX 1547  
VISALIA, CA. 93277

OUR NO. 262910-EB  
CUSTOMER REFERENCE: MANNING, CARLE AND JOANN R.  
YOUR NO. 14125

IN RESPONSE TO THE ABOVE REFERENCED APPLICATION FOR A POLICY OF TITLE INSURANCE, TICOR TITLE INSURANCE COMPANY OF CALIFORNIA HEREBY REPORTS THAT IT IS PREPARED TO ISSUE, OR CAUSE TO BE ISSUED, AS OF THE DATE HEREOF, A POLICY POLICIES OF TITLE INSURANCE DESCRIBING THE LAND AND THE ESTATE OR INTEREST THEREIN HEREINAFTER SET FORTH, INSURING AGAINST LOSS WHICH MAY BE SUSTAINED BY REASON OF ANY DEFECT, LIEN OR ENCUMBRANCE NOT SHOWN OR REFERRED TO AS AN EXCEPTION BELOW OR NOT EXCLUDED FROM COVERAGE PURSUANT TO THE PRINTED SCHEDULES, CONDITIONS AND STIPULATIONS OF SAID POLICY FORM.

THE PRINTED EXCEPTIONS AND EXCLUSIONS FROM THE COVERAGE OF SAID POLICY OR POLICIES ARE SET FORTH ON THE ATTACHED COVER. COPIES OF THE POLICY FORMS SHOULD BE READ. THEY ARE AVAILABLE FROM THE OFFICE WHICH ISSUED THIS REPORT.

THIS REPORT (AND ANY SUPPLEMENTS OR AMENDMENTS THERETO) IS ISSUED SOLELY FOR THE PURPOSE OF FACILITATING THE ISSUANCE OF A POLICY OF TITLE INSURANCE AND NO LIABILITY IS ASSUMED HEREBY. IF IT IS DESIRED THAT LIABILITY BE ASSUMED PRIOR TO THE ISSUANCE OF A POLICY OF TITLE INSURANCE, A BINDER OR COMMITMENT SHOULD BE REQUESTED.

DATED AS OF DECEMBER 23, 1983, AT 7:30 A.M.

TITLE OFFICER : ELSIE BALLINGER

THE FORM OF POLICY OF TITLE INSURANCE CONTEMPLATED BY THIS REPORT IS:  
C.L.T.A. STANDARD COVERAGE POLICY - 1973



THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS A FEE.

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

BARTEL RANCHES & INVESTMENTS, INC., A CALIFORNIA CORPORATION

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS CONTAINED IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. GENERAL AND SPECIAL COUNTY TAXES FOR THE FISCAL YEAR 1983-1984,  
TOTAL AMOUNT : \$229.74  
FIRST INSTALLMENT : \$114.87  
SECOND INSTALLMENT : \$114.87  
PARCEL NO. : 079-031-51

*we will  
own one mo.*

PLUS PENALTY OF \$11.48 ON FIRST INSTALLMENT ONLY.

1A. A SALE TO THE STATE OF CALIFORNIA FOR GENERAL AND SPECIAL TAXES AND SUBSEQUENT DELINQUENCIES FOR THE  
FISCAL YEAR : 1980-1981  
TAXING AUTHORITY : COUNTY OF TULARE  
AMOUNT TO PAY PRIOR TO : JANUARY 31, 1984 IS \$722.46  
FEBRUARY 29, 1984 IS \$728.13  
SALE NO. : 16839

*Taxes paid by*

1B. "THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 498, STATUTES OF 1983 OF THE STATE OF CALIFORNIA."

2. AN EASEMENT FOR THE RIGHT TO CONVEY WATER THROUGH THE DITCH OR PIPELINE RUNNING ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, AND ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9 FOR THE PURPOSE OF CONVEYING WATER FROM THE MATHEWS DITCH COMPANY, AS GRANTED TO HUSTON V. BUTLER AND HELEN L. BUTLER, HUSBAND AND WIFE, AS COMMUNITY PROPERTY IN DEED RECORDED JULY 30, 1970 IN BOOK 2905 PAGE 913 OF OFFICIAL RECORDS.



3. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES,  
IN FAVOR OF : THE SOUTHERN CALIFORNIA EDISON COMPANY  
FOR : OVERHEAD AND UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION SYSTEMS

RECORDED : (APRIL 10, 1975 IN BOOK 3235 PAGE 81) ~~RE~~  
OFFICIAL RECORDS FILE NO. 12993

AFFECTS : A STRIP OF LAND, 10 FEET IN WIDTH, LYING WITHIN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE EASTERLY 45 FEET OF THE WESTERLY 55 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9, THE CENTERLINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING SOUTHERN CALIFORNIA EDISON COMPANY'S POLE NUMBERED 417968E, LOCATED ALONG THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9, DISTANT EASTERLY THEREON 1250 FEET, MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINE OF TULARE COUNTY ROAD 132 AS NOW ESTABLISHED; THENCE EASTERLY 60 FEET, ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, 1270 FEET TO A POINT "A"; THENCE SOUTHEASTERLY 60 FEET, MORE OR LESS, TO POINT "B" LOCATED 60 FEET EASTERLY AND 1 FOOT NORTHERLY; MEASURED AT RIGHT ANGLES FROM THE WESTERLY AND SOUTHERLY LINE, RESPECTIVELY, OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THENCE EASTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER TO THE EASTERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER.

EXCEPTING THEREFROM, ANY PORTION LYING WITHIN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9.

ALSO, TWO STRIPS OF LAND, 2 FEET IN WIDTH, LYING WITHIN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THE CENTERLINES OF SAID STRIPS BEING DESCRIBED AS FOLLOWS:

STRIP #1: BEGINNING AT SAID POINT "A"; THENCE SOUTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, 40 FEET.

STRIP #2: BEGINNING AT SAID POINT "B"; THENCE WESTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, 40 FEET.

IT IS UNDERSTOOD AND AGREED THAT THE ABOVE DESCRIPTIONS ARE APPROXIMATE ONLY, IT BEING THE INTENTION OF THE GRANTOR, BY THIS CONVEYANCE, TO GRANT AN EASEMENT FOR SAID SYSTEMS IN THE LOCATION IN WHICH SAID SYSTEMS SHALL BE CONSTRUCTED.



4. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR INCIDENTAL PURPOSES  
AS RESERVED BY : FLOYD J. QUALLS AND KATHRYN V. QUALLS, HUSBAND AND

FOR  
AFFECTS  
RECORDED

WIFE  
INGRESS AND EGRESS  
THE NORTH 22.5 FEET OF SAID LAND  
JUNE 26, 1978 IN BOOK 3545 PAGE 796  
OFFICIAL RECORDS FILE NO. 36707

5. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES;  
IN FAVOR OF : THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY  
FOR : COMMUNICATION FACILITIES  
RECORDED : NOVEMBER 8, 1978 IN BOOK 3590 PAGE 771  
OFFICIAL RECORDS FILE NO. 66691  
AFFECTS : THE WEST 55 FEET OF THE SOUTHWEST QUARTER OF THE  
NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE  
NORTHWEST QUARTER OF SAID SECTION 9

6. AN ABSTRACT OF JUDGMENT FOR THE AMOUNT HEREIN STATED AND ANY OTHER AMOUNTS DUE

COURT : MUNICIPAL  
CASE NO. : 43880  
COUNTY OF: TULARE  
DEBTOR : KENNETH L.

BARTEL SHEILA BARTEL  
JAMES BERWYN QUALLS

CREDITOR : JAMES D. SELF, LAND SURVEYOR  
AMOUNT : \$1,327.86  
ENTERED : AUGUST 11, 1982  
RECORDED : SEPTEMBER 2, 1982 IN BOOK 3995 PAGE 964, OFFICIAL RECORDS  
FILE NO. 40176

7. ~~NOTE:~~ BEFORE CLOSING A TRANSACTION ON THE LAND DESCRIBED IN THIS REPORT, AT LEAST ONE OF THE FOLLOWING REQUIREMENTS MUST BE ACCOMPLISHED

- (A) THAT A PARCEL MAP HAS BEEN RECORDED IN COMPLIANCE WITH THE SUBDIVISION MAP ACT OR RELATED LOCAL ORDINANCES; OR
- (B) THAT A CERTIFICATE OF COMPLIANCE AS PROVIDED FOR IN THE SUBDIVISION MAP ACT HAS BEEN RECORDED; OR THAT OTHER SATISFACTORY EVIDENCE INDICATING COMPLIANCE OR NONVIOLATION BE FURNISHED.

NOTE: THE FOLLOWING IS SET FORTH FOR PRORATION PURPOSES:

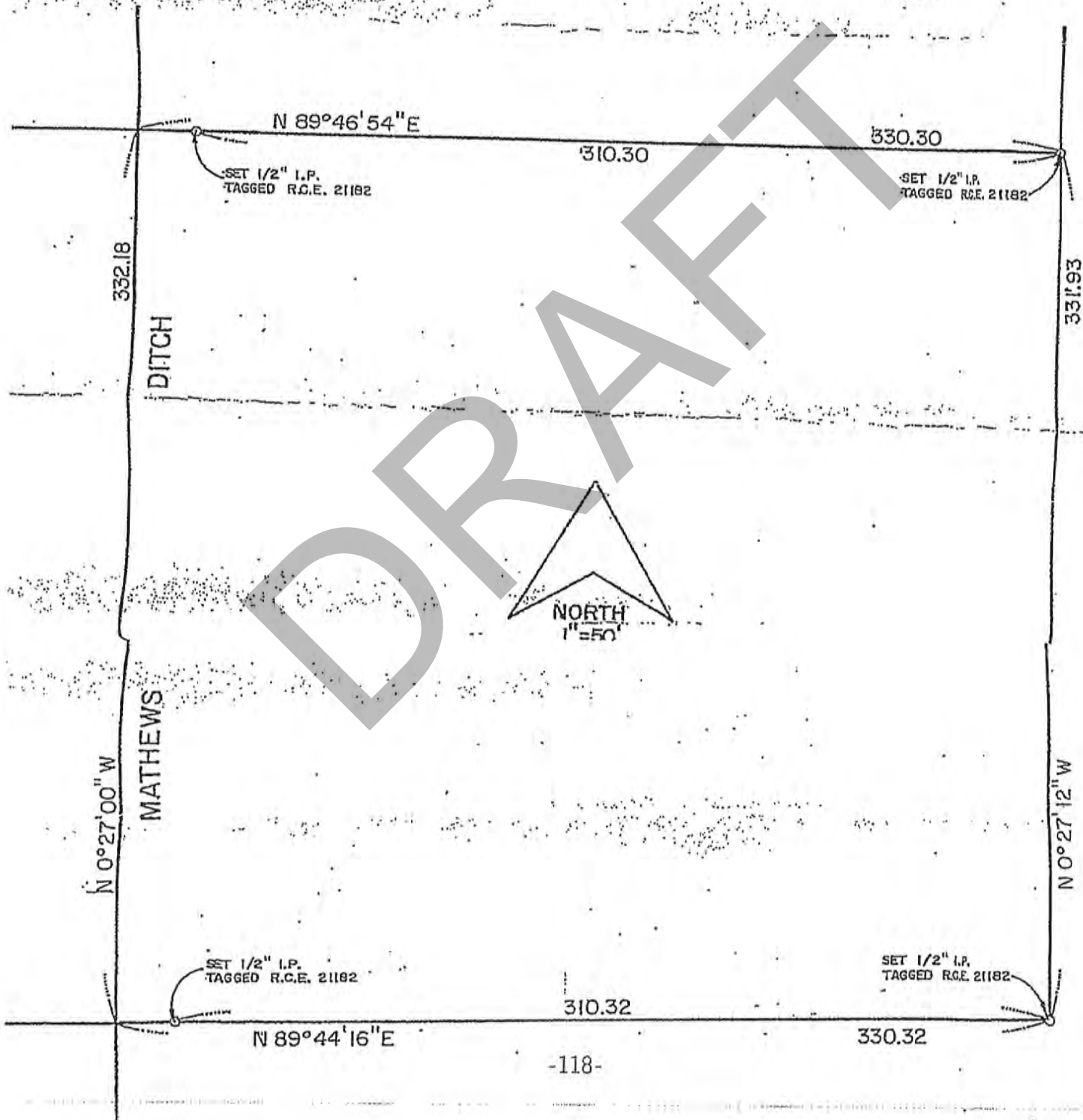
GENERAL AND SPECIAL COUNTY TAXES FOR THE FISCAL YEAR 1983-1984,  
INCLUDING PERSONAL PROPERTY TAX IF ANY,

TOTAL AMOUNT	:	\$229.74
FIRST INSTALLMENT	:	\$114.87
SECOND INSTALLMENT	:	\$114.87
PARCEL NO.	:	079-031-51
CODE AREA	:	153-046
ASSESSED LAND VALUE	:	\$21,435.00
IMPROVEMENTS	:	\$
PERSONAL PROPERTY	:	\$
EXEMPTIONS	:	\$
AFFECTS	:	SAID LAND

NO STR



MAP OF SURVEY  
FOR  
CARL - MANNING



RECORDING REQUESTED BY

SOUTHERN CALIFORNIA EDISON COMPANY

WHEN RECORDED MAIL TO  
SOUTHERN CALIFORNIA EDISON COMPANY  
P. O. Box 111  
Visalia, CA 93277

32499

100 3539 PAGE 406

RECORDED AT REQUEST OF  
TITLE INS. & TRUST CO.  
TIME 2:30 P.M. 5/3  
JUN 7 1978  
OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY C. BAYLESS, RECORDER

GRANT OF EASEMENT (INDIVIDUAL)

SPACE ABOVE THIS LINE FOR RECORDER'S USE  
DOCUMENTARY TRANSFER TAX \$ None (no consideration)

SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME

FLOYD J. QUALLS and KATHRYN V. QUALLS

(hereinafter referred to as "Grantor(s)"), hereby grant to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns, (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead and underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of poles, guys and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of TULARE, State of California, described as follows:

DISTRICT

VISALIA

WORK ORDER

6050

3040

IDENTITY

8-3056

MAP SIDE

127-65

APPROVED

BY

DATE

5-15-78

The northerly 6 feet of the North half of the North half of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, M.D.M.

This instrument filed for record by Title Insurance and Trust Company on 5-15-78 and is subject to the provisions of the Act of March 10, 1933, Chapter 100, Laws of California, and to the effect upon the title.

Grantor(s) agree(s) for themselves, their heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on hereinafter described real property.

The Grantee, and its contractors, agents and employees, shall have the right to trim or top such trees and to cut such roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor(s), the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

EXECUTED this 19 day of May, 1978

FLOYD J. QUALLS

KATHRYN V. QUALLS

STATE OF CALIFORNIA  
COUNTY OF Tulare

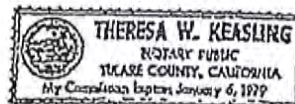
WITNESS

GRANTOR(S).

On May 19, 1978 before me, a Notary Public in and for said State, personally appeared Floyd J. Qualls and Kathryn V. Qualls known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.

WITNESS my hand and official seal.

Theresa W. Keasling



079-03-031-15.01, 15.02, 15.03, 15.04



SP8250Q-VLSA11a-R/W 1290

66690

79-03-46 VOL 3590  
79-03-52 R/W 6 (11-73)

RECORDATION REQUESTED BY

FOR RECORDER'S USE ONLY

AFTER RECORDATION  
RETURN TO

*L. Ray Simpson*  
THE PACIFIC TELEPHONE AND TELEGRAPH CO.  
Right of Way Force  
1925 E. Dakota Avenue  
Room 225 (26)  
Fresno, California 93726

RECORDED AT REQUEST OF  
FIRST AMERICAN TITLE CO.  
TIME 9:40 AM FILE 3-  
NOV 8 1978  
OFFICIAL RECORDS  
TULARE COUNTY, CALIFORNIA  
JAY C. BAYLESS, RECORDER

*Right of Way Grant*

Floyd J. Qualls and Kathryn V. Qualls, his wife

Grantor, hereby grants to THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, Grantee, the right from time to time to construct, place, inspect, maintain, replace and remove communication facilities consisting of underground conduits, pipes, manholes, service boxes, wires, cables, other electrical conductors, aboveground marker posts, risers and terminals, and other appurtenances, together with a right of way therefor and the right of ingress thereto and egress therefrom, across, upon, in and under the following described real property in the unincorporated area of the County of Tulare State of California:

The East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter and the North 40 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter, both in Section 9, Township 18 South, Range 25 East, M.D.M.

This Instrument Filed for record by First American Title Co. of Tulare County as an Accession to only interest instrumented as to the undersigned and others, neither of

Neither the value of the interest nor the hereby nor the consideration paid therefor is in excess of One Hundred Dollars (\$100.00)

Dated: 10-31, 1978

Witness:

*Floyd J. Qualls*  
Floyd J. Qualls

*Kathryn V. Qualls*  
Kathryn V. Qualls

STATE OF CALIFORNIA

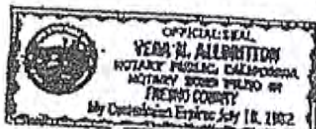
County of Fresno

On this 28th day of November

1978, before me VERA N. ALLENBRIGHTON

a Notary Public of the State of California, personally appeared G. NORTON, known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being by me duly sworn, depose and said that he resides in Fresno County, State of California, and that he was present and saw FLOYD J. QUALLS and KATHRYN V. QUALLS

known to him to be the same person, whose names are subscribed to the within instrument, execute the same; and that he then and there acknowledged to said affiant that they executed the same; and that said affiant subscribed his name to said instrument as a witness.



Witness my hand and official seal

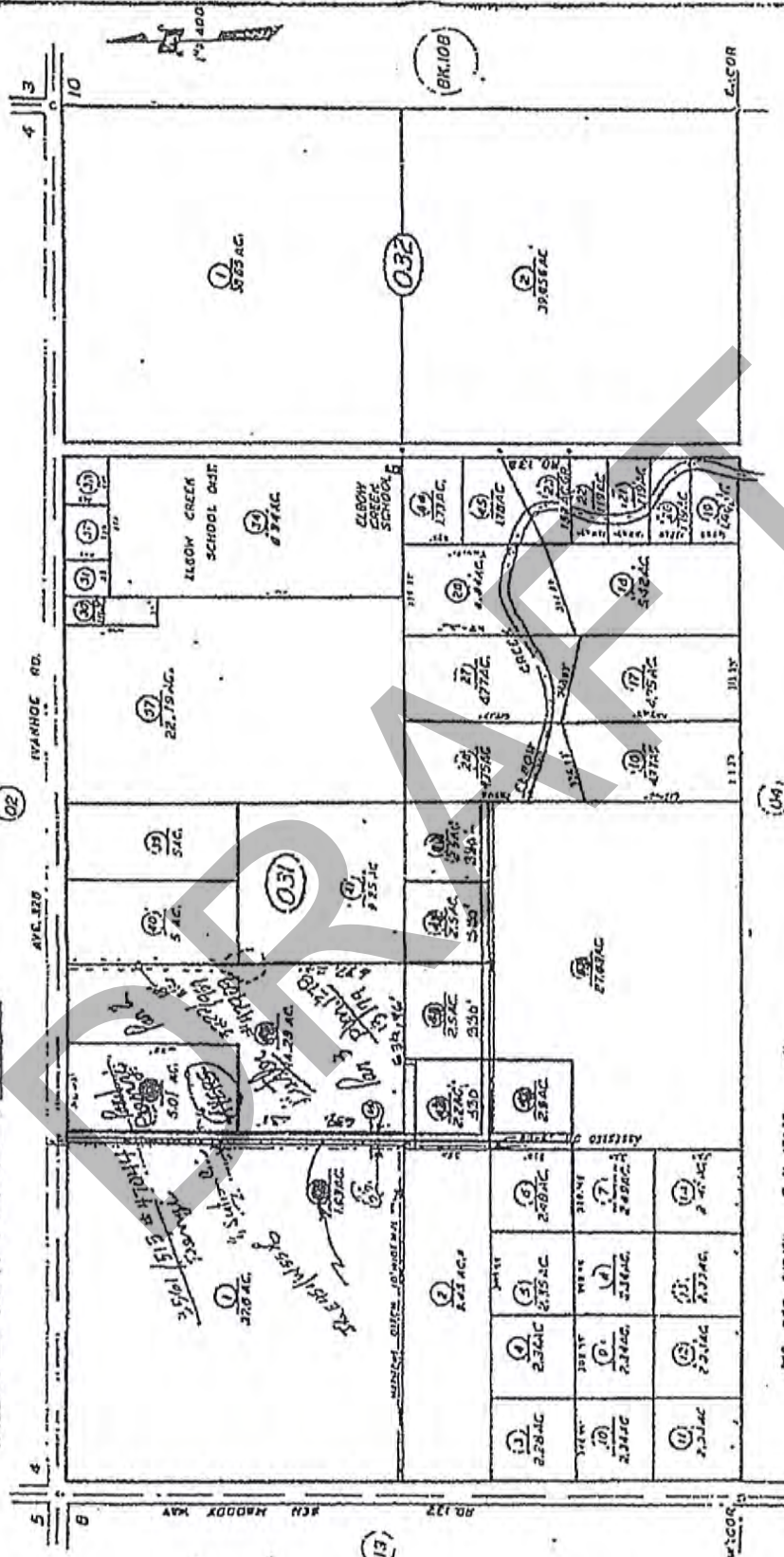
*Vera N. Allenbrighton*  
NOTARY PUBLIC in and for said State

TUL 1290-06  
79-03

TAX CODE AREA  
153-046  
153-047

N 1/2 SEC. 9, T.18 S., R.25 E., M. D. B. & M.

RIGHT OF WAY FILE NO. 1290



5082500  
RIGHT-OF-WAY  
DAN ANDERSON  
SPEC ATTACHED  
5082500  
R/T 1290 ASSESSOR'S MAPS BK. 79, PG. 03  
COUNTY OF TULARE, CALIF.  
ASSISTANT COUNTY CLERK  
TULARE COUNTY



SDB250Q-Visalia-R/W 1290

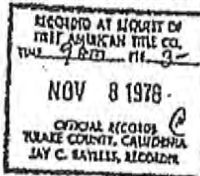
66689

79-1-49

VOL 3590 PAGE 769  
B/H 6 (11-73)

REGISTRATION REQUESTED BY

FOR RECORDER'S USE ONLY

AFTER RECORDATION  
RETURN TO*LeRoy L. Temple*  
THE PACIFIC TELEPHONE AND TELEGRAPH CO.-261  
10-2-73*Right of Way Grant*Berwyn Qualls

Grantor, hereby grants to THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, Grantee, the right from time to time to construct, place, inspect, maintain, replace and remove communication facilities consisting of underground conduits, pipes, manholes, service boxes, wires, cables, other electrical conductors, aboveground marker posts, risers and terminals, and other appurtenances, together with a right of way therefor and the right of ingress thereto and egress therefrom, across, upon, in and under the following described real property in the unincorporated area of the County of Tulare State of California:

The South 22 feet of the Northwest quarter of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, M.D.N.

Witness the vote of the Board of Supervisors of the County of Tulare, California, on the 10th day of October, 1978, at Visalia, California.

The witness that is named by the parties, the County of Tulare, California, is an authorized officer of the County of Tulare, California.

Dated: 10-31, 19 78 Berwyn Qualls  
Witness: Berwyn Qualls

Witness: L. L. Norton

STATE OF CALIFORNIA

County of Fresno, ss.  
this And day of November

I, VERA N. ALBRITTON, a Notary Public of the State of California, personally appeared C. NORTON

known to me to be the person who is subscribed to the within instrument as a witness thereto, who being by me duly sworn, deposited and said that he resides in Fresno

Fresno County, State of California, and that he was present and saw

BERWYN QUALLS personally known to him, who is the same person whose name is subscribed to the within instrument, execute the same and he then and there acknowledged said instrument that he executed the same; and that said affiant subscribed his name to said instrument as a witness.

-122-

Witness my hand and official seal



SDF250Q-VismLlu-N/M 1291

66056

79-1- 50

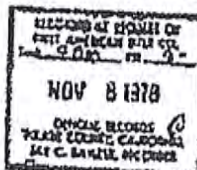
NOV 3580 02 766

R/W 6 (11-73)

RECORDATION REQUESTED BY

FOR RECORDER'S USE ONLY

WITNESSES  
 11/25/78  
 11/25/78  
 11/25/78



Right of Way Grant

Paul H. Hill

Grantor, hereby grants to THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, Grantee, the right from time to time to construct, place, inspect, maintain, replace and remove communication facilities consisting of underground conduits, pipes, manholes, service boxes, wires, cables, other electrical conductors, aboveground marker posts, signs and terminals, and other appurtenances, together with a right of way therefor and the right of ingress thereto and egress therefrom, across, upon, in and under the following described real property in the incorporated area of the County of Tulare, State of California:

The South 22 feet of the Northeast quarter of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, N.D.N.

Witnesses  
 11/25/78  
 11/25/78

Witnesses  
 11/25/78  
 11/25/78

Dated: October 31, 1978

Witness:

TECHNICAL DATA

11/25/78

11/25/78

11/25/78

11/25/78

11/25/78

11/25/78

11/25/78

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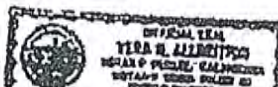
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11/25/78



-123-



SD87504-VL:sl:in-N/HL290

611187

b 7590 767

1003-67

B/W 6 (11-73)

RECORDATION REQUESTED BY

FOR RECORDER'S USE ONLY

7661170-13

APPROVED AND  
ALSO  
[Signature]  
[Signature]  
[Signature]

RECORDS BY REQUEST OF  
RECEIVED BY RECORDER  
NOV 8 1978  
OFFICIAL RECORDS  
FARM COUNTY, CALIFORNIA  
ANY C. 240111, RECORDS

Right of Way Grant

Sonia Qualls

Grantor, hereby grants to THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, Grantee, the right from time to time to construct, place, inspect, maintain, replace and remove communication facilities consisting of underground conduits, pipes, manholes, service boxes, wires, cables, other electrical conductors, aboveground marker posts, risers and terminals, and other appurtenances, together with a right of way therefor and the right of ingress thereto and egress therefrom, across, upon, in and under the following described real property in the unincorporated area of the County of Tulare, State of California:

The West 33 East of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 2 East, H.D.N., EXCEPTING THEREFROM, however, the North 40 East.

of the [Signature]  
[Signature]  
[Signature]

By [Signature]  
[Signature]  
[Signature]

Dated: 11-51-1978

1978

[Signature]  
Sonia Qualls

Witness:

OF CALIFORNIA

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

Not a [Signature]

By [Signature]  
[Signature]  
[Signature]

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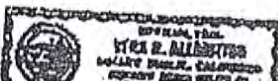
Not a [Signature]

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Not a [Signature]









Kathy McNamara

The South 22 East of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 10 South, Range 23 East, T.10S., R.23E.

The following was the record of the  
meeting of the Board of Directors of the  
City of New York, held on the 1st day of  
January, 1900, at the City Hall, New York.

Witness:

City of \_\_\_\_\_

2nd Nov 1944

0127 - Vol 6 - 4 - 1948 - D<sup>r</sup> Gail Davis, Pittsburgh, arrested

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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8-10-61

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中華民國內政部

FOR THE DIRECTOR

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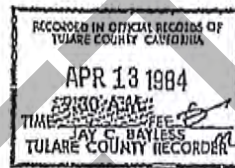
19208

VOL 4180 PAGE 9

Recording Requested by  
and Return to:

ECC 84-12, QUALLS, S.  
Date: APRIL 12, 1984

Tulare County Building and  
Planning Department  
County Civic Center  
Courthouse, Room 105



CERTIFICATE OF COMPLIANCE

NOTICE IS HEREBY GIVEN, in accordance with Sections 7130-7135 of the Ordinance Code of the County of Tulare, that the Building and Planning Director of the County of Tulare has determined that the real property described in attached Exhibit "A" was divided in accordance with the applicable provisions of the Subdivision Map Act and those sections of the Ordinance Code of the County of Tulare adopted pursuant to the Subdivision Map Act as said Ordinance read at the time the division of land occurred.

COUNTY OF TULARE

*Eugene E. Smith*  
Eugene E. Smith  
Building and Planning Director

at

EXHIBIT "A"

VOL 4180 PAGE 10

*The Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 10 South, Range 25 East, M.D.B. & M., in the County of Tulare, State of California, according to the official plat thereof.*

*Subject to an Easement for ingress and egress over the South 22.5 feet of said land and over the East 45 feet of the West 55 feet of said land.*

*Together with a non-exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter; the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter all in Section 9, Township 10 South, Range 25 East, M.D.B. & M., County of Tulare State of California, according to the official plat thereof.*

*The above-described real property appears on the assessment records of the County of Tulare as APN 079-031-47 and is owned by Sonja Qualls.*



When Recorded Mail To: 73687

Floyd Qualls and Kathryn V. Qualls  
1333 West Laurel Avenue  
Visalia, California

Vol. 3601 Page 538

RECORDED BY OFFICIAL RECORDS OF TULARE COUNTY, CALIFORNIA	
DEC 11 1978	
TIME 10:45 AM	FILE 418
JAY C. BAYLESS TULARE COUNTY RECORDER	

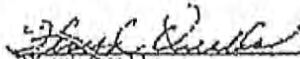
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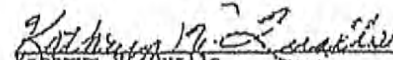
NOTICE IS HEREBY GIVEN that Floyd Qualls and Kathryn V. Qualls are the owners of the following described real property situated in the County of Tulare, State of California, as shown on the Assessors Maps of the County of Tulare, Book 79, Page 03:

The East 45 feet of the west 55 feet of the northeast quarter of the northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof. EXCEPTING THEREFROM the north 40 feet.

Pursuant §813 of the Civil Code of the State of California, THE RIGHT OF THE PUBLIC OR ANY PERSON TO MAKE ANY USE WHATSOEVER OF THE ABOVE DESCRIBED LAND OR ANY PORTION THEREOF, OTHER THAN ANY USE EXPRESSLY ALLOWED BY A WRITTEN OR RECORDED MAP, AGREEMENT, DEED OR DEDICATION, IS BY PERMISSION, AND SUBJECT TO THE CONTROL OF THE OWNERS.

Dated: October 25, 1978.

  
Floyd Qualls

  
Kathryn V. Qualls

STATE OF CALIFORNIA }  
COUNTY OF TULARE } ss.

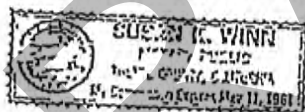
On this 26<sup>th</sup> day of October, 1978, before me, the undersigned Notary Public in and for the County of Tulare, personally appeared Floyd Qualls known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



Susan K. Winn

STATE OF CALIFORNIA }  
COUNTY OF TULARE } ss.

On this 26<sup>th</sup> day of October, 1978, before me, the undersigned Notary Public in and for the County of Tulare, personally appeared Kathryn V. Qualls known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same.



Susan K. Winn





## CHICAGO TITLE COMPANY

### PRELIMINARY REPORT

*In response to the application for a policy of title insurance referenced herein, Chicago Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.*

*The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.*

*This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.*

*The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a Nebraska corporation.*

*Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.*

*It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.*

*Andy Kern*  
Countersigned



Chicago Title Company

BY

ATTEST

*[Signature]*  
President  
*[Signature]*  
Secretary



Visit Us on our Website: [www.ctlc.com](http://www.ctlc.com)

# Chicago Title Company

ISSUING OFFICE: 2540 W. Shaw Lane, Suite 112 • Fresno, CA 93711

FOR SETTLEMENT INQUIRIES, CONTACT: Chicago Title Company - Visalia  
1750 W. Walnut Avenue • Visalia, CA 93277  
559 636-4300 • FAX 559 636-4365

## PRELIMINARY REPORT

Title Officer: Joel Heaton  
Escrow Officer: Amanda Ramos  
Escrow No.: 12-42122850-AJR

Amended  
Title No.: 12-42122850-A-JAH  
Locate No.: CACTI7754-7754-4421-0042122850

TO: Century 21 Jordan-Link & Co.  
2009 West Feemster Avenue  
Visalia, CA 93277

ATTN: Matt Thompson

PROPERTY ADDRESS: 27.8 +/- Acres Avenue 328, Visalia, California

EFFECTIVE DATE: October 31, 2012, 07:30 A.M.

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy - 1990

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:  
  
A Fee
2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:  
  
THE FLOYD QUALLS and KATHRYN QUALLS FAMILY TRUST; subject to the effect of Item No. 10 of exceptions as shown herein
3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:  
  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

GC/GC 03/16/2012



**LEGAL DESCRIPTION**

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1:**

The South one half of the Southeast quarter of the Northwest quarter and the South half of the North half of the Southeast of the Northwest quarter Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat of the survey on file in the Bureau of Land Management at the date of the issuance of the Patent thereof.

Excepting therefrom the Southwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of said Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat of the survey on file in the Bureau of Land Management at the date of the issuance of the Patent thereof.

**PARCEL 2:**

The East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

Excepting therefrom the North 40 feet thereof.

**PARCEL 3:**

A non-exclusive easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter; the South 22.5 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest and the North 22.5 feet of the Southwest of the Northwest quarter of the Southeast quarter of the Northwest quarter all in Section 9, Township 18 South, Range 25 East, M.D.B. & M., County of Tulare, State of California, according to the official plat thereof.

THE FOLLOWING LEGAL DESCRIPTION WILL BE CARRIED ON ALL DOCUMENTS TO BE RECORDED; HOWEVER NO TITLE INSURANCE WILL BE ISSUED:

The right to take water from the ditch or pipe line running along the South line of the Southwest quarter of the Northeast quarter of Section 9, where the same intersects the ditch or pipe line running along the East line of the Southeast quarter of the Northwest quarter of said Section 9, for the irrigation of said property.

APN: 079-190-017 & 079-180-009

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2012-2013, Assessor's Parcel Number 079-190-017-000(Parcel 1).

Code Area Number: 153-046  
1st Installment: \$531.57 Open  
2nd Installment: \$531.57 Open  
Land: \$90,312.00  
Improvements: \$8,090.00  
Exemption: \$0.00  
Personal Property: \$0.00

2. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2012-2013, Assessor's Parcel Number 079-180-009-000(Parcel 2).

Code Area Number: 153-046  
1st Installment: \$29.70 Open  
2nd Installment: \$29.70 Open  
Land: \$5,505.00  
Improvements: \$0.00  
Exemption: \$0.00  
Personal Property: \$0.00

3. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

4. The effect of a deed from Polly W. Chrisman, et al, to Mathews Ditch Company, recorded October 4, 1916 in Book 243, Page 360 of Deeds; whereby an undivided 8/64ths interest in and to said ditch was conveyed to Mathews Ditch Company, together with the right of ingress and egress for the repair and maintenance of said ditch.

Reference is made to said document for full particulars.

5. Any boundary discrepancies or rights which may exist or arise as disclosed by a map of survey of said property

Recorded: July 6, 1964 in Book 10, Page 33 of Record of Surveys, Tulare County Records



ITEMS: (continued)

Title No. 12-42122850-A-JAH  
Locate No. CACTI7754-7754-4421-0042122850

6. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Paula Hill, daughter of Grantors herein  
Purpose: ingress and egress  
Recorded: June 26, 1978, Instrument No. 36706, Book 3545, Page 795, of Official Records  
Affects: as contained therein

And by various instruments of record.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: The Pacific Telephone and Telegraph Company  
Purpose: public utilities  
Recorded: November 8, 1978, Instrument No. 66690, Book 3590, Page 770, of Official Records  
Affects: Parcel 2 and other land

8. The terms and provisions contained in that certain Notice, executed by Floyd Qualls and Kathryn V. Qualls, recorded December 11, 1978, Book 3601, Page 538, Document No. 73687, Official Records.

Reference is made to said document for full particulars.

9. The terms and provisions contained in that certain Certificate of Compliance, recorded April 13, 1984, Book 4180, Page 9, Document No. 19208, Official Records.

Reference is made to said document for full particulars.

10. Before a policy of title insurance can be issued the Correctory Grant Deed by and between Kathryn V. Qualls and The Floyd Qualls and Kathryn Qualls Family Trust should be re-recorded for purposes of correcting the legal description and adding the trustees to the grantee caption of said deed.

Recorded: April 20, 2006, Document No. 2006-0042095, Official Records

11. Any boundary discrepancies or rights which may exist or arise as disclosed by a map of survey of said property

Recorded: April 7, 2011 in Book 30, Page 98 of Record of Surveys, Tulare County Records

12. No open Deeds of Trust: CONFIRM BEFORE CLOSING

ITEMS: (continued)

Title No. 12-42122850-A-JAH  
Locate No. CACT17754-7754-4421-0042122850

13. **Any invalidity or defect** in the title of the vestees in the event that the trust referred to herein is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

If title is to be insured in the trustee(s) of a trust, (or if their act is to be insured), this Company will require a **Trust Certification pursuant to California Probate Code Section 18100.5**. The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

END OF ITEMS

- Note 1.** The current owner does NOT qualify for the \$20.00 discount pursuant to the coordinated stipulated judgments entered in actions filed by both the Attorney General and private class action plaintiffs for the herein described property.
- Note 2.** The Requirement that the complete and correct name or names of proposed buyers herein, be submitted to the Title Department, at least 5 days prior to the close of escrow.
- Note 3.** The Company is not aware of any matters which would cause it to decline to attach the CLTA Endorsement Form 116 indicating that there is located on said land agricultural known as 27.8 +/- Acres Avenue 328, Visalia, California to an Extended Coverage Loan Policy.
- Note 4.** There are NO deeds affecting said land, recorded within twenty-four (24) months of the date of this report.
- Note 5.** Escrow information note: Arb No. 79-03-01-15&79-03-01-38
- Note 6.** If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.



NOTES: (continued)

Title No. 12-42122850-AJAH  
Locate No. CACTI7754-7754-4421-0042122850

**Note 7.** Wiring instructions for Chicago Title Company, Visalia, CA, are as follows:

Receiving Bank: Bank of America  
275 Valencia Blvd, 2nd Floor  
Brea, CA 92823-6340  
ABA Routing No.: 026009593  
Credit Account Name: Chicago Title Company - Visalia  
1750 W. Walnut Avenue, Visalia, CA 93277  
Credit Account No.: 12355-73185  
Escrow No.: 12-42122850-AJR

These wiring instructions are for this specific transaction involving the Title Department of the Fresno office of Chicago Title Company. These instructions therefore should not be used in other transactions without first verifying the information with our accounting department. It is imperative that the wire text be exactly as indicated. Any extraneous information may cause unnecessary delays in confirming the receipt of funds.

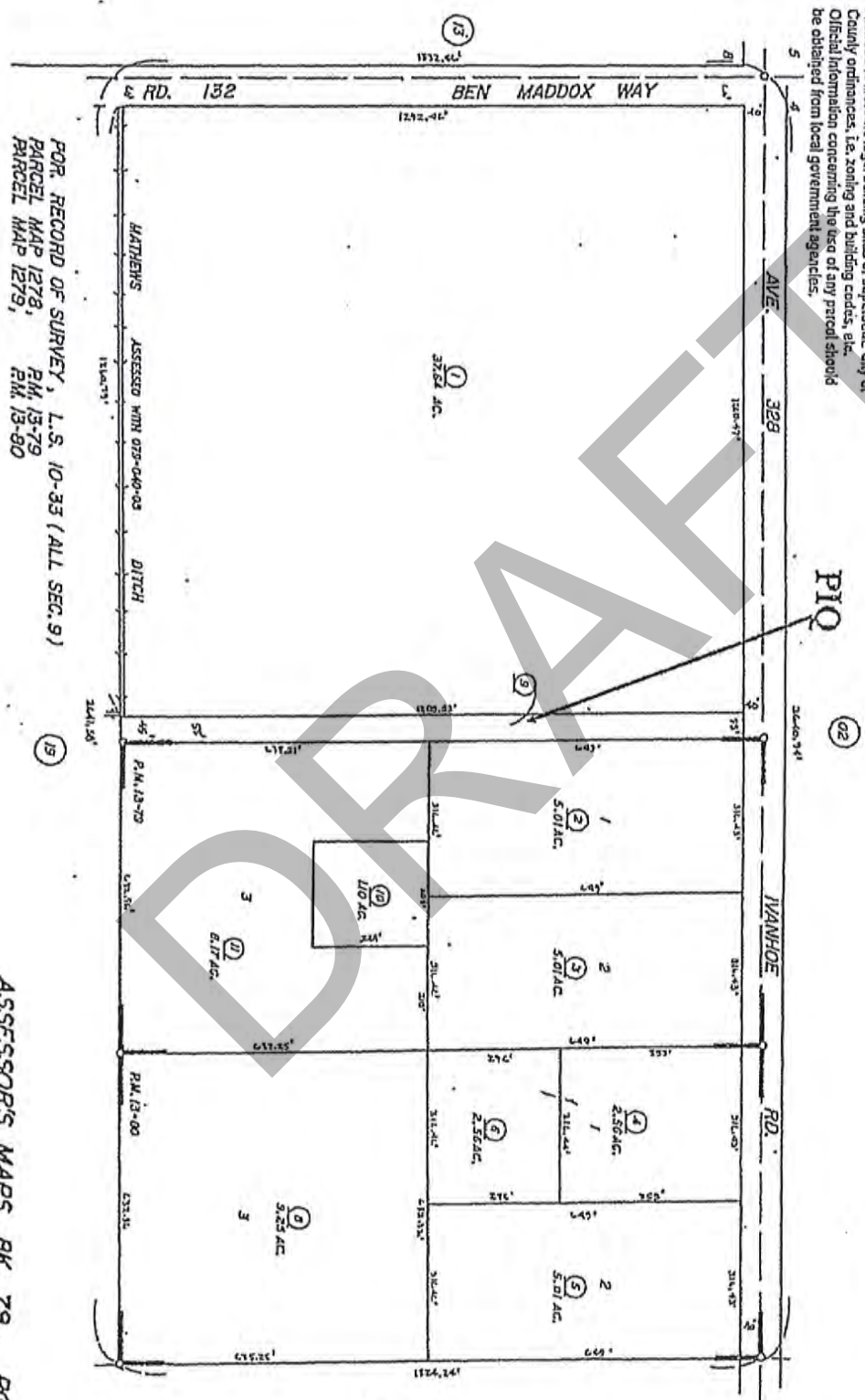
**Note 8.** Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.

END OF NOTES

This Map is being furnished as a convenience to locate the herein described land in relation to adjoining streets and other lands. The Company does not guarantee dimensions, distances, bearings, or acreage stated hereon, nor is it intended to illustrate legal building lines or supersede City or County ordinances, i.e., zoning and building codes, etc. Official information concerning the use of any parcel should be obtained from local government agencies.

N 1/2 OF NW 1/4, SEC. 9, T.18S, R.25E, M.D.B. & M.

TAX CODE AREA 79-18  
153-046



FOR RECORD OF SURVEY, L.S. 10-33 (ALL SEC. 9)  
PARCEL MAP 1278, P.M. 13-79  
PARCEL MAP 1279, P.M. 13-80

ASSESSOR'S MAPS BK. 79, PG. 18  
COUNTY OF TULARE, CALIF.

NOTE--ASSESSOR'S BLOCK NUMBERS SHOWN IN CIRCLES  
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES



This Map is being furnished as a convenience to locate the herein described land in relation to adjoining streets and other lands. The Company does not guarantee dimensions, distances, bearings, or acreage stated thereon, nor is it intended to illustrate legal building sites or supersede City or County ordinances, i.e., zoning and building codes, etc. Official information concerning the use of any parcel should be obtained from local government agencies.

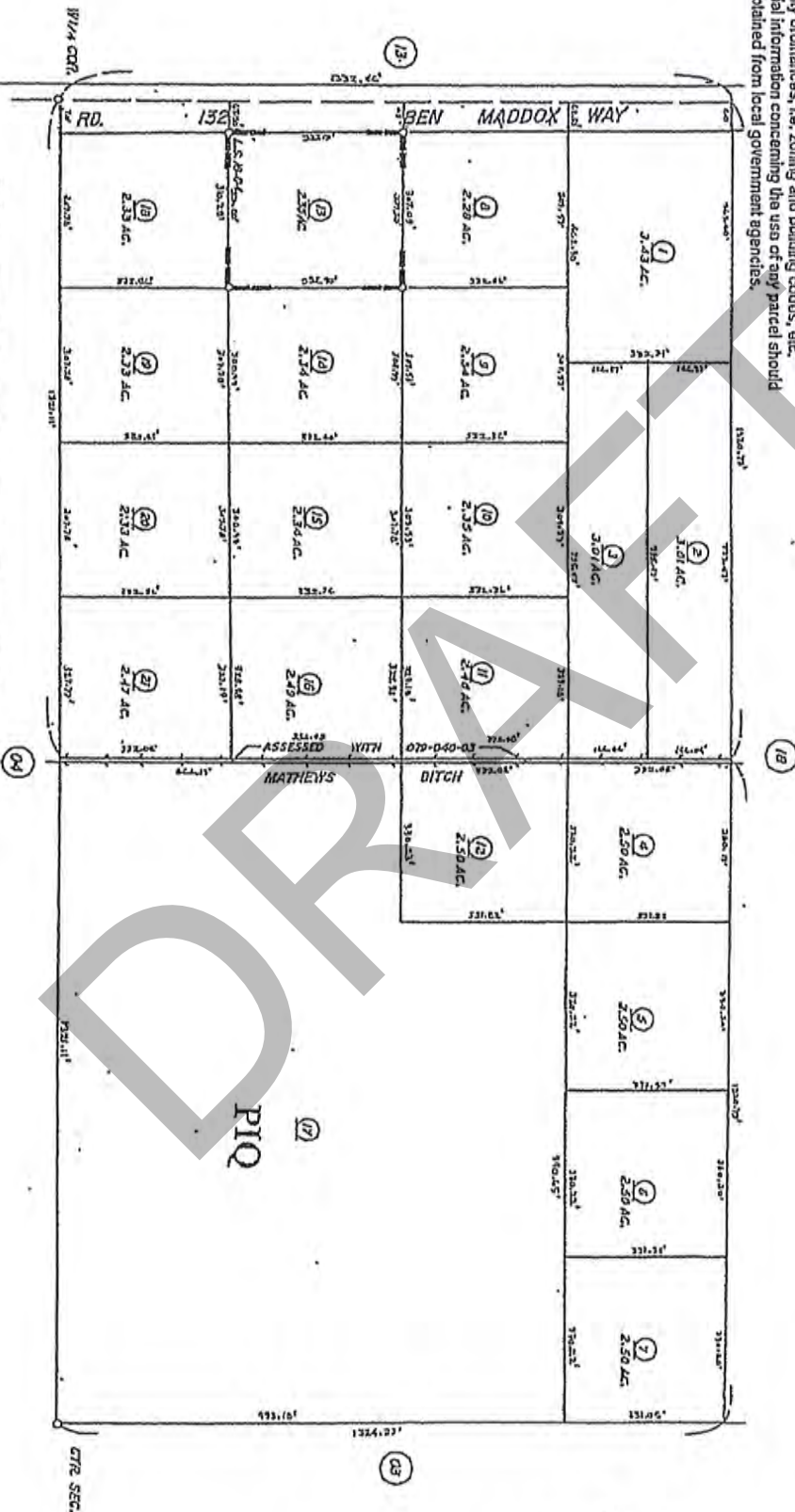
1/2 OF NW 1/4, SEC. 9, T. 18S., R. 25E., M.D.B. & M.

TAX CODE AREA 79-19  
153-046

POR. RECORD OF SURVEY, L.S. 10-33 (ALL SEC. 9)  
RECORD OF SURVEY, L.S. 18-04

ASSESSOR'S MAPS BK. 79 PG. 19  
COUNTY OF TULARE, CALIF.

NOTE--ASSESSOR'S BLOCK NUMBERS SHOWN IN DANGLES  
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES



**ATTACHMENT ONE**  
**AMERICAN LAND TITLE ASSOCIATION**  
**RESIDENTIAL TITLE INSURANCE POLICY (6-1-87) EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
  - land use
  - improvements on the land
  - land division
  - environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
  - a notice of exercising the right appears in the public records on the Policy Date
  - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and the expenses resulting from:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.
2. Any easements or liens not shown by the public records. This does not limit the lien coverage in Item 8 of Covered Title Risks.

3. Title Risks:

- that are created, allowed, or agreed to by you
- that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
- that result in no loss to you
- that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:

- to any land outside the area specifically described and referred to in Item 3 of Schedule A
  - or
  - in streets, alleys, or waterways that touch your land
- This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

3. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This does not limit the forced removal coverage in Item 12 of Covered Title Risks.
4. Any water rights or claims or title to water in or under the land, whether or not shown by the public records.



**ATTACHMENT ONE  
(CONTINUED)**

**CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**SCHEDULE B, PART I  
EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**PART I**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.



**ATTACHMENT ONE  
(CONTINUED)**

**FORMERLY AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)  
WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:  
(a) created, suffered, assumed or agreed to by the insured claimant;  
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;  
(c) resulting in no loss or damage to the insured claimant;  
(d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or

material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or

(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.

4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:  
(i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or  
(ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or  
(iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:  
(a) to timely record the instrument of transfer; or  
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.



ATTACHMENT ONE  
(CONTINUED)

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company; not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

(c) resulting in no loss or damage to the Insured Claimant;  
(d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or

(e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.

In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records;  
(b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.



ATTACHMENT ONE  
(CONTINUED)

FORMERLY AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:  
(a) created, suffered, assumed or agreed to by the insured claimant;  
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;  
(c) resulting in no loss or damage to the insured claimant;  
(d) attaching or created subsequent to Date of Policy, or  
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:  
(i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or  
(ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:  
(a) to timely record the instrument of transfer; or  
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.



**ATTACHMENT ONE  
(CONTINUED)**

**2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed, or agreed to by the Insured Claimant;

(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is (a) a fraudulent conveyance or fraudulent transfer; or (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments, imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.

In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

# ATTACHMENT ONE (CONTINUED)

## CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-22-03) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-22-03) EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
  - a. building
  - b. zoning
  - c. Land use
  - d. improvements on Land
  - e. Land division
  - f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.

3. The right to take the Land by condemning it, unless:
  - a. notice of exercising the right appears in the Public Records at the Policy Date; or

- b. the taking happened before the Policy Date and is binding on You if You bought the Land without knowing of the taking.

### 4. Risks:

- a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
- b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
- c. that result in no loss to You; or
- d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8, 22, 23, 24 or 25.

5. Failure to pay value for Your Title.

### 6. Lack of a right:

- a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
- b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

## LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 14, 15, 16 and 18, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 14:	1.00% of Policy Amount or \$ 2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 15:	1.00% of Policy Amount or \$ 5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 16:	1.00% of Policy Amount or \$ 5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 18:	1.00% of Policy Amount or \$ 2,500.00 (whichever is less)	\$ 5,000.00



# ATTACHMENT ONE (CONTINUED)

## CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10) EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
  - a. building;
  - b. zoning;
  - c. land use;
  - d. improvements on the Land;
  - e. land division; and
  - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
  - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
  - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

## LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$ 2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$ 5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$ 5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$ 2,500.00 (whichever is less)	\$ 5,000.00



ATTACHMENT ONE  
(CONTINUED)

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvements now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or areas of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without Knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:  
(a) created, suffered, assumed or agreed to by the Insured Claimant;  
(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;  
(c) resulting in no loss damage to the Insured Claimant;  
(d) attaching or created subsequent to Date of Policy (this paragraph does not limit the coverage provided under Covered Risks 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or  
(e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.
5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, except as provided in Covered Risk 27, or any consumer credit protection or truth in lending law.
6. Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8(e) and 26.
7. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.
8. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting the title, the existence of which are Known to the Insured at:  
(a) The time of the advance; or  
(b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification. This exclusion does not limit the coverage provided in Covered Risk 8.
9. The failure of the residential structure, or any portion thereof to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.



ATTACHMENT ONE  
(CONTINUED)

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07/26/10)  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.

### Notice

You may be entitled to receive a \$20.00 discount on escrow services if you purchased, sold or refinanced residential property in California between May 19, 1995 and November 1, 2002. If you had more than one qualifying transaction, you may be entitled to multiple discounts.

If your previous transaction involved the same property that is the subject of your current transaction, you do not have to do anything; the Company will provide the discount, provided you are paying for escrow or title services in this transaction.

If your previous transaction involved property different from the property that is subject of your current transaction, you must - prior to the close of the current transaction - inform the Company of the earlier transaction, provide the address of the property involved in the previous transaction, and the date or approximate date that the escrow closed to be eligible for the discount.

Unless you inform the Company of the prior transaction on property that is not the subject of this transaction, the Company has no obligation to conduct an investigation to determine if you qualify for a discount. If you provide the Company information concerning a prior transaction, the Company is required to determine if you qualify for a discount which is subject to other terms and conditions.



Fidelity National Financial, Inc.  
Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

**Personal Information Collected**

We may collect Personal Information about you from the following sources:

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

**Disclosure of Personal Information**

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

(privacy)

Page 2 of 2

Effective Date: 5/1/2008

**Disclosure to Affiliated Companies** - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

**Disclosure to Nonaffiliated Third Parties** - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

**Confidentiality and Security of Personal Information**

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

**Access To Personal Information/**

**Requests for Correction, Amendment, or Deletion of Personal Information**

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer  
Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, FL 32204

**Changes to this Privacy Statement**

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.



### Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

**FNF Underwritten Title Company**  
CTC – Chicago Title Company

**FNF Underwriter**  
CTIC – Chicago Title Insurance Company

#### **Available Discounts**

##### **CREDIT FOR PRELIMINARY REPORTS AND/OR COMMITMENTS ON SUBSEQUENT POLICIES (CTIC)**

Where no major change in the title has occurred since the issuance of the original report or commitment, the order may be reopened within 12 or 36 months and all or a portion of the charge previously paid for the report or commitment may be credited on a subsequent policy charge.

##### **FEE REDUCTION SETTLEMENT PROGRAM (CTC and CTIC)**

Eligible customers shall receive a \$20.00 reduction in their title and/or escrow fees charged by the Company for each eligible transaction in accordance with the terms of the Final Judgments entered in *The People of the State of California et al. v. Fidelity National Title Insurance Company et al.*, Sacramento Superior Court Case No. 99AS02793, and related cases.

##### **DISASTER LOANS (CTIC)**

The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within 24 months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be 50% of the appropriate title insurance rate.

##### **CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC)**

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be 50% or 70% of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be 32% or 50% of the appropriate title insurance rate, depending on the type of coverage selected.



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2014-0054632

Recorded  
Official Records  
County of  
Tulare  
ROLAND P. HILL  
Clerk Recorder

REC FEE 59.00  
CONFIRMED COPY 1.00

01:25PM 09-Oct-2014 JD Page 1 of 15

Recording Requested By and When  
Recorded Mail To:

Joseph F. Soares  
HORSWILL MEDEROS & SOARES  
Attorneys at Law  
791 N. Cherry Street  
Post Office Box 29  
Tulare, California 93275  
Telephone: (559) 686-3861  
Facsimile: (559) 686-1514

*Cont*

Space above for recording use

## MEMORANDUM OF AGREEMENT BETWEEN LANDOWNERS

THIS MEMORANDUM OF AGREEMENT BETWEEN LANDOWNERS ("Memorandum") is made and entered into in Visalia, California, by and between PHILIP CLAREY and BARBARA CLAREY ("Clarey"), RODNEY HOVEILER and KATHY HOVEILER ("Hoveiler"), CARL MANNING and JOANNE MANNING ("Manning"), STEVE VREELAND aka STEPHEN VREELAND and NANCY VREELAND ("Vreeland") and KAREN MacKENZIE ("MacKenzie") (hereinafter sometimes collectively referred to as "Plaintiffs") and J. BERWYN QUALLS, PAULA SIMON, and SONJIA DUTTON (hereinafter collectively referred to as "Defendants" or "Qualls"), to witness that:

1. Plaintiffs caused a Complaint to be filed against Defendants in the Tulare County Superior Court, Case No. 253855 (hereinafter "Civil Action"), wherein, Plaintiffs alleged certain violations of use pertaining to property owned by Defendants. The property subject to the Civil Action is identified by APN 079-190-004; 079-190-005; 079-190-012; 079-190-007; 079-190-006; and 079-190-017; and is more particularly described in Exhibit "A," attached hereto and made a part hereof.

2. Defendants denied any and all allegations of the Civil Action and on August 15, 2014, Plaintiffs and Defendants resolved the Civil Action through a document



identified as an Agreement Between Landowners which was executed by all Plaintiffs and Defendants (hereinafter "Agreement"). The Agreement may burden and/or encumber the property identified in Exhibit "A" of this Memorandum.

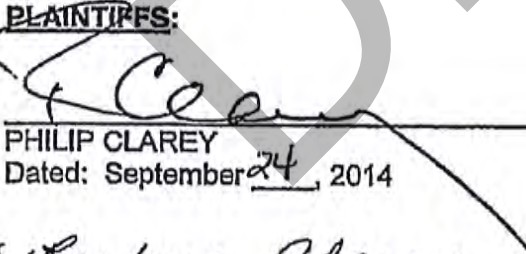
3. The purpose of this Memorandum is to give record notice of the Agreement and of the terms thereof and the rights created thereby. It is not intended to amend or modify any of the rights or obligations set forth in the Agreement. To the extent that any provisions of this Memorandum and the Agreement conflict, the provisions of the Agreement shall control.

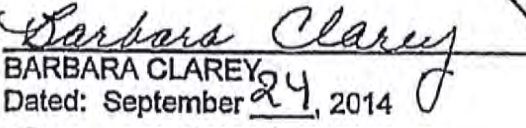
4. The date on which the last of the parties hereto executes this Memorandum, as such date is shown by the signature of the parties below, shall be the date of this Memorandum.


5. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute but one and the same instrument.

**IN WITNESS WHEREOF**, the parties hereto have executed this Memorandum of Agreement Between Landowners on the dates specified below their respective signatures.

**PLAINTIFFS:**

  
\_\_\_\_\_  
PHILIP CLAREY  
Dated: September 24, 2014

  
\_\_\_\_\_  
BARBARA CLAREY  
Dated: September 24, 2014

  
\_\_\_\_\_  
RODNEY HOVEILER  
Dated: September 23, 2014

**DEFENDANTS:**

\_\_\_\_\_  
JAMES BERWYN QUALLS  
September \_\_\_\_, 2014

\_\_\_\_\_  
PAULA SIMON  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
SONJIA DUTTON  
September \_\_\_\_, 2014

identified as an Agreement Between Landowners which was executed by all Plaintiffs and Defendants (hereinafter "Agreement"). The Agreement may burden and/or encumber the property identified in Exhibit "A" of this Memorandum.

3. The purpose of this Memorandum is to give record notice of the Agreement and of the terms thereof and the rights created thereby. It is not intended to amend or modify any of the rights or obligations set forth in the Agreement. To the extent that any provisions of this Memorandum and the Agreement conflict, the provisions of the Agreement shall control.

4. The date on which the last of the parties hereto executes this Memorandum, as such date is shown by the signature of the parties below, shall be the date of this Memorandum.

5. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement Between Landowners on the dates specified below their respective signatures.

**PLAINTIFFS:**

\_\_\_\_\_  
PHILIP CLAREY  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
BARBARA CLAREY  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
RODNEY HOVEILER  
Dated: September \_\_\_\_, 2014

**DEFENDANTS:**

\_\_\_\_\_  
*James Berwyn Qualls*  
JAMES BERWYN QUALLS  
September 11, 2014

\_\_\_\_\_  
PAULA SIMON  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
SONJIA DUTTON  
September \_\_\_\_, 2014



Plaintiffs and Defendants (hereinafter "Agreement"). The Agreement may burden and/or encumber the property identified in Exhibit "A" of this Memorandum.

3. The purpose of this Memorandum is to give record notice of the Agreement and of the terms thereof and the rights created thereby. It is not intended to amend or modify any of the rights or obligations set forth in the Agreement. To the extent that any provisions of this Memorandum and the Agreement conflict, the provisions of the Agreement shall control.

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IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement Between Landowners on the dates specified below their respective signatures.

**PLAINTIFFS:**

\_\_\_\_\_  
PHILIP CLAREY  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
BARBARA CLAREY  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
RODNEY HOVEILER  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
KATHY HOVEILER  
Dated: September \_\_\_\_, 2014

**DEFENDANTS:**

\_\_\_\_\_  
JAMES BERWYN QUALLS  
September \_\_\_\_, 2014

\_\_\_\_\_  
*Paula Simon*  
PAULA SIMON  
Dated: September 10, 2014

\_\_\_\_\_  
SONJIA DUTTON  
September \_\_\_\_, 2014

identified as an Agreement Between Landowners which was executed by all Plaintiffs and Defendants (hereinafter "Agreement"). The Agreement may burden and/or encumber the property identified in Exhibit "A" of this Memorandum.

3. The purpose of this Memorandum is to give record notice of the Agreement and of the terms thereof and the rights created thereby. It is not intended to amend or modify any of the rights or obligations set forth in the Agreement. To the extent that any provisions of this Memorandum and the Agreement conflict, the provisions of the Agreement shall control.

4. The date on which the last of the parties hereto executes this Memorandum, as such date is shown by the signature of the parties below, shall be the date of this Memorandum.

5. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement Between Landowners on the dates specified below their respective signatures.

**PLAINTIFFS:**

\_\_\_\_\_  
PHILIP CLAREY  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
BARBARA CLAREY  
Dated: September \_\_\_\_, 2014

\_\_\_\_\_  
RODNEY HOVEILER  
Dated: September \_\_\_\_, 2014

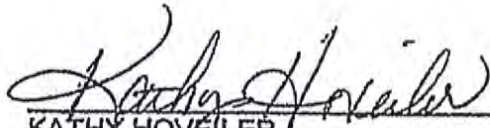
**DEFENDANTS:**

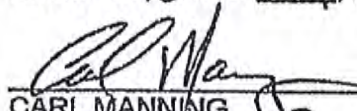
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JAMES BERWYN QUALLS  
September \_\_\_\_, 2014

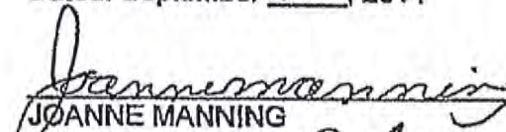
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PAULA SIMON  
Dated: September \_\_\_\_, 2014

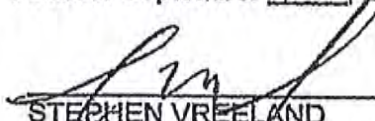
\_\_\_\_\_  
*Sonja Dutton*  
SONJIA DUTTON  
September 10, 2014

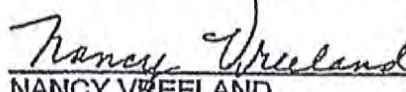


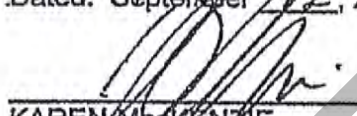
  
KATHY HOVELER  
Dated: September 22, 2014

  
CARL MANNING  
Dated: September 10, 2014

  
JOANNE MANNING  
Dated: September 10, 2014

  
STEPHEN VREELAND  
Dated: September 12, 2014

  
NANCY VREELAND  
Dated: September 12, 2014

  
KAREN MACKENZIE  
Dated: September 30, 2014

## Certificates of Acknowledgment

NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF TULARE ) SS.

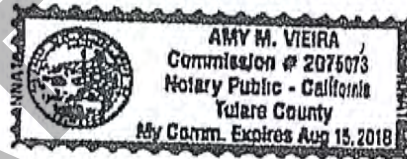
On 9/24/14, before me, Amy M. Vieira, a Notary Public, personally appeared PHILIP CLAREY and BARBARA CLAREY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature 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

Amy M. Vieira



NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF TULARE ) SS.

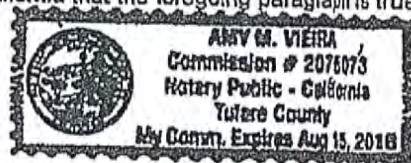
On 9/24/14, before me, Amy M. Vieira, a Notary Public, personally appeared RODNEY HOVELER and KATHY HOVELER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature 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

Amy M. Vieira





NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF TULARE ) SS.

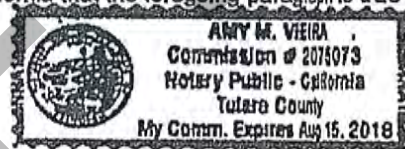
On 9/10/14, before me, Amy M. Vieira, a Notary Public, personally appeared **CARL MANNING AND JOANNE MANNING**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature 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

Amy M. Vieira



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STATE OF CALIFORNIA )  
COUNTY OF TULARE ) SS.

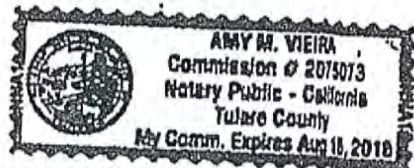
On 9/14/14, before me, Amy M. Vieira, a Notary Public, personally appeared **STEPHEN VREELAND AND NANCY VREELAND**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature 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

Amy M. Vieira



NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF TULARE } SS.

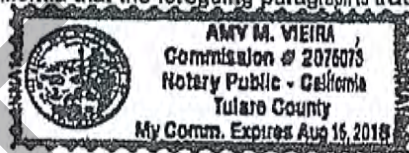
On 9/30/14, before me, Amy M. Vieira, a Notary Public, personally appeared **KAREN MACKENZIE**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature 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

Amy M. Vieira



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STATE OF CALIFORNIA }  
COUNTY OF TULARE } SS.

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared **JAMES BERWYN QUALLS**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 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 \_\_\_\_\_



NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF TULARE )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared **KAREN MACKENZIE**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 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 \_\_\_\_\_

NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF TULARE )

On 9-11-14, before me, CAREN L. CURTISS a Notary Public, personally appeared **JAMES BERWYN QUALLS**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 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 \_\_\_\_\_



NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

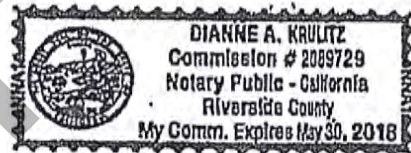
STATE OF CALIFORNIA }  
COUNTY OF RIVERSIDE } SS.

On 9/10/2014, before me, Dianne A. Krultz, a Notary Public, personally appeared PAULA SIMON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 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 Dianne A. Krultz



NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } SS.

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared SONJIA DUTTON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 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 \_\_\_\_\_



NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF RIVERSIDE )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared PAULA SIMON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 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 \_\_\_\_\_

NOTICE: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

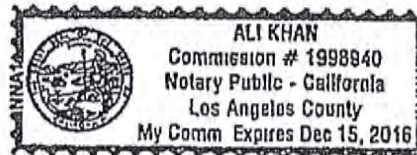
STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF LOS ANGELES )

On 09/10/2014, before me, ALI KHAN, a Notary Public, personally appeared SONJIA DUTTON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 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 \_\_\_\_\_



## EXHIBIT "A"

### CLAREY PROPERTY

APN: 079-190-004:

#### PARCEL 1:

The Northwest quarter of the Northwest quarter of the Southeast Quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

#### PARCEL 2:

A Non-Exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast Quarter of the Northwest quarter the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter, all in Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

### HOVEILER PROPERTY

APN: 079-190-005:

#### PARCEL 1:

The Northeast quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, according to the official plat thereof.

RESERVING unto the Grantors herein an Easement for ingress and egress over the South 22.5 feet of said land.

#### PARCEL 2:

A Non-Exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast Quarter of the Northwest quarter the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter, all in Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

### MANNING PROPERTY

APN 079-190-012:

#### PARCEL 1:

The Southwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.



**PARCEL 2:**

A Non-Exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast Quarter of the Northwest quarter the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter, all in Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

**VREELAND PROPERTY**

APN: 079-190-007:

**PARCEL 1:**

The Northeast quarter of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, according to the Official Plat thereof.

Reserving unto the Grantors herein an easement for ingress and egress over the South 22.5 feet of said land.

**PARCEL 2:**

A Non-Exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast Quarter of the Northwest quarter the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter, all in Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

**MACKENZIE PROPERTY**

APN: 079-190-006

**PARCEL 1:**

The Northwest quarter of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

**PARCEL 2:**

A Non-Exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast Quarter of the Northwest quarter the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter, all in Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

**QUALLS PROPERTY**

APN: 079-190-017:

**PARCEL 1:**

The South one-half of the Southeast quarter of the Northwest quarter and the South half of the North half of the Southeast of the Northwest quarter Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat of the survey on file in the Bureau of Land Management at the date of the issuance of the Patent thereof.

Excepting therefrom the Southwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of said Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat of the survey on file in the Bureau of Land Management at the date of the issuance of the Patent thereof.

**PARCEL 3:**

A non-exclusive easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter; the South 22.5 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest and the North 22.5 feet of the Southwest of the Northwest quarter of the Southeast quarter of the Northwest quarter all in Section 9, Township 18 South, Range 25 East, M.D.B. & M., County of Tulare, State of California, according to the Official Plat thereof.



## AGREEMENT BETWEEN LANDOWNERS

This AGREEMENT BETWEEN LANDOWNERS (hereinafter "Agreement") is made on this 15<sup>th</sup> day of August, 2014, by and between PHILIP CLAREY and BARBARA CLAREY ("Clarey"), RODNEY HOVEILER and KATHY HOVEILER ("Hoveiler"), CARL MANNING and JOANNA MANNING ("Manning"), STEVE VREELAND and NANCY VREELAND ("Vreeland") and KAREN MacKENZIE ("MacKenzie") (hereinafter sometimes collectively referred to as "Plaintiffs") on the one hand and J. BERWYN QUALLS, PAULA SIMON, and SONJIA DUTTON (hereinafter collectively referred to as "Defendants") on the other.

### RECITALS

- A. WHEREAS, Plaintiffs and Defendants own property in the vicinity of Avenue 328 in Visalia ;
- B. WHEREAS, Plaintiffs' property together constitutes approximately five two and a half acre blocks of land, with each block containing Plaintiffs' residences;
- C. WHEREAS, Defendants' property constitutes approximately 27.8 acres immediately south of Plaintiffs' properties (hereinafter Defendants' Property);
- D. WHEREAS, four of the Plaintiffs' two and a half acre blocks of land border Defendants' Property and CARL MANNING and JOANNA MANNING's two and a half acre lot on the north (hereinafter this border will be referred to as the North Border);
- E. WHEREAS, the property owned by MacKenzie, Hoveiler and Vreeland adjoin Defendants' Property to the south and the Manning's property adjoins Defendants' Property to the east and south (sometimes hereinafter referred to as the "North Border.");
- F. WHEREAS, Plaintiffs and Defendants recognize that each of their

properties is subject to a 22.5 foot easement identified on the deeds of their respective properties for the ingress and egress to access their properties (hereinafter "Easement");

G. WHEREAS, the Easement is located on the southern portion of the property owned by Hoveiler, Vreeland and MacKenzie and the northern portion of Defendants' Property;

H. WHEREAS, the southern portion of the Clarey Property and the northern portion of the Manning Property adjoin each other and are subject to an easement located on the 22.5 foot south portion of the Clarey Property and the 22.5 foot northern portion of the Manning Property;

I. WHEREAS, the Clarey Property is subject to an easement on the 45 foot east portion of the 55 feet of the west portion of Clarey Property;

J. WHEREAS, the Easements identified in paragraphs F, G, H and I are sometimes collectively referred to as the "Easement" or "Easements";

K. WHEREAS, the Easement has, in its center, an asphalt road of approximately 20 feet running down the entire length of the Easement (hereinafter "Asphalt Road");

L. WHEREAS, Plaintiffs and/or their predecessors have placed items, including but not limited to, trees, shrubs, grass, light posts, landscaping, and mailboxes, within the 45 foot easement, but not on the 20 feet of asphalt;

M. WHEREAS, on October 17, 2013 Plaintiffs caused a Complaint to be filed against Defendants in the Tulare County Superior Court, Case No. 253855 (hereinafter the Civil Action);

N. WHEREAS, Plaintiffs have filed with the Tulare County Recorder's Office, a Notice of Lis Pendens which was recorded on October 17, 2013;

O. WHEREAS, Plaintiffs have alleged that portions of the Easements should be extinguished on the basis of adverse possession and estoppel. Plaintiffs have also alleged that Defendants have harassed them and threatened to remove items they have placed in the Easement or threatened to close down the Easement. Plaintiffs have also alleged Defendants have personally threatened them and/or their children;



P. WHEREAS, Defendants deny that they have harassed Plaintiffs in any way or threatened to remove items the Plaintiffs have placed in the Easement or threatened to close down the Easement. Defendants deny they have threatened any of the Plaintiffs personally or their children. Defendants further deny they know any of the Plaintiffs' children;

Q. WHEREAS, the parties desire to form an agreement to resolve prior disputes with each other that are subject of this litigation;

R. NOW THEREFORE, the parties agree as follows:

### AGREEMENT

#### 1.0 PARTY CONDUCT

1.1 Plaintiffs and Defendants agree that the current Easement for ingress and egress to their respective properties is 45 feet. The properties to the north, of Defendants' Property, the Hoveiler Property, the Vreeland Property and the MacKenzie Property, are burdened by the Easement on the south 22.5 feet of each property. The south 22.5 feet of the Clarey Property and the north 22.5 feet of the Manning Property are also subject to a 45 foot easement of ingress and egress to the respective parties' property. In addition, the Clarey Property is burdened by the easement on the west portion of the property identified as the east 45 feet of the west 55 feet of the Clarey Property. These three (3) easements are collectively referred to in this Agreement as the Easements and the parties recognize and agree the validity of the Map drawn by Forester, Weber & Associates recording in the Tulare County Recorder's Office as Document No. 2014-0004229 (hereinafter "Survey Map,").

1.2 Any and all items placed in the Easement area as of the date of this Agreement shall remain in the Easement area, subject to section 1.3 herein below. The parties will not place any additional items in the Easement, including but not limited to, landscaping, trees, sprinklers, structures, fencing, grass, gravel, rocks, and/or decorative items. The parties may replace, alter and/or maintain the items currently in the Easement, so long as the replacement, alteration or maintenance does not increase the burden as of the date of this Agreement. Subject to Section 1.3, the

parties intend to maintain the status quo regarding use of the Easement and will not increase the burden on the subservient estates. No party will destroy or damage any other parties' items identified in Section 1.2 unless Section 1.3 allows removal.

1.3 In the event, Defendants' property becomes subject to a development which requires, by federal, state or local statutes, ordinances or rule, that the Asphalt Road on top of the 45 foot Easement must be expanded or the 45 foot Easement area must be cleared in any way, upon confirmation by the federal, state or local authorities of the approval of such development, any and all items placed within the Easement area may be removed to accommodate the requirements for the development at the sole cost of the party developing Defendants' Property. In no event, does this Section 1.3, or any other provision in this Agreement, limit the Plaintiffs or Defendants, either individually and/or jointly to exercise their rights to oppose or to a comment on any potential development of Defendants' or Plaintiffs' Property pursuant to federal, state and local statutes, ordinances, rules or procedures.

1.4 All parties agree to not block or impede each other's, or their agent's, ingress and egress of the Easement.

1.5 Defendants agree that they or their agents shall not perform any work upon the Easement, other than that identified as the Asphalt Road or Defendants' Property, without the written consent of the Plaintiffs' portion of the non-asphalt portion of the Easement, unless Section 1.3 allows for removal of items within the Easement. If Section 1.3 allows for removal of the items within the Easement, Defendants shall give the affected Plaintiffs ten (10) days notice of the removal of those items in the Easement. Should the Defendants or Plaintiffs or their agents perform work on the Asphalt Road, they do so at their own costs and shall provide each other with ten (10) days notice of work to be performed.

1.6 Subject to Section 1.3, Defendants, or their agents, shall allow Plaintiffs' mailboxes to remain in the location they are currently as of the date of this Agreement, and shall not interfere with or request stoppage of the United States Postal Service from delivering or any other delivery service from delivering mail, packages and/or the like to the mailboxes of Plaintiffs or Plaintiffs' Property or Defendants' Property

1.7 Each party of this Agreement shall respect and preserve the quiet use and



enjoyment of all other landowners and recognize that the law does not prohibit parties from take pictures or videos of individuals and property that are displayed in public. Nevertheless, the parties agree that they will not take pictures or videos of each other, their family members or their guests where the sole subject and intent of the picture or video is to depict the other party, their family members or their guests, unless such photograph, video tape or record is used to document a breach of the terms of this Agreement, harassment, vandalism, trespass, or property damage.

1.8 Defendants and Plaintiffs shall remove, any signs placed by them or their predecessors (e.g the "Qualls Road" sign, the "Midvalley State Trees" sign the "Hoveiler Way" sign, any other sign) if it is determined that any sign is causing confusion or lack of services by and from a federal, state or local agency.

1.9 MacKenzie represents that she has no tangible evidence identifying Defendant, J. Berwyn Qualls as a predator, stalker, or pedophile.

1.10 Upon execution of this Agreement and any exhibits hereto, the Plaintiffs shall dismiss their Complaint with prejudice and cause to have withdrawn with the Tulare County Recorder's Office the Notice of Pendency of Action recorded October 17, 2013.

## 2.0 MUTUAL RELEASE

2.1 In consideration of the obligations described herein, and the covenants contained herein, the parties hereto, including any and all persons, firms, partnerships, corporations, heirs, executors, administrators, and partners, and their respective predecessors, successors, assigns and shareholders and all of their past, present and future officers, directors, agents, attorneys, accountants and employees and their respective successors, assigns, heirs, executives and administrators thereof, do each hereby remise, release, and forever discharge the other parties including any and all persons, firms, partnerships, corporations, heirs, executors, administrators, partners, and their respective predecessors, successors, assigns, and shareholders and all of their past, present, and future officers, directors, agents, attorneys, accountants, and employees and their respective successors, assigns, heirs, executors, and administrators thereof and/or each of the aforesaid from all claims, actions, causes of action of any nature and for all liabilities and obligations of every kind and

characterizing from or related to the Complaint or the Civil Action from the beginning of time to the date hereof.

Further, the parties hereto do hereby waive the benefits of the provisions of Section 1542 of the Civil Code of the State of California which reads as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

### 3.0 BINDING EFFECT

3.1 This Agreement and all documents referred to herein, shall bind and inure to the benefit of each of the parties hereto and their respective assigns, successors or heirs in interest. This Agreement shall run with the land. Except as expressly provided herein, this Agreement is not for the benefit of any person not a party hereto or specifically identified as a beneficiary herein or specifically identified herein as a person or entity released hereby, and is not intended to constitute a third party beneficiary contract. A person or entity shall be deemed specifically identified as a person or entity released hereby as such person or entity is identified by name (e.g. "John Jones") or category (e.g. "heirs").

### 4.0 REPRESENTATIONS AND WARRANTIES BY EACH PARTY

4.1 Each party represents and warrants to each other, as follows: (a) they are the lawful owner of the properties identified in the Civil Action; (b) they have all necessary power and authority to enter into this Agreement, including any necessary consent or approval from any person and including the absence of any duty or obligation that would prevent, or be put in breach or default by such Agreement; and (c) they have not heretofore transferred or attempted to transfer all or any part of any property or property rights in any manner whatsoever, including by operation of law.

4.2 This Agreement is the compromise of disputed claims and fully and finally settles all claims between Plaintiffs and Defendants. Neither the payment of any consideration hereunder nor anything contained in this Agreement shall be interpreted or construed to be an admission on the part of, or to the prejudice of, any person or party named herein. Except for the obligations created by this document,



the parties hereto expressly deny any and all liability associated with or related to said litigation and claims therein described.

4.3 Except where otherwise expressly set forth herein, any documents or any notice required by this Agreement shall be deemed sufficiently served if deposited in the United States mail, postage prepaid, to the parties at the following addresses:

Philip Clarey and Barbara Clarey  
Rodney Hoveiler and Kathy Hoveiler  
Carl Manning and Joanna Manning  
Steve Vreeland and Nancy Vreeland  
Karen Mackenzie  
c/o Joseph F. Soares, Esq.  
Horswill, Mederos & Soares  
791 North Cherry Street  
Tulare, CA 93274

J. Berwyn Qualls, Paula Simon and Sonjia Dutton  
c/o Leonard C. Herr  
Dooley, Herr, Pedersen & Berglund Bailey  
100 Willow Plaza, Ste. 300  
Visalia, CA 93291

5.0 ADDITIONAL REPRESENTATIONS AND WARRANTIES OF THE PARTIES

Each party represents and warrants to the other as follows:

a. Final Integrated Agreement. This Agreement and the documents referred to herein constitute the entire, final and binding understanding between the parties hereto; that no other statement or representation, written or oral, express or implied, has been received or relied upon in the settlement, and that all prior discussions, statements, and negotiations made or which have occurred prior to the date of this release shall be deemed merged into this release and the documents referred to herein, and shall not be used for any other purpose whatsoever;

b. Understanding of the Agreement. Each party understands and agrees to the terms and conditions contained herein, and in the documents referred to herein,

and has relied upon his, her or its own judgment, belief, knowledge, understanding and expertise after careful consultation or the opportunity to consult with his, her or its own legal counsel, if any, concerning the legal effect of all of the terms of this Agreement;

c. Voluntary Agreement. Each party enters into the Agreement and the documents referred to herein, knowingly and voluntarily, in the total absence of any fraud, mistake, duress, coercion, or undue influence, and after careful thought and reflection upon the terms and conditions of this Agreement, and accordingly by signing this document and the documents referred to herein, each signifies full understanding, agreement and acceptance; and

d. Investigation of Facts. Each party has investigated the facts pertaining to this Agreement and all matters pertaining thereto as deemed necessary by each. No party is relying on any oral representations of the other party to enter into the Agreement.

e. Memorandum. Upon execution of this Agreement, the parties shall cause to have executed and acknowledge a Memorandum of Agreement Between Landowners in a form identified in Exhibit "A," attached hereto and made a part hereof. Said parties shall deliver a fully executed of this said Memorandum to the Tulare County Recorder's Office for recordation.

#### 6.0 ALTERNATIVE DISPUTE RESOLUTION (ADR) REQUIRED

6.1 Should a dispute arise between the parties regarding the terms and provisions of this Agreement or the obligations set forth herein, each party must submit to some form of Alternative Dispute Resolution (e.g. mediation or arbitration), to a mediator or arbitrator agreed to between the parties. If a dispute arises, the parties shall first submit to ADR (e.g. mediation or arbitration)

6.2 The parties agree that Tulare County Superior Court will retain jurisdiction over disputes arising under this Agreement pursuant to California Code of Civil Procedure Section 664.6.

#### 7.0 AMBIGUITIES OR UNCERTAINTIES

7.1 This Agreement, and the documents referred to herein, and any ambiguities or uncertainties herein or therein, shall be equally and fairly interpreted



and construed without reference to the identity of the party or parties preparing this document or the documents referred to herein, on the express understanding and agreement that the parties participated equally in the negotiation and preparation of the Agreement and the documents referred to herein, or have had equal opportunity to do so. Accordingly, the parties hereby waive the benefit of California Civil Code section 1654 and any successor or amended statute providing that in cases of uncertainty, language or a contract should be interpreted most strongly against the party who caused the uncertainty to exist.

#### 8.0 WAIVER AND AMENDMENT

8.1 No breach of any provision hereof can be waived unless it is done in writing. Waiver of any one breach shall not be deemed to be a waiver of any other breach of the same or other provisions hereof. This Agreement may be amended only by written agreement executed by all parties.

#### 9.0 CONSTRUCTION

9.1 This Agreement shall be construed in accordance with the laws of the State of California. The parties agree to submit themselves to the jurisdiction of the courts venued in Tulare County in any action relating to this Agreement or the enforcement or interpretation thereof.

#### 10.0 NUMBER AND GENDER

10.1 All pronouns and all variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural, as the identity of the antecedent person, persons, entity or entities may require.

#### 11.0 CAPTIONS

11.1 Titles or captions contained in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit, extend or describe the scope of the release or the intent of any provision hereof.

#### 12.0 NECESSARY ACTS

12.1 The parties agree to perform any further acts and execute and deliver any further documents, which may be reasonably necessary to carry out the provisions of this Agreement.

13.0 ADVICE OF COUNSEL

13.1 Each party hereto, by its execution of this Agreement, agrees and covenants that hereafter no party shall deny the validity of this Agreement on the grounds the party did not have the advice of counsel. The parties acknowledge they have received independent legal advice or have had the opportunity to receive independent legal advice with respect to the advisability of executing this Agreement and the contents thereof.

14.0 GOOD FAITH

14.1 The parties shall act reasonably and in good faith in all matters pertaining to this Agreement.

15.0 COUNTERPARTS

15.1 This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute but one and the same instrument.

16.0 ATTORNEY'S FEES

16.1 Each party will bear their own costs including attorney's fees in connection with this Agreement. If any party or parties commence any legal proceeding against any other party with respect to any of the terms and conditions of this Agreement, the non-prevailing party or parties will pay the prevailing party or parties all expenses of those proceedings, including reasonable attorney's fees.

17.0 EFFECTIVE DATE/ADDITIONAL DOCUMENTS

17.1 This Agreement shall be effective as of the last date this document is signed by all parties. The parties shall execute any additional documents reasonably necessary to effectuate the intent and purposes of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date opposite their respective signatures.

*[signatures on following pages]*



Plaintiffs

DATED: August 15, 2014

Philip Clarey  
PHILIP CLAREY

DATED: August 15, 2014

Barbara Clarey  
BARBARA CLAREY

DATED: August 15, 2014

Rodney Hoveiler  
RODNEY HOVEILER

DATED: August 15, 2014

Kathy Hoveiler  
KATHY HOVEILER

DATED: August 15, 2014

Carl Manning  
CARL MANNING

DATED: August 15, 2014

Joanna Manning  
JOANNA MANNING

DATED: August 15, 2014

Steve Vreeland  
STEVE VREELAND

DATED: August 15, 2014

Nancy Vreeland  
NANCY VREELAND

DATED: August 15, 2014

Karen Mackenzie  
KAREN MACKENZIE

Defendants

DATED: August 15, 2014

J. Berwyn Qualls  
J. BERWYN QUALLS

DATED: August 15, 2014

Paula Simon  
PAULA SIMON

DATED: August 15<sup>th</sup>, 2014,

Sonja Dutton  
SONJA DUTTON

APPROVED AS TO FORM

DATED: August 15, 2014

HORSWILL, MEDEROS & SOARES

By: [Signature]

Joseph F. Soares,  
Attorneys for Plaintiffs

DATED: August 15, 2014

DOOLEY, HERR, PEDERSEN &  
BERGLUND BAILEY

By: [Signature]

Leonard C. Herr,  
Attorneys for Defendants



## AGREEMENT BETWEEN LANDOWNERS

This AGREEMENT BETWEEN LANDOWNERS (hereinafter "Agreement") is made on this 15 day of August, 2014, by and between PHILIP CLAREY and BARBARA CLAREY ("Clarey"), RODNEY HOVEILER and KATHY HOVEILER ("Hoveiler"), CARL MANNING and JOANNA MANNING ("Manning"), STEVE VREELAND and NANCY VREELAND ("Vreeland") and KAREN MacKENZIE ("MacKenzie") (hereinafter sometimes collectively referred to as "Plaintiffs") on the one hand and J. BERWYN QUALLS, PAULA SIMON, and SONJIA DUTTON (hereinafter collectively referred to as "Defendants") on the other.

### RECITALS

- A. WHEREAS, Plaintiffs and Defendants own property in the vicinity of Avenue 328 in Visalia;
- B. WHEREAS, Plaintiffs' property together constitutes approximately five two and a half acre blocks of land, with each block containing Plaintiffs' residences;
- C. WHEREAS, Defendants' property constitutes approximately 27.8 acres immediately south of Plaintiffs' properties (hereinafter Defendants' Property);
- D. WHEREAS, four of the Plaintiffs' two and a half acre blocks of land border Defendants' Property and CARL MANNING and JOANNA MANNING's two and a half acre lot on the north (hereinafter this border will be referred to as the North Border);
- E. WHEREAS, the property owned by MacKenzie, Hoveiler and Vreeland adjoin Defendants' Property to the south and the Manning's property adjoins Defendants' Property to the east and south (sometimes hereinafter referred to as the "North Border.");
- F. WHEREAS, Plaintiffs and Defendants recognize that each of their

properties is subject to a 22.5 foot easement identified on the deeds of their respective properties for the ingress and egress to access their properties (hereinafter "Easement");

G. WHEREAS, the Easement is located on the southern portion of the property owned by Hoveiler, Vreeland and MacKenzie and the northern portion of Defendants' Property;

H. WHEREAS, the southern portion of the Clarey Property and the northern portion of the Manning Property adjoin each other and are subject to an easement located on the 22.5 foot south portion of the Clarey Property and the 22.5 foot northern portion of the Manning Property;

I. WHEREAS, the Clarey Property is subject to an easement on the 45 foot east portion of the 55 feet of the west portion of Clarey Property;

J. WHEREAS, the Easements identified in paragraphs F, G, H and I are sometimes collectively referred to as the "Easement" or "Easements";

K. WHEREAS, the Easement has, in its center, an asphalt road of approximately 20 feet running down the entire length of the Easement (hereinafter "Asphalt Road");

L. WHEREAS, Plaintiffs and/or their predecessors have placed items, including but not limited to, trees, shrubs, grass, light posts, landscaping, and mailboxes, within the 45 foot easement, but not on the 20 feet of asphalt;

M. WHEREAS, on October 17, 2013 Plaintiffs caused a Complaint to be filed against Defendants in the Tulare County Superior Court, Case No. 253855 (hereinafter the Civil Action);

N. WHEREAS, Plaintiffs have filed with the Tulare County Recorder's Office, a Notice of Lis Pendens which was recorded on October 17, 2013;

O. WHEREAS, Plaintiffs have alleged that portions of the Easements should be extinguished on the basis of adverse possession and estoppel. Plaintiffs have also alleged that Defendants have harassed them and threatened to remove items they have placed in the Easement or threatened to close down the Easement. Plaintiffs have also alleged Defendants have personally threatened them and/or their children;



P. WHEREAS, Defendants deny that they have harassed Plaintiffs in any way or threatened to remove items the Plaintiffs have placed in the Easement or threatened to close down the Easement. Defendants deny they have threatened any of the Plaintiffs personally or their children. Defendants further deny they know any of the Plaintiffs' children;

Q. WHEREAS, the parties desire to form an agreement to resolve prior disputes with each other that are subject of this litigation;

R. NOW THEREFORE, the parties agree as follows:

### AGREEMENT

#### 1.0 PARTY CONDUCT

1.1 Plaintiffs and Defendants agree that the current Easement for ingress and egress to their respective properties is 45 feet. The properties to the north, of Defendants' Property, the Hoveiler Property, the Vreeland Property and the MacKenzie Property, are burdened by the Easement on the south 22.5 feet of each property. The south 22.5 feet of the Clarey Property and the north 22.5 feet of the Manning Property are also subject to a 45 foot easement of ingress and egress to the respective parties' property. In addition, the Clarey Property is burdened by the easement on the west portion of the property identified as the east 45 feet of the west 55 feet of the Clarey Property. These three (3) easements are collectively referred to in this Agreement as the Easements and the parties recognize and agree the validity of the Map drawn by Forester, Weber & Associates recording in the Tulare County Recorder's Office as Document No. 2014-0004229 (hereinafter "Survey Map").

1.2 Any and all items placed in the Easement area as of the date of this Agreement shall remain in the Easement area, subject to section 1.3 herein below. The parties will not place any additional items in the Easement, including but not limited to, landscaping, trees, sprinklers, structures, fencing, grass, gravel, rocks, and/or decorative items. The parties may replace, alter and/or maintain the items currently in the Easement, so long as the replacement, alteration or maintenance does not increase the burden as of the date of this Agreement. Subject to Section 1.3, the

parties intend to maintain the status quo regarding use of the Easement and will not increase the burden on the subservient estates. No party will destroy or damage any other parties' items identified in Section 1.2 unless Section 1.3 allows removal.

1.3 In the event, Defendants' property becomes subject to a development which requires, by federal, state or local statutes, ordinances or rule, that the Asphalt Road on top of the 45 foot Easement must be expanded or the 45 foot Easement area must be cleared in any way, upon confirmation by the federal, state or local authorities of the approval of such development, any and all items placed within the Easement area may be removed to accommodate the requirements for the development at the sole cost of the party developing Defendants' Property. In no event, does this Section 1.3, or any other provision in this Agreement, limit the Plaintiffs or Defendants, either individually and/or jointly to exercise their rights to oppose or to a comment on any potential development of Defendants' or Plaintiffs' Property pursuant to federal, state and local statutes, ordinances, rules or procedures.

1.4 All parties agree to not block or impede each other's, or their agent's, ingress and egress of the Easement.

1.5 Defendants agree that they or their agents shall not perform any work upon the Easement, other than that identified as the Asphalt Road or Defendants' Property, without the written consent of the Plaintiffs' portion of the non-asphalt portion of the Easement, unless Section 1.3 allows for removal of items within the Easement. If Section 1.3 allows for removal of the items within the Easement, Defendants shall give the affected Plaintiffs ten (10) days notice of the removal of those items in the Easement. Should the Defendants or Plaintiffs or their agents perform work on the Asphalt Road, they do so at their own costs and shall provide each other with ten (10) days notice of work to be performed.

1.6 Subject to Section 1.3, Defendants, or their agents, shall allow Plaintiffs' mailboxes to remain in the location they are currently as of the date of this Agreement, and shall not interfere with or request stoppage of the United States Postal Service from delivering or any other delivery service from delivering mail, packages and/or the like to the mailboxes of Plaintiffs or Plaintiffs' Property or Defendants' Property

1.7 Each party of this Agreement shall respect and preserve the quiet use and



enjoyment of all other landowners and recognize that the law does not prohibit parties from take pictures or videos of individuals and property that are displayed in public. Nevertheless, the parties agree that they will not take pictures or videos of each other, their family members or their guests where the sole subject and intent of the picture or video is to depict the other party, their family members or their guests, unless such photograph, video tape or record is used to document a breach of the terms of this Agreement, harassment, vandalism, trespass, or property damage.

1.8 Defendants and Plaintiffs shall remove, any signs placed by them or their predecessors (e.g the "Qualls Road" sign, the "Midvalley State Trees" sign the "Hoveiler Way" sign, any other sign) if it is determined that any sign is causing confusion or lack of services by and from a federal, state or local agency.

1.9 MacKenzie represents that she has no tangible evidence identifying Defendant, J. Berwyn Qualls as a predator, stalker, or pedophile.

1.10 Upon execution of this Agreement and any exhibits hereto, the Plaintiffs shall dismiss their Complaint with prejudice and cause to have withdrawn with the Tulare County Recorder's Office the Notice of Pendency of Action recorded October 17, 2013:

## 2.0 MUTUAL RELEASE

2.1 In consideration of the obligations described herein, and the covenants contained herein, the parties hereto, including any and all persons, firms, partnerships, corporations, heirs, executors, administrators, and partners, and their respective predecessors, successors, assigns and shareholders and all of their past, present and future officers, directors, agents, attorneys, accountants and employees and their respective successors, assigns, heirs, executives and administrators thereof, do each hereby remise, release, and forever discharge the other parties including any and all persons, firms, partnerships, corporations, heirs, executors, administrators, partners, and their respective predecessors, successors, assigns, and shareholders and all of their past, present, and future officers, directors, agents, attorneys, accountants, and employees and their respective successors, assigns, heirs, executors, and administrators thereof and/or each of the aforesaid from all claims, actions, causes of action of any nature and for all liabilities and obligations of every kind and

characterizing from or related to the Complaint or the Civil Action from the beginning of time to the date hereof.

Further, the parties hereto do hereby waive the benefits of the provisions of Section 1542 of the Civil Code of the State of California which reads as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

### 3.0 BINDING EFFECT

3.1 This Agreement and all documents referred to herein, shall bind and inure to the benefit of each of the parties hereto and their respective assigns, successors or heirs in interest. This Agreement shall run with the land. Except as expressly provided herein, this Agreement is not for the benefit of any person not a party hereto or specifically identified as a beneficiary herein or specifically identified herein as a person or entity released hereby, and is not intended to constitute a third party beneficiary contract. A person or entity shall be deemed specifically identified as a person or entity released hereby as such person or entity is identified by name (e.g. "John Jones") or category (e.g. "heirs").

### 4.0 REPRESENTATIONS AND WARRANTIES BY EACH PARTY

4.1 Each party represents and warrants to each other, as follows: (a) they are the lawful owner of the properties identified in the Civil Action; (b) they have all necessary power and authority to enter into this Agreement, including any necessary consent or approval from any person and including the absence of any duty or obligation that would prevent, or be put in breach or default by such Agreement; and (c) they have not heretofore transferred or attempted to transfer all or any part of any property or property rights in any manner whatsoever, including by operation of law.

4.2 This Agreement is the compromise of disputed claims and fully and finally settles all claims between Plaintiffs and Defendants. Neither the payment of any consideration hereunder nor anything contained in this Agreement shall be interpreted or construed to be an admission on the part of, or to the prejudice of, any person or party named herein. Except for the obligations created by this document,



the parties hereto expressly deny any and all liability associated with or related to said litigation and claims therein described.

4.3 Except where otherwise expressly set forth herein, any documents or any notice required by this Agreement shall be deemed sufficiently served if deposited in the United States mail, postage prepaid, to the parties at the following addresses:

Philip Clarey and Barbara Clarey  
Rodney Hoveiler and Kathy Hoveiler  
Carl Manning and Joanna Manning  
Steve Vreeland and Nancy Vreeland  
Karen Mackenzie  
c/o Joseph F. Soares, Esq.  
Horswill, Mederos & Soares  
791 North Cherry Street  
Tulare, CA 93274

J. Berwyn Qualls, Paula Simon and Sonjia Dutton  
c/o Leonard C. Herr  
Dooley, Herr, Pedersen & Berglund Bailey  
100 Willow Plaza, Ste. 300  
Visalia, CA 93291

5.0 ADDITIONAL REPRESENTATIONS AND WARRANTIES OF THE PARTIES

Each party represents and warrants to the other as follows:

a. Final Integrated Agreement. This Agreement and the documents referred to herein constitute the entire, final and binding understanding between the parties hereto; that no other statement or representation, written or oral, express or implied, has been received or relied upon in the settlement, and that all prior discussions, statements, and negotiations made or which have occurred prior to the date of this release shall be deemed merged into this release and the documents referred to herein, and shall not be used for any other purpose whatsoever;

b. Understanding of the Agreement. Each party understands and agrees to the terms and conditions contained herein, and in the documents referred to herein,

and has relied upon his, her or its own judgment, belief, knowledge, understanding and expertise after careful consultation or the opportunity to consult with his, her or its own legal counsel, if any, concerning the legal effect of all of the terms of this Agreement;

c. Voluntary Agreement. Each party enters into the Agreement and the documents referred to herein, knowingly and voluntarily, in the total absence of any fraud, mistake, duress, coercion, or undue influence, and after careful thought and reflection upon the terms and conditions of this Agreement, and accordingly by signing this document and the documents referred to herein, each signifies full understanding, agreement and acceptance; and

d. Investigation of Facts. Each party has investigated the facts pertaining to this Agreement and all matters pertaining thereto as deemed necessary by each. No party is relying on any oral representations of the other party to enter into the Agreement.

e. Memorandum. Upon execution of this Agreement, the parties shall cause to have executed and acknowledge a Memorandum of Agreement Between Landowners in a form identified in Exhibit "A," attached hereto and made a part hereof. Said parties shall deliver a fully executed of this said Memorandum to the Tulare County Recorder's Office for recordation.

#### 6.0 ALTERNATIVE DISPUTE RESOLUTION (ADR) REQUIRED

6.1 Should a dispute arise between the parties regarding the terms and provisions of this Agreement or the obligations set forth herein, each party must submit to some form of Alternative Dispute Resolution (e.g. mediation or arbitration), to a mediator or arbitrator agreed to between the parties. If a dispute arises, the parties shall first submit to ADR (e.g. mediation or arbitration)

6.2 The parties agree that Tulare County Superior Court will retain jurisdiction over disputes arising under this Agreement pursuant to California Code of Civil Procedure Section 664.6.

#### 7.0 AMBIGUITIES OR UNCERTAINTIES

7.1 This Agreement, and the documents referred to herein, and any ambiguities or uncertainties herein or therein, shall be equally and fairly interpreted



and construed without reference to the identity of the party or parties preparing this document or the documents referred to herein, on the express understanding and agreement that the parties participated equally in the negotiation and preparation of the Agreement and the documents referred to herein, or have had equal opportunity to do so. Accordingly, the parties hereby waive the benefit of California Civil Code section 1654 and any successor or amended statute providing that in cases of uncertainty, language or a contract should be interpreted most strongly against the party who caused the uncertainty to exist.

#### 8.0 WAIVER AND AMENDMENT

8.1 No breach of any provision hereof can be waived unless it is done in writing. Waiver of any one breach shall not be deemed to be a waiver of any other breach of the same or other provisions hereof. This Agreement may be amended only by written agreement executed by all parties.

#### 9.0 CONSTRUCTION

9.1 This Agreement shall be construed in accordance with the laws of the State of California. The parties agree to submit themselves to the jurisdiction of the courts venued in Tulare County in any action relating to this Agreement or the enforcement or interpretation thereof.

#### 10.0 NUMBER AND GENDER

10.1 All pronouns and all variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural, as the identity of the antecedent person, persons, entity or entities may require.

#### 11.0 CAPTIONS

11.1 Titles or captions contained in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit, extend or describe the scope of the release or the intent of any provision hereof.

#### 12.0 NECESSARY ACTS

12.1 The parties agree to perform any further acts and execute and deliver any further documents, which may be reasonably necessary to carry out the provisions of this Agreement.

13.0 ADVICE OF COUNSEL

13.1 Each party hereto, by its execution of this Agreement, agrees and covenants that hereafter no party shall deny the validity of this Agreement on the grounds the party did not have the advice of counsel. The parties acknowledge they have received independent legal advice or have had the opportunity to receive independent legal advice with respect to the advisability of executing this Agreement and the contents thereof.

14.0 GOOD FAITH

14.1 The parties shall act reasonably and in good faith in all matters pertaining to this Agreement.

15.0 COUNTERPARTS

15.1 This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute but one and the same instrument.

16.0 ATTORNEY'S FEES

16.1 Each party will bear their own costs including attorney's fees in connection with this Agreement. If any party or parties commence any legal proceeding against any other party with respect to any of the terms and conditions of this Agreement, the non-prevailing party or parties will pay the prevailing party or parties all expenses of those proceedings, including reasonable attorney's fees.

17.0 EFFECTIVE DATE/ADDITIONAL DOCUMENTS

17.1 This Agreement shall be effective as of the last date this document is signed by all parties. The parties shall execute any additional documents reasonably necessary to effectuate the intent and purposes of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date opposite their respective signatures.

*[signatures on following pages]*



Plaintiffs

DATED: August 15, 2014

Philip Clarey  
PHILIP CLAREY

DATED: August 15, 2014

Barbara Clarey  
BARBARA CLAREY

DATED: August 15, 2014

Rodney Hoveiler  
RODNEY HOVEILER

DATED: August 15, 2014

Kathy Hoveiler  
KATHY HOVEILER

DATED: August 15, 2014

Carl Manning  
CARL MANNING

DATED: August 15, 2014

Joanna Manning  
JOANNA MANNING

DATED: August 15, 2014

Steve Vreeland  
STEVE VREELAND

DATED: August 15, 2014

Nancy Vreeland  
NANCY VREELAND

DATED: August 15, 2014

Karen Mackenzie  
KAREN MACKENZIE

Defendants

DATED: August 15, 2014

J. Berwyn Qualls  
J. BERWYN QUALLS

DATED: August 15, 2014

Paula Simon  
PAULA SIMON

DATED: August 15, 2014

Sonja Dutton  
SONJA DUTTON

APPROVED AS TO FORM

DATED: August 15, 2014

HORSWILL, MEDEROS & SOARES

By: [Signature]

Joseph F. Soares,  
Attorneys for Plaintiffs

DATED: August 15, 2014

DOOLEY, HERR, PEDERSEN &  
BERGLUND BAILEY

By: [Signature]

Leonard C. Herr,  
Attorneys for Defendants



Recording Requested By:  
and Return To:

2013-00679127

Recorded  
Official Records  
County of  
Tulare  
ROLAND P. HILL  
Clerk Recorder

REC FEE \$5.00  
CONFIRMED COPY 1.00

10:38AM 17-Oct-2013 NB Page 1 of 7

JOSEPH F. SOARES--#212995  
HORSWILL, MEDEROS & SOARES  
Attorneys at Law  
791 North Cherry Avenue  
Post Office Box 29  
Tulare, California 93275  
(559) 686-3861  
(559) 686-1514 (facsimile)

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF TULARE, VISALIA DIVISION

-oOo-

PHILIP CLAREY and BARBARA  
CLAREY; RODNEY HOVEILER and  
KATHY HOVEILER; CARL MANNING  
and JOANNE MANNING; STEVE  
VREELAND and NANCY VREELAND;  
and KAREN MACKENZIE,

Plaintiffs,

vs.

SONJIA F. DUTTON; PAULA L.  
SIMON; JAMES BERWYN QUALLS,  
individually and as Successor  
Trustee of the Floyd Qualls and  
Kathryn Qualls Family Trust;  
and all persons unknown  
claiming any legal or equitable  
right, title, estate, lien, or  
interest in the property  
described in the Complaint  
adverse to Plaintiff's Title or  
any cloud on Plaintiff's title  
thereto; and DOES 1-100,  
inclusive,

Defendants.

Case No.: 253855

NOTICE OF PENDING ACTION  
[CCP §§ 405.20, et. seq.]

NOTICE IS HEREBY GIVEN that the above-entitled action  
concerning and affecting real property as described herein was  
commenced on October 16<sup>th</sup>, 2013, in the above-named court by,  
Plaintiffs, PHILIP CLAREY and BARBARA CLAREY; RODNEY HOVEILER

1 and KATHY HOVEILER; CARL MANNING and JOANNE MANNING; STEVE  
2 VREELAND and NANCY VREELAND; and KAREN MackENZIE, against SONJIA  
3 F. DUTTON; PAULA L. SIMON; JAMES BERWYN QUALLS, individually and  
4 as Successor Trustee of the Floyd Qualls and Kathryn Qualls  
5 Family Trust; and all persons unknown claiming any legal or  
6 equitable right, title, estate, lien, or interest in the  
7 property described in the Complaint adverse to Plaintiff's Title  
8 or any cloud on Plaintiff's title thereto; and DOES 1-100,  
9 inclusive, Defendants; and that the action is now pending in the  
10 above-named court.  
11

12  
13 The action affects the title of real property described in  
14 the Complaint and situated in Tulare County, California, and is  
15 described as follows:

16 Clarey Property (as defined in the Complaint)

17 APN: 079-190-004:

18 PARCEL 1:

19 The Northwest quarter of the Northwest quarter of the  
20 Southeast Quarter of the Northwest quarter of Section 9,  
21 Township 18 South, Range 25 East, Mount Diablo Base and  
22 Meridian, in the County of Tulare, State of California,  
23 according to the official plat thereof.

24 PARCEL 2:

25 A Non-Exclusive Easement for ingress and egress over and  
26 across the East 45 feet of the West 55 feet of the Northeast  
27 quarter of the Northwest quarter; the East 45 feet of the  
28 West 55 feet of the Northwest quarter of the Northwest  
quarter of the Southeast Quarter of the Northwest quarter the  
South 22.5 feet of the North half of the North half of the  
Southeast quarter of the Northwest quarter and the North 22.5  
feet of the South half of the North half of the Southeast  
quarter of the Northwest quarter, all in Section 9, Township  
18 South, Range 25 East, Mount Diablo Base and Meridian, in  
the County of Tulare, State of California.



1 Hoveiler Property (as defined in the Complaint)

2 APN: 079-190-005:

3 PARCEL 1:

4 The Northeast quarter of the Northwest quarter of the  
5 Southeast quarter of the Northwest quarter of Section 9,  
6 Township 18 South, Range 25 East, Mount Diablo Base and  
7 Meridian, according to the official plat thereof.

8 RESERVING unto the Grantors herein an Easement for ingress  
9 and egress over the South 22.5 feet of said land.

10 PARCEL 2:

11 A Non-Exclusive Easement for ingress and egress over and  
12 across the East 45 feet of the West 55 feet of the Northeast  
13 quarter of the Northwest quarter; the East 45 feet of the  
14 West 55 feet of the Northwest quarter of the Northwest  
15 quarter of the Southeast Quarter of the Northwest quarter the  
16 South 22.5 feet of the North half of the North half of the  
17 Southeast quarter of the Northwest quarter and the North 22.5  
18 feet of the South half of the North half of the Southeast  
19 quarter of the Northwest quarter, all in Section 9, Township  
20 18 South, Range 25 East, Mount Diablo Base and Meridian,  
21 according to the official plat thereof.

22 EXCEPTING any portion included within Parcel No. 1 above.

23 Manning Property (as defined in the Complaint)

24 APN 079-190-012:

25 PARCEL 1:

26 The Southwest quarter of the Northwest quarter of the  
27 Southeast quarter of the Northwest quarter of Section 9,  
28 Township 18 South, Range 25 East, Mount Diablo Base and  
Meridian, in the County of Tulare, State of California,  
according to the Official Plat thereof.

PARCEL 2:

A Non-Exclusive Easement for ingress and egress over and  
across the East 45 feet of the West 55 feet of the Northeast  
quarter of the Northwest quarter; the East 45 feet of the  
West 55 feet of the Northwest quarter of the Northwest  
quarter of the Southeast Quarter of the Northwest quarter the  
South 22.5 feet of the North half of the North half of the  
Southeast quarter of the Northwest quarter and the North 22.5  
feet of the South half of the North half of the Southeast  
quarter of the Northwest quarter, all in Section 9, Township  
18 South, Range 25 East, Mount Diablo Base and Meridian, in



1 the County of Tulare, State of California according to the  
2 official plat thereof.

3 EXCEPTING any portion included within Parcel No. 1 above.

4 Vreeland Property (as defined in Complaint)

5 APN: 079-190-007:

6 PARCEL 1:

7 The Northeast quarter of the Northeast quarter of the  
8 Southeast quarter of the Northwest quarter of Section 9,  
9 Township 18 South, Range 25 East, Mount Diablo Base and  
10 Meridian, according to the Official Plat thereof.

11 Reserving unto the Grantors herein an easement for ingress  
12 and egress over the South 22.5 feet of said land.

13 PARCEL 2:

14 A Non-Exclusive Easement for ingress and egress over and  
15 across the East 45 feet of the West 55 feet of the Northeast  
16 quarter of the Northwest quarter; the East 45 feet of the  
17 West 55 feet of the Northwest quarter of the Northwest  
18 quarter of the Southeast Quarter of the Northwest quarter the  
19 South 22.5 feet of the North half of the North half of the  
20 Southeast quarter of the Northwest quarter and the North 22.5  
21 feet of the South half of the North half of the Southeast  
22 quarter of the Northwest quarter, all in Section 9, Township  
23 18 South, Range 25 East, Mount Diablo Base and Meridian,  
24 according to the official plat thereof.

25 EXCEPTING any portion included within Parcel No. 1 above.

26 MacKenzie Property (as defined in the Complaint)

27 APN: 079-190-006

28 PARCEL 1:

The Northwest quarter of the Northeast quarter of the  
Southeast quarter of the Northwest quarter of Section 9,  
Township 18 South, Range 25 East, Mount Diablo Base and  
Meridian, in the County of Tulare, State of California,  
according to the Official Plat thereof.

PARCEL 2:

A Non-Exclusive Easement for ingress and egress over and  
across the East 45 feet of the West 55 feet of the Northeast  
quarter of the Northwest quarter; the East 45 feet of the  
West 55 feet of the Northwest quarter of the Northwest  
quarter of the Southeast Quarter of the Northwest quarter the  
South 22.5 feet of the North half of the North half of the



1 Southeast quarter of the Northwest quarter and the North 22.5  
2 feet of the South half of the North half of the Southeast  
3 quarter of the Northwest quarter, all in Section 9, Township  
4 18 South, Range 25 East, Mount Diablo Base and Meridian, in  
5 the County of Tulare, State of California, according to the  
6 official plat thereof.

7 EXCEPTING any portion included within Parcel No. 1 above.

8 Qualls Property (as defined in the Complaint)

9 APN: 079-190-017 & 079-180-009:

10 **PARCEL 1:**

11 The South one-half of the Southeast quarter of the Northwest  
12 quarter and the South half of the North half of the  
13 Southeast of the Northwest quarter Section 9, Township 18  
14 South, Range 25 East, Mount Diablo Base and Meridian, in the  
15 County of Tulare, State of California, according to the  
16 Official Plat of the survey on file in the Bureau of Land  
17 Management at the date of the issuance of the Patent  
18 thereof.

19 Excepting therefrom the Southwest quarter of the Northwest  
20 quarter of the Southeast quarter of the Northwest quarter of  
21 said Section 9, Township 18 South, Range 25 East, Mount  
22 Diablo Base and Meridian, in the County of Tulare, State of  
23 California, according to the Official Plat of the survey on  
24 file in the Bureau of Land Management at the date of the  
25 issuance of the Patent thereof.

26 **PARCEL 2:**

27 The East 45 feet of the West 55 feet of the Northeast  
28 quarter of the Northwest quarter of Section 9, Township 18  
South, Range 25 East, Mount Diablo Base and Meridian, in  
the County of Tulare, State of California, according to the  
Official Plat thereof.

Excepting therefrom the North 40 feet thereof.

**PARCEL 3:**

A non-exclusive easement for ingress and egress over and  
across the East 45 feet of the West 55 feet of the  
Northeast quarter of the Northwest quarter; East 45 feet of  
the West 55 feet of the Northwest quarter of the Northwest  
quarter of the Southeast quarter of the Northwest quarter;  
the South 22.5 feet of the Northwest quarter of the  
Northwest quarter of the Southeast quarter of the Northwest  
and the North 22.5 feet of the Southwest of the Northwest  
quarter of the Southeast quarter of the Northwest quarter  
all in Section 9, Township 18 South, Range 25 East, MDB&M,  
County of Tulare, State of California, according to the



Official Plat thereof.

THE FOLLOWING LEGAL DESCRIPTION WILL BE CARRIED ON ALL DOCUMENTS TO BE RECORDED; HOWEVER NO TITLE INSURANCE WILL BE ISSUED;

The right to take water from the ditch or pipeline running along the South line of the Southwest quarter of the Northeast quarter of Section 9, where the same intersects the ditch or pipeline running along the East line of the Southeast quarter of the Northwest quarter of said Section 9, for the irrigation of said property.

The object of Plaintiffs' Complaint is to determine, pursuant to Section 760.020 of the Code of Civil Procedure, any and all adverse claims to and clouds on title to the real property described herein as well as to quiet title of Plaintiffs to the specified property.

Dated: October 16, 2013

HORSWILL, MEDEROS & SOARES

By

Joseph F. Soares  
Attorneys for Plaintiffs

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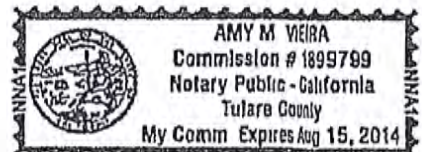
STATE OF CALIFORNIA )  
COUNTY OF TULARE ) SS.

On Oct. 16, 2013, before me, Amy M. Vieira, a Notary Public, personally appeared JOSEPH F. SOARES, who proved to me on the basis of satisfactory evidence to be the person(s) whose name (s) 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 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





PROOF OF SERVICE

I am a citizen of the United States of America, a resident of Tulare County, California, over the age of eighteen years and not a party to the within-entitled cause or matter. My business address is 791 North Cherry, Tulare, California. On October 17, 2013, I served the foregoing NOTICE OF PENDING ACTION on the parties in this action by placing a true copy in an envelope and delivering it as follows:

(By Overnight Courier) I caused each envelope with postage fully prepaid, to be sent by \_\_\_\_\_

(By Mail) I deposited the envelope, with postage fully prepaid, with the United States Postal Service at Tulare, Tulare County, California.

xx (By Mail) I placed the envelope for collection and processing for mailing following this business' ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

(By Hand) I caused each envelope to be delivered by hand.

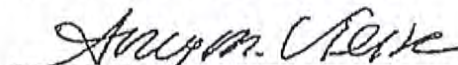
Each envelope was addressed as follows:

Sonjia F. Dutton  
2516 Brentwood Drive  
Lancaster, CA 93536-5376

Paula L. Simon  
844 E. High Road  
Palm Springs, CA 92262-4323

James Berwyn Qualls  
4336 W. Hurley  
Visalia, CA 93291

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 17, 2013, at Tulare, California.

  
Amy M. Vieira



2014-0041745

Recording Requested By:  
and Return To:

Recorded  
Official Records  
County of  
Tulare  
ROLAND P. HILL  
Clerk Recorder

REC FEE 35.00  
ADDITIONAL IND 1.00

11:15AM 18-Aug-2014 LC Page 1 of 7

JOSEPH F. SOARES--#212995  
HORSWILL, MEDEROS & SOARES  
Attorneys at Law  
791 North Cherry Avenue  
Post Office Box 29  
Tulare, California 93275  
(559) 686-3861  
(559) 686-1514 (facsimile)

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF TULARE

-000-

PHILIP CLAREY and BARBARA  
CLAREY; RODNEY HOVEILER and  
KATHY HOVEILER; CARL MANNING  
and JOANNE MANNING; STEVE  
VREELAND and NANCY VREELAND;  
and KAREN MACKENZIE,

Case No. 253855

NOTICE OF WITHDRAWAL  
OF LIS PENDENS  
[CCP §§ 405, et seq.]

Plaintiffs,

v.

SONJIA F. DUTTON; PAULA L.  
SIMON; JAMES BERWYN QUALLS,  
individually and as Successor  
Trustees of the Floyd Qualls  
and Kathryn Qualls Family Trust;  
and all persons unknown claiming  
any legal or equitable rights,  
title, estate, lien, or interest  
in the property described in  
the Complaint adverse to  
Plaintiffs' title or any cloud  
on Plaintiffs' title thereto;  
and DOES 1-100, inclusive,

Defendants.

Plaintiffs hereby withdraw the Notice of pendency of the  
above-entitled action recorded in the office of the County  
Recorder of Tulare County, City of Visalia, California, on  
October 17, 2013, as Document Number 2013-0067912. Plaintiffs



1 PHILIP CLAREY and BARBARA CLAREY, RODNEY HOVEILER and KATHY  
2 HOVEILER, CARL MANNING and JOANNE MANNING, STEVE VREELAND and  
3 NANCY VREELAND, and KAREN MACKENZIE, are the parties who  
4 recorded the above lis pendens. The action affects real  
5 property situated in Tulare County, California, described as:

6 CLAREY PROPERTY (as defined in the Complaint)  
7 APN: 079-190-004:

8 PARCEL 1:

9 The Northwest quarter of the Northwest quarter of the  
10 Southeast Quarter of the Northwest quarter of Section 9,  
11 Township 18 South, Range 25 East, Mount Diablo Base and  
12 Meridian, in the County of Tulare, State of California,  
according to the official plat thereof.

13 PARCEL 2:

14 A Non-Exclusive Easement for ingress and egress over and  
15 across the East 45 feet of the West 55 feet of the  
16 Northeast quarter of the Northwest quarter; the East 45  
17 feet of the West 55 feet of the Northwest quarter of the  
18 Northwest quarter of the Southeast Quarter of the Northwest  
19 quarter the South 22.5 feet of the North half of the North  
20 half of the Southeast quarter of the Northwest quarter and  
21 the North 22.5 feet of the South half of the North half of  
22 the Southeast quarter of the Northwest quarter, all in  
23 Section 9, Township 18 South, Range 25 East, Mount Diablo  
24 Base and Meridian, in the County of Tulare, State of  
25 California.

26 HOVEILER PROPERTY (as defined in the Complaint)  
27 APN: 079-190-005:

28 PARCEL 1:

The Northeast quarter of the Northwest quarter of the  
Southeast quarter of the Northwest quarter of Section 9,  
Township 18 South, Range 25 East, Mount Diablo Base and  
Meridian, according to the official plat thereof.

RESERVING unto the Grantors herein an Easement for ingress  
and egress over the South 22.5 feet of said land.

PARCEL 2:

A Non-Exclusive Easement for ingress and egress over and



1 across the East 45 feet of the West 55 feet of the  
2 Northeast quarter of the Northwest quarter; the East 45  
3 feet of the West 55 feet of the Northwest quarter of the  
4 Northwest quarter of the Southeast Quarter of the Northwest  
5 quarter the South 22.5 feet of the North half of the North  
6 half of the Southeast quarter of the Northwest quarter and  
7 the North 22.5 feet of the South half of the North half of  
8 the Southeast quarter of the Northwest quarter, all in  
9 Section 9, Township 18 South, Range 25 East, Mount Diablo  
10 Base and Meridian, according to the official plat thereof.

11 EXCEPTING any portion included within Parcel No. 1 above.

12 **MANNING PROPERTY** (as defined in the Complaint)  
13 APN 079-190-012;

14 **PARCEL 1:**

15 The Southwest quarter of the Northwest quarter of the  
16 Southeast quarter of the Northwest quarter of Section 9,  
17 Township 18 South, Range 25 East, Mount Diablo Base and  
18 Meridian, in the County of Tulare, State of California,  
19 according to the Official Plat thereof.

20 **PARCEL 2:**

21 A Non-Exclusive Easement for ingress and egress over and  
22 across the East 45 feet of the West 55 feet of the  
23 Northeast quarter of the Northwest quarter; the East 45  
24 feet of the West 55 feet of the Northwest quarter of the  
25 Northwest quarter of the Southeast Quarter of the Northwest  
26 quarter the South 22.5 feet of the North half of the North  
27 half of the Southeast quarter of the Northwest quarter and  
28 the North 22.5 feet of the South half of the North half of  
the Southeast quarter of the Northwest quarter, all in  
Section 9, Township 18 South, Range 25 East, Mount Diablo  
Base and Meridian, in the County of Tulare, State of  
California according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

**VREELAND PROPERTY** (as defined in Complaint)  
APN: 079-190-007;

**PARCEL 1:**

The Northeast quarter of the Northeast quarter of the  
Southeast quarter of the Northwest quarter of Section 9,  
Township 18 South, Range 25 East, Mount Diablo Base and  
Meridian, according to the Official Plat thereof.



1 Reserving unto the Grantors herein an easement for ingress  
2 and egress over the South 22.5 feet of said land.

3 **PARCEL 2:**

4 A Non-Exclusive Easement for ingress and egress over and  
5 across the East 45 feet of the West 55 feet of the  
6 Northeast quarter of the Northwest quarter; the East 45  
7 feet of the West 55 feet of the Northwest quarter of the  
8 Northwest quarter of the Southeast Quarter of the Northwest  
9 quarter the South 22.5 feet of the North half of the North  
10 half of the Southeast quarter of the Northwest quarter and  
11 the North 22.5 feet of the South half of the North half of  
12 the Southeast quarter of the Northwest quarter, all in  
13 Section 9, Township 18 South, Range 25 East, Mount Diablo  
14 Base and Meridian, according to the official plat thereof.

15 EXCEPTING any portion included within Parcel No. 1 above.

16 **MACKENZIE PROPERTY** (as defined in the Complaint)  
17 APN: 079-190-006

18 **PARCEL 1:**

19 The Northwest quarter of the Northeast quarter of the  
20 Southeast quarter of the Northwest quarter of Section 9,  
21 Township 18 South, Range 25 East, Mount Diablo Base and  
22 Meridian, in the County of Tulare, State of California,  
23 according to the Official Plat thereof.

24 **PARCEL 2:**

25 A Non-Exclusive Easement for ingress and egress over and  
26 across the East 45 feet of the West 55 feet of the  
27 Northeast quarter of the Northwest quarter; the East 45  
28 feet of the West 55 feet of the Northwest quarter of the  
Northwest quarter of the Southeast Quarter of the Northwest  
quarter the South 22.5 feet of the North half of the North  
half of the Southeast quarter of the Northwest quarter and  
the North 22.5 feet of the South half of the North half of  
the Southeast quarter of the Northwest quarter, all in  
Section 9, Township 18 South, Range 25 East, Mount Diablo  
Base and Meridian, in the County of Tulare, State of  
California, according to the official plat thereof.

EXCEPTING any portion included within Parcel No. 1 above.

**QUALLS PROPERTY** (as defined in the Complaint)  
APN: 079-190-017 & 079-180-009:



1 PARCEL 1:

2 The South one-half of the Southeast quarter of the  
3 Northwest quarter and the South half of the North half of  
4 the Southeast of the Northwest quarter Section 9, Township  
5 18 South, Range 25 East, Mount Diablo Base and Meridian, in  
6 the County of Tulare, State of California, according to the  
7 Official Plat of the survey on file in the Bureau of Land  
8 Management at the date of the issuance of the Patent  
9 thereof.

10 Excepting therefrom the Southwest quarter of the Northwest  
11 quarter of the Southeast quarter of the Northwest quarter  
12 of said Section 9, Township 18 South, Range 25 East, Mount  
13 Diablo Base and Meridian, in the County of Tulare, State of  
14 California, according to the Official Plat of the survey on  
15 file in the Bureau of Land Management at the date of the  
16 issuance of the Patent thereof.

17 PARCEL 2:

18 The East 45 feet of the West 55 feet of the Northeast  
19 quarter of the Northwest quarter of Section 9, Township 18  
20 South, Range 25 East, Mount Diablo Base and Meridian, in  
21 the County of Tulare, State of California, according to the  
22 Official Plat thereof.

23 Excepting therefrom the North 40 feet thereof.

24 PARCEL 3:

25 A non-exclusive easement for ingress and egress over and  
26 across the East 45 feet of the West 55 feet of the  
27 Northeast quarter of the Northwest quarter; East 45 feet of  
28 the West 55 feet of the Northwest quarter of the Northwest  
quarter of the Southeast quarter of the Northwest quarter;  
the South 22.5 feet of the Northwest quarter of the  
Northwest quarter of the Southeast quarter of the Northwest  
and the North 22.5 feet of the Southwest of the Northwest  
quarter of the Southeast quarter of the Northwest quarter  
all in Section 9, Township 18 South, Range 25 East, MDB&M,  
County of Tulare, State of California, according to the  
Official Plat thereof.

THE FOLLOWING LEGAL DESCRIPTION WILL BE CARRIED ON ALL  
DOCUMENTS TO BE RECORDED; HOWEVER NO TITLE INSURANCE WILL  
BE ISSUED:

The right to take water from the ditch or pipeline running



1 along the South line of the Southwest quarter of the  
2 Northeast quarter of Section 9, where the same intersects  
3 the ditch or pipeline running along the East line of the  
4 Southeast quarter of the Northwest quarter of said Section  
5 9, for the irrigation of said property.

6 This notice of withdrawal is recorded pursuant to Sections  
7 405, et seq., of the Code of Civil Procedure.

8 Dated: August 15, 2014

HORSWILL, MEDEROS & SOARES

9 By 

JOSEPH F. SOARES

Attorneys for Plaintiffs

10  
11  
12  
13  
14 STATE OF CALIFORNIA  
15 COUNTY OF TULARE

16 On August 15, 2014, before me,

17 Georgia S. Davidson, a Notary Public, personally  
18 appeared JOSEPH F. SOARES, who proved to me on the basis of  
19 satisfactory evidence to be the person whose name is subscribed  
20 to the within instrument and acknowledged to me that he executed  
21 the same in his authorized capacity, and that by his signature  
22 on the instrument the person, or the entity upon behalf of which  
23 the person acted, executed the instrument.

24 I certify under PENALTY OF PERJURY under the laws of the  
25 State of California that the foregoing paragraph is true and  
26 correct.

27 WITNESS my hand and official seal.

28 Signature Georgia S. Davidson



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PROOF OF SERVICE

I am a citizen of the United States of America, a resident of Tulare County, California, over the age of eighteen years and not a party to the within-entitled cause or matter. My business address is 791 North Cherry, Tulare, California. On August 18, 2014, I served the foregoing NOTICE OF WITHDRAWAL OF LIS PENDENS on the parties in this action by placing a true copy in an envelope and delivering it as follows:

(By Overnight Courier) I caused each envelope with postage fully prepaid, to be sent by \_\_\_\_\_

(By Mail) I deposited the envelope, with postage fully prepaid, with the United States Postal Service at Tulare, Tulare County, California.

xx (By Mail) I placed the envelope for collection and processing for mailing following this business' ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

(By Hand) I caused each envelope to be delivered by hand. Each envelope was addressed as follows:

Leonard C. Herr  
DOOLEY, HERR, PEDERSEN  
& BERGLUND BAILEY  
100 Willow Plaza, Ste 300  
Visalia, CA 93291

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 18, 2014, at Tulare, California.

Georgia Davidson  
Georgia Davidson



RECORDING REQUESTED BY  
JOHN CHRIS GOMEZ, ESQ

WHEN RECORDED MAIL THIS DEED AND MAIL TAX STATEMENTS TO

Name J. BERWYN QUALLS

Address 4336 W Hurley #D

City & State VISALIA, CA 93281

APNs: 079-190-017; &  
079-180-009



2012-0078871

Recorded  
Official Records  
County of  
Tulare  
ROLAND P. HILL  
Clerk Recorder

REC FEE 23.00  
SURVEY MONITOR 18.00  
CONFORMED COPY 2.00

DJF  
Page 1 of 3

02:23PM 19-Nov-2012

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## Grant Deed

### THE UNDERSIGNED GRANTOR DECLARES

DOCUMENTARY TRANSFER TAX IS \$ -0- This conveyance transfers an interest out of  
Living Trust [California Revenue & Tax Code §11930]

☒ unincorporated area ☐ City of Tulare County

Parcel No. 079-190-017 & 079-180-009

☐ computed on full value of interest or property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

GRANTOR: J. BERWYN QUALLS, Successor Trustee of The Floyd and Kathryn Qualls  
Family Trust dated April 4, 2001,

hereby GRANTS all of Grantor's rights, title and interest in the designated percentages to

GRANTEES: PAULA SIMON, a married woman as her sole and separate property (33.5%);  
SONJIA DUTTON, a married woman as her sole and separate property (33.5%);  
and J. BERWYN QUALLS, an unmarried man as his sole and separate property  
(33.0%) as Tenants in Common,

in the following described real property in the unincorporated area of the County of Tulare, State of  
California, more particularly described as follows:

See LEGAL DESCRIPTION EXHIBIT "A" attached hereto.

APNs. 079-190-017 & 079-180-009

The above described properties are more commonly known as a ranch property located south of  
Avenue 328 and the access road to reach the ranch property.

Dated: 11-19-12

J Berwyn Qualls  
J. BERWYN QUALLS, Trustee of The Floyd  
and Kathryn Qualls Family Trust dated 4/4/2001

STATE OF CALIFORNIA

COUNTY OF TULARE

On November 19, 2012, before me, Shelley R. Hussman, Notary Public, personally appeared J. BERWYN QUALLS, 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 executed the same in his authorized capacity, and that by his 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 my hand and official seal.

Shelley R. Hussman  
SIGNATURE OF NOTARY



GRANT DEED - page 2 of 3



Escrow No.: 12-42122850-AJR  
Locate No.: CACT17754-7754-4421-0042122850  
Title No.: 12-42122850-JAH

## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

### PARCEL 1:

The South one half of the Southeast quarter of the Northwest quarter and the South half of the North half of the Southeast of the Northwest quarter Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat of the survey on file in the Bureau of Land Management at the date of the issuance of the Patent thereof.

Excepting therefrom the Southwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of said Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat of the survey on file in the Bureau of Land Management at the date of the issuance of the Patent thereof.

### PARCEL 2.

The East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

Excepting therefrom the North 40 feet thereof.

### PARCEL 3:

A non-exclusive easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter; the South 22.5 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest and the North 22.5 feet of the Southwest of the Northwest quarter of the Southeast quarter of the Northwest quarter all in Section 9, Township 18 South, Range 25 East, M.D.B. & M., County of Tulare, State of California, according to the official plat thereof.

THE FOLLOWING LEGAL DESCRIPTION WILL BE CARRIED ON ALL DOCUMENTS TO BE RECORDED; HOWEVER NO TITLE INSURANCE WILL BE ISSUED:

The right to take water from the ditch or pipe line running along the South line of the Southwest quarter of the Northeast quarter of Section 9, where the same intersects the ditch or pipe line running along the East line of the Southeast quarter of the Northwest quarter of said Section 9, for the irrigation of said property.

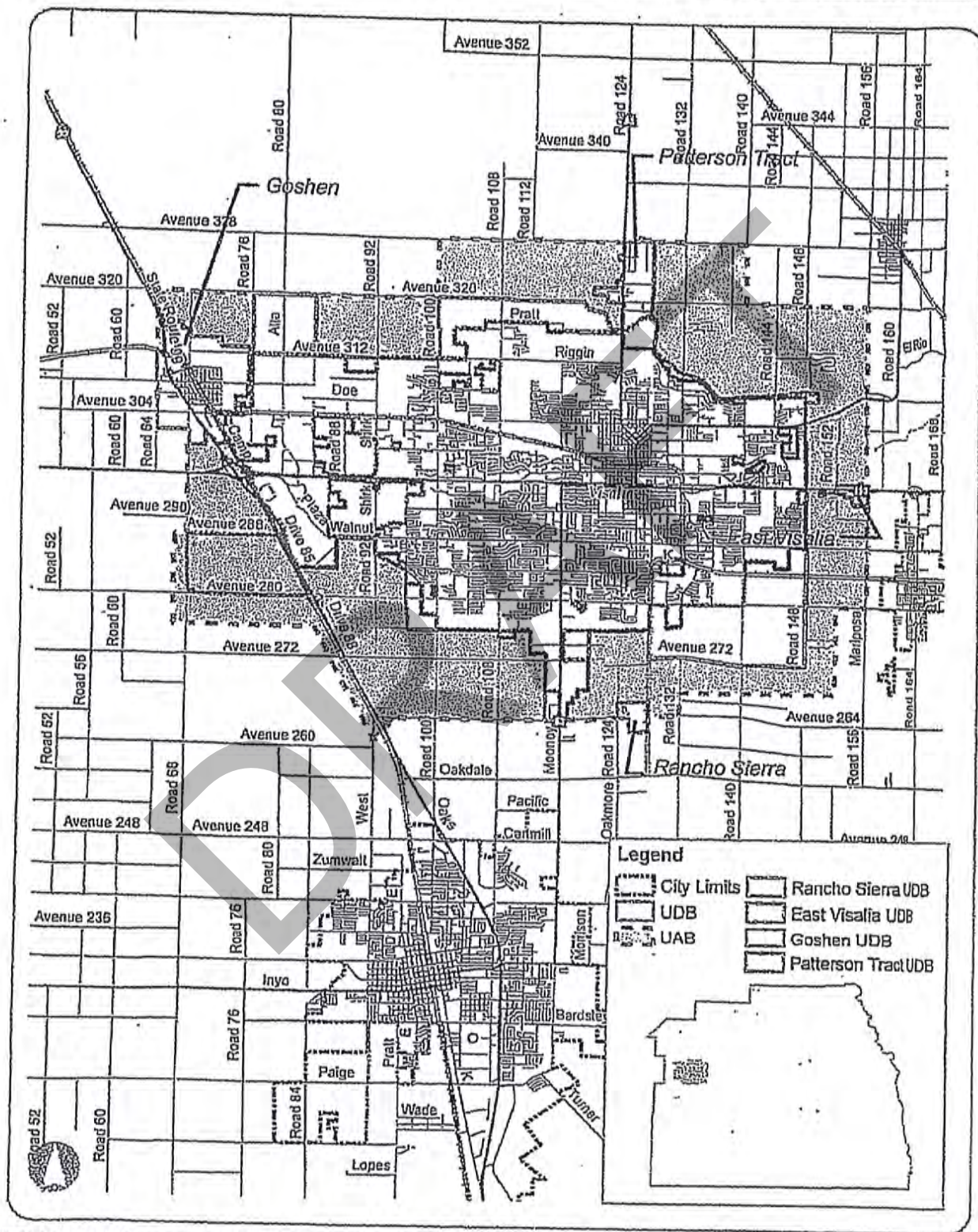
APN: 079-190-017 & 079-180-009

## 2012 General Plan Excerpt

DRAFT



## 2. Planning Framework



City of Visalia | Figure 2.4-8



## 2. Planning Framework

### 2.4 Cities

Figure 2.4-1 shows the locations of all eight incorporated cities within Tulare County and Figures 2.4-2 through 2.4-9 show the County Adopted City Urban Development Boundaries (CACUDBs) and County Adopted City Urban Area Boundaries (CACUABs) for each city:

- |                |               |
|----------------|---------------|
| ▪ Dinuba       | ▪ Porterville |
| ▪ Exeter       | ▪ Tulare      |
| ▪ Farmersville | ▪ Visalia     |
| ▪ Lindsay      | ▪ Woodlake    |

In addition, two cities outside of the County share a common border with the County and there has been urban development in adjacent County unincorporated areas. These two cities are Delano and Kingsburg. The County has established UDBs for these cities/areas as shown in Figures 2.4-10 and 2.4-11.

The following goal and policies are designed to foster a cooperative planning environment between the County and each city with respect to development within the fringe areas of the cities.

#### PF-4

To direct urban development within UDBs of existing incorporated cities and ensure that all development in unincorporated areas adjacent to incorporated cities is well planned and adequately served by necessary infrastructure and other public facilities and furthers countywide economic development goals.

##### PF-4.1

#### CACUABs for Cities

The County shall establish CACUABs which define the area where land uses are presumed to have an impact upon the adjacent incorporated city, and within which the cities' concerns may be given consideration as part of the land use review process. The lands within the UAB are considered to be the next logical area in which urban development may occur and the area within which UDBs may ultimately be expanded.

Although it is the policy of the County that this area will at some time become appropriate for urban development, generally no public purpose is served by permitting intensive development therein. As communities grow and expand, it is logical to assume the UDBs may be correspondingly expanded or established until they coincide with the ultimate UAB. The land lying between the Urban Development Boundary and the Urban Area Boundary will generally have an agricultural land use designation or rural residential land use designation in conformity with Land Use Policy LU 3.8: Rural Residential Interface.

##### PF-4.2

#### CACUDBs for Cities – Twenty Year Planning Area

The County shall establish CACUDBs which define the anticipated twenty-year planning areas around incorporated cities in which the County and cities may coordinate plans, policies, and standards relating to building construction, subdivision development, land use and zoning regulations, street and highway construction, public utility systems, environmental studies, water supply availability and sufficiency, and other closely related matters affecting the orderly development of areas adjacent to incorporated cities. It is recognized that these boundaries provide an official definition of the interface between future urban and agricultural land uses.

Within this boundary, the County may also establish planning areas representative of shorter time periods in order to assist in more precise implementation of plans and policies.



## Tulare County General Plan

### PF-4.3

#### **Modification of CACUABs and CACUDBs**

The County may consider modification of CACUABs and CACUDBs at such time as the land use plan for a city is revised to reflect changing needs and circumstances over an extended time frame. Preservation of productive agricultural lands and operations shall be one consideration when considering such modifications. Cities may examine existing CACUAB and CACUDB lines and recommend changes to the Board of Supervisors, as appropriate.

### PF-4.4

#### **Planning in CACUDBs**

The County acknowledges that the cities have an interest in planning for growth within a CACUDBs and will in the future become ultimately responsible for urban development and the provision of urban services within those areas upon annexation.

### PF-4.5

#### **Spheres of Influence**

CACUDBs and the SOI as administered by LAFCo may be consistent insofar as it is feasible and appropriate to do so.

### PF-4.6

#### **Orderly Expansion of City Boundaries**

When the County is considering outward expansion of CACUDBs, the following criteria shall be encouraged:

1. The city has demonstrated a need for additional territory after documenting a good faith effort to implement programs for infill development and/or increased efficiency of development and minimize conversion of agricultural lands.
2. UDBs should not be expanded onto Prime Farmland if Farmland of Statewide Importance or of lesser quality is available and suitable for expansion.
3. Emphasis shall be placed upon reasonable expectations for the provision of urban services within the next twenty years as reflected in LAFCo's Municipal Service Reviews when determining the location of UDBs.

### PF-4.7

#### **Avoiding Isolating Unincorporated Areas**

The County may oppose any annexation proposal that creates an island, peninsula, corridor, or irregular boundary. The County will also encourage the inclusion of unincorporated islands or peninsulas adjacent to proposed annexations.

### PF-4.8

#### **Updating Land Use Diagram in CACUDBs**

Following city adoption of a General Plan update or amendment that reflects the area within a CACUDB, the County shall update Part III (Community Plans, Kings River Plan, Mountain Sub-Area Plans, and CAC General Plans), if applicable, to reflect the city's modified plan. Any unresolved conflicts between the County and city plans shall be identified for the Board of Supervisors. The County shall establish and maintain land use controls on unincorporated lands within the UDB consistent with the policies of the County General Plan.

### PF-4.9

#### **Transition to Agricultural Use**

The County shall encourage cities to adopt land use policies that minimize potential conflicts with agricultural operations and other agricultural activities at the urban edge through the provision of appropriate buffers or other measures.

### PF-4.10

#### **Urban Improvement Areas for Cities**

All Urban Improvement Areas established in the 1974 Urban Boundaries Element for cities and adjacent cities in adjacent counties, are hereby converted to Urban Development Boundaries.



## 2. Planning Framework

would not include any rezonings outside that allowed in this policy. However, revision of processes and procedures and simplification of existing ordinances may occur.]

8. This policy would not apply to a comprehensive update of a CAC General Plan, including rezoning there under, in cooperation with the affected city.
9. This policy would not apply where the County has worked with the city to identify and structure a mutually acceptable alternative General Plan land use designation or zoning classification.

### PF-4.19 **Future Land Use Entitlements in a CACUAB**

As an exception to the County policies that the Rural Valley Lands Plan (RVLP) does not apply within CACUDBs and is only advisory within CACUABs, the County may work with an individual city to provide that no General Plan amendments or rezonings will be considered to change the current land use designation or zoning classification of any parcel within a CACUAB unless appropriate under the requirements of the Rural Valley Lands Plan (RVLP) or similar checklist or unless the County has worked with the city to identify and structure an acceptable alternative General Plan land use designation or zoning classification. This policy will not apply to amendments or changes to a County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area boundary line, including where the boundary line may increase an overlap area with a CACUDB area, or to any General Plan amendment adopting a new UDB, an HDB, or Corridor Plan area that may fall within a CACUDB area. This policy shall not apply within a County unincorporated UDB, an HDB, or Corridor Plan area where that area overlaps a CACUAB area. Development of County corridor development nodes in an affected city's UAB would only occur after the County has provided written consultation and has allowed for a reasonable timed response from the affected city prior to decision making and before the adoption of the Corridor Plan. New development in a city's UAB would be subject to adopted plan lines and setback standards. Adopted facility plans and legally adopted General Plans will be considered during the development review process. Small "stand alone," non urban projects which are defined as residential projects of four or fewer lots or non-residential projects smaller than two acres do not need city standards but shall respect city utility and street master plans for setbacks. Large urban-style projects include residential projects of five or more lots averaging less than one acre per lot and non-residential projects two acres or larger will use uniform urban development standards, financing mechanisms, consent to annexation, application of reciprocal development impact fees and city streets/utility setbacks/disclosure requirements unless the County and the city have identified and structured acceptable alternatives that will reasonably ensure that these projects should conform to city development standards upon future annexation.

### PF-4.20 **Application of the RVLP Checklist to Control Development in a CACUDB**

As an exception to the County policies that the Rural Valley Lands Plan does not apply within CACUDBs, the County may work with an individual city to provide that the requirements of the RVLP or similar checklist will apply to applications for special use permits (including special use permits for the expansion of a non-conforming use), variances considered under Government Code § 65906, or to the extent allowed by law, divisions of land within a CACUDB except in those areas that overlap with a County unincorporated UDB, an HDB, or Corridor Plan area. Such a special use permit, variance, or division of land will be reviewed in light of impacts on such regional concerns as water and sewage disposal availability and preservation of transportation and utility corridors as well as compliance with any County adopted urban or city development standards and with the city's General Plan policies as reflected in the CAC General Plan.



Other

DRAFT

THOMAS J. WARD  
DAVID T. COLLINS  
ANDREW M. WARD

PHILIP A. SCHWABACHER  
1913-1983  
FRANK G. MICHELIZZI  
1929-2012

LAW OFFICES OF  
MICHELIZZI, SCHWABACHER, WARD & COLLINS  
A PROFESSIONAL CORPORATION  
767 WEST LANCASTER BOULEVARD  
LANCASTER, CALIFORNIA 93534-3135

TELEPHONE  
AREA CODE 661  
948-5021

FAX  
AREA CODE 661  
948-5375

November 17, 2014

Michael C. Spata, Director  
Tulare County Resource  
Management Agency  
5961 S. Mooney Boulevard  
Visalia, CA 93277

Re: *General Plan Application*  
13401 Ave. 328, Visalia, CA

Dear Mr. Spata and Members of the Tulare County Resource Management Agency:

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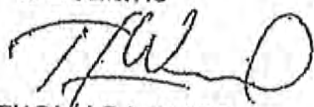
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Very truly yours,

MICHELIZZI, SCHWABACHER, WARD  
& COLLINS



THOMAS J. WARD

TJW:mf



## County, Sierra Club agree to settle suit

By David Castellon

dcastell@visafinancial.com

A lawsuit filed nearly two-and-a-half years ago by members of a South Valley Sierra Club has been settled with the county, making 11 concessions intended to make its 2030 General Plan Update more environmentally friendly.

Shortly after the start of their weekly public meeting on Tuesday, the county Board of Supervisors went into closed session. Afterward, the five supervisors returned to the public

meeting and announced they they had discussed a settlement offer, and then they voted unanimously to approve it.

"This is monumental for Tulare County," Board chairman Steve Worthley told the audience.

The General Plan Update essentially is a road map of where Tulare County leaders will allow and promote new development and population growth through 2030, along with what types of development

See SETTLE, Page 4A



## Settle

Continued from Page 4A

will be allowed in various parts of the county.

But after the board approved the update in August 2012, the county received challenges that included the lawsuit filed the following month by the Kern-Kaweah chapter of the Sierra Club over environmental concerns.

"The reason we filed suit was the plan didn't commit the county to anything about many of the major issues as far as we saw — air pollution, farmland loss, water issues, climate change," said Gordon Nipp, vice chairman of the Sierra Club chapter that covers Tulare, Kings and Kern counties.

"The language was very permissive," he said, adding that before the county's passage of the General Plan, Sierra Club members turned in letters to county officials with hundreds of pages commenting on the update.

Other challenges to the update included a lawsuit by the city of Porterville centered largely on the county recognizing a sphere of influence around the city in which new development would have to follow Porterville's building standards so they would be the same if the city were to incorporate those areas in the future.

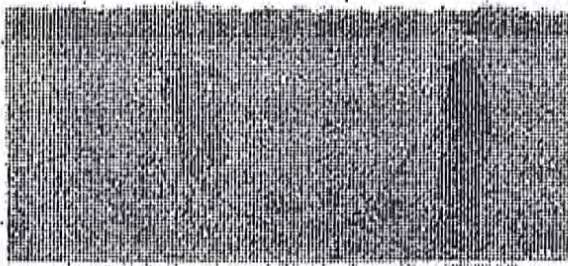
That suit has been settled, noted the county's Chief Administrative Officer, Jean Rousseau, who added that the Sierra Club suit was the only legal challenge to the update still active.

The thick agreement that already had been signed by Nipp on behalf of the Sierra Club, covers 11 matters that the county agrees to take action. They include requirements that some new homes in unincorporated parts of the county would have to be solar powered, provisions to secure some prime farmland from being developed in the future and restrictions on how long diesel trucks could idle in order to reduce emissions.

Rousseau wouldn't discuss in great detail what concessions the Sierra Club made in the legal negotiations, but he noted that the environmental group wanted requirements that most new homes in developments and individual homes would need solar panels installed.

He said the Sierra Club eventually agreed to not impose the requirements at individual homes and only for a percentage of new homes at multi-home developments.

"One major sticking point was the county couldn't commit to taking action on [some of] these issues without a public hearing," Nipp said of the negotiations.



Porterville, Calif., west of Farmerville, La. (AP Photo/Justin J. Sizemore)

### PROVISIONS OF THE SETTLEMENT

Here is a summary of the 11 provisions agreed upon by Tulare County in its settlement with the Kaweah-Kern chapter of the Sierra Club over changes to the county's 2030 General Plan Update:

- » Update the county's climate action plan and inventory of greenhouse gas emissions. This would include determining the amount of greenhouse gases emitted by county agencies and equipment.
  - » By the end of 2015, the county will release a draft Animal Confinement Facilities Plan Update, along with a Draft Environmental Impact Report and Climate Action Plan targeting greenhouse gas emissions associated with dairies suggesting ways to reduce those emissions.
  - » Consider within one year an amendment to the county's Solar Installation Ordinance requiring that solar panels be installed on some new residential developments, based on the number of homes in each development.
- In some cases, free-standing solar panel arrays could be built for groups of homes.
- » Consider an ordinance restricting how long commercial, diesel trucks and other diesel vehicles can idle before they have to be driven away or turned off. The suggested ordinance would set a 5-minute idling limit, though there would be exceptions.
- The suggested penalty for violating the ordinance is a minimum \$300 fine.
- » Consider adopting a resolution requiring the county to determine the effects new developments may have on groundwater recharge.
  - » The County will continue to replace its existing vehicle fleet with low-emission vehicles.
  - » Require developers for new construction projects to provide additional information related to base flood elevations. In cases where the county doesn't have sufficient information for flood damage prevention reviews, the developers would be required to get that information at their own cost.

» The Board of Supervisors will recommend that the Flood Control Commission adopt policies to improve public input. This could include development of a suggestion form for the public to suggest flood-control projects and expanding the time the public has to review such projects.

» Consider an agricultural easement program to preserve prime farmland. In order to build on prime farmland, a developer would have to pay a fee to a land trust that would use the money to pay a farmer to agree not to develop an equal amount prime farmland.

» Set a policy that the county may require reasonable, additional actions to mitigate air pollution beyond what was required during the development if the county determines the effects on air quality are greater than previously estimated.

» Consider a resolution that development of a new town in the county will be considered through a comprehensive, transparent process that encourages informed public input.

settlement provisions.

What that means is the county agrees to hold public hearings on these ordinance changes and get public input before the Board of Supervisors vote on whether to approve them.

If they aren't approved or if the items approved aren't "substantially the same" as the ordinance, the Board of Supervisors will have to approve them again.

plained.

Rousseau said he isn't worried about that happening, because the matters the county agreed to are reasonable.

In fact, Porterville officials were concerned that the county wouldn't approve provisions of its settlement until county leaders did it.

"We have every intention of complying with the settlement agreement" with the Sierra



THOMAS J. WARD  
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November 17, 2014

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Visalia, CA 93277

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They now wish to create three (3) more 2 ½ acre parcels as shown on the map attached to the General Plan Application.

It is to be noted that while their property is presently zoned AE-40, it is surrounded by other 2 ½ acre parcels in all directions. Clearly, the land use in this area has changed even though some of it is still agricultural. The back 20 acres of the Quall's property will remain in its present state.

In light of the fact that this whole area is in the process of changing its land use and that the applicants are asking for a change for just three (3) parcels that will be located immediately adjacent to and across the street from five (5) other 2 ½ acre residences, there should be no reason to deny this application. The property in question will never again be used for agriculture.

Very truly yours,

MICHELIZZI, SCHWABACHER, WARD  
& COLLINS



THOMAS J. WARD

TJW:mf

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& COLLINS



THOMAS J. WARD

TJW:mF



When Recorded Mail To: 73687  
Floyd Qualls and Kathryn V. Qualls  
1333 West Laurel Avenue  
Visalia, California

VOL 3601 PAGE 538

RECORDED BY ORIGINAL RECORDS CT TULARE COUNTY, CALIFORNIA	
DEC 11 1978	
TIME 10:24 AM	FILE 48
JAY C. BAYLESS TULARE COUNTY RECORDER	

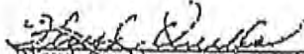
### NOTICE

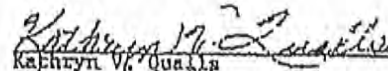
NOTICE IS HEREBY GIVEN that Floyd Qualls and Kathryn V. Qualls are the owners of the following described real property situated in the County of Tulare, State of California, as shown on the Assessors Maps of the County of Tulare, Book 79, Page 03:

The East 45 feet of the west 55 feet of the northeast quarter of the northwest quarter of Section 9, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof. EXCEPTING THEREFROM the north 40 feet.

Pursuant 8813 of the Civil Code of the State of California, THE RIGHT OF THE PUBLIC OR ANY PERSON TO MAKE ANY USE WHATSOEVER OF THE ABOVE DESCRIBED LAND OR ANY PORTION THEREOF, OTHER THAN ANY USE EXPRESSLY ALLOWED BY A WRITTEN OR RECORDED MAP, AGREEMENT, DEED OR DEDICATION, IS BY PERMISSION, AND SUBJECT TO THE CONTROL OF THE OWNERS.

Dated: October 25, 1978.

  
Floyd Qualls

  
Kathryn V. Qualls

STATE OF CALIFORNIA )  
COUNTY OF TULARE ) ss.

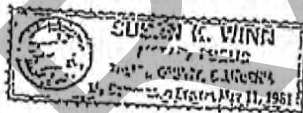
On this 26<sup>th</sup> day of October, 1978, before me, the undersigned Notary Public in and for the County of Tulare, personally appeared Floyd Qualls known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



Susan K. Winn

STATE OF CALIFORNIA )  
COUNTY OF TULARE ) ss.

On this 26<sup>th</sup> day of October, 1978, before me, the undersigned Notary Public in and for the County of Tulare, personally appeared Kathryn V. Qualls known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same.



Susan K. Winn



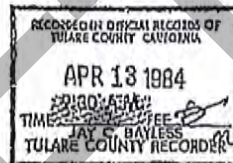
19208

VOL 4180 PAGE 9

Recording Requested by  
and Return to:

PCC 84-12, QUALLS, S.  
Date: APRIL 12, 1984

Tulare County Building and  
Planning Department  
County Civic Center  
Courthouse, Room 105



CERTIFICATE OF COMPLIANCE

NOTICE IS HEREBY GIVEN, in accordance with Sections 7130-7135 of the Ordinance Code of the County of Tulare, that the Building and Planning Director of the County of Tulare has determined that the real property described in attached Exhibit "A" was divided in accordance with the applicable provisions of the Subdivision Map Act and those sections of the Ordinance Code of the County of Tulare adopted pursuant to the Subdivision Map Act as said Ordinance read at the time the division of land occurred.

COUNTY OF TULARE

*Eugene E. Smith*  
Eugene E. Smith  
Building and Planning Director

at

The Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 18 South, Range 25 East, M.D.B. & M., in the County of Tulare, State of California, according to the official plat thereof.

Subject to an Easement for ingress and egress over the South 22.5 feet of said land and over the East 45 feet of the West 55 feet of said land.

Together with a non-exclusive Easement for ingress and egress over and across the East 45 feet of the West 55 feet of the Northeast quarter of the Northwest quarter; the East 45 feet of the West 55 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter; the South 22.5 feet of the North half of the North half of the Southeast quarter of the Northwest quarter and the North 22.5 feet of the South half of the North half of the Southeast quarter of the Northwest quarter all in Section 9, Township 18 South, Range 25 East, M.D.B. & M., County of Tulare State of California, according to the official plat thereof.

The above-described real property appears on the assessment records of the County of Tulare as APN 079-031-47 and is owned by Sonja Qualls.



THOMAS J. WARD  
DAVID T. COLLINS  
ANDREW M. WARD

PHILIP M. SCHWABACHER  
1913-1993  
FRANK G. MICHELIZZI  
1929-2012

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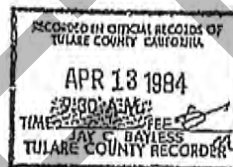
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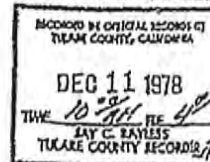
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1 VOL. 3601 PAGE 538



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Floyd Qualls

*Kathryn V. Qualls*  
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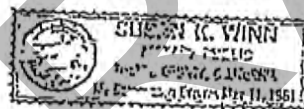
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Susan K. Winn

February 12, 2015

FEB 12 2015  
Tulare County  
Resource Management  
Agency

To Whom It May Concern:

We would like to express our objections to the proposed development of the land owned by Paula Simon, Sonjia Dutton and J. Berwyn Qualls located near Road 132 and Avenue 328 APN: 079-190-017 and 079-180-009. Our property is adjacent to the proposed development. Our home is located at the end of the currently paved private road.

Here are some of our objections:

1. Most importantly is the fact that the land is farm land zoned AE 40. We would like the land to remain agriculture. The land comes with 18 shares of ditch water (when available) for irrigation, hence not depleting the water table as much as homes would. Let's contain the urban sprawl and in fill the vacant land/lots already primed for development.
2. The road to the proposed subdivision is too narrow and in need of repair to support the extra traffic. If the road was to be widened traffic would be within a few feet of the house currently on the inside corner. Who would be responsible for maintaining the road?
3. There is only one way in or out to a public road. A dangerous situation in the event of an emergency.
4. We are in the middle of a drought. Adding more houses would deplete the water table even more. More housing is not necessary at this time.

We hope you will consider our concerns. Thank you.

Sincerely,

  
Nancy Vreeland  
Steve and Nancy Vreeland

13401 Avenue 328

Visalia, CA 93292-9089

559-733-7103

Cc Steve Worthley



February 9, 2015

Tulare County  
Resource Management  
Agency

FEB 10 2015

Mr. Chuck Przybylski, Planner  
County of Tulare-Resource Management Agency

Mr. Przybylski,

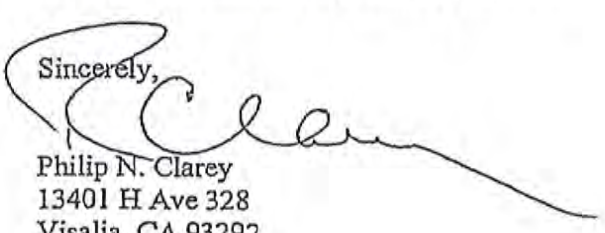
My wife and I live at 13401 H Ave 328, Visalia. I am writing to you in order to express our concerns with any development of the Qualls 27.8 acres on the adjacent property to ours. As you probably know we have just settled a law-suit with the Qualls, in which they (Qualls) agreed to leave us and the ingress and egress road alone unless the property is developed.

We (Clarey's) own the northern most property on the western portion of the original 40 acres. Our property has the ingress and egress easement for all the properties in our small community. The easement on the western property line is 55 feet (west to east), with the first 10 feet of the easement allocated to the irrigation ditch company. The next 45 feet of eastern portion of the western 55 feet is allocated to ingress and egress, of which there is an existing paved road of 25 feet wide. The road's western edge is placed within a foot or two of the ditch's eastern edge easement.

There are three (3) problems with their (Qualls) development proposal. First, any additional development, other than the existing homes, would put an undue burden on the existing paved road of 25 feet wide. Specifically, 3 houses or eventually 11 houses would quadruple the daily volume of vehicles (assuming 2 cars per household) driving past our residence and using our paved 25 foot wide road. Second, the existing 25 foot wide paved road eastern edge is only 20 feet from the western wall of my residence, so additional traffic would clearly affect the noise level, increasing accident hazards, and devaluing the view currently enjoyed from within our home. Third, any expansion of the paved road over the 45 foot easement would place the road to about 10 feet from the western wall of our home, which if approved would make our home unlivable. Finally, when we brought the house in 4/1999, we purchased the country view along with an environment of calm and quiet rural living that will be impaired with any development to the Qualls 27.8 acres. In order fully understand the impact of their proposal on our home, we would like to invite you to visit our home, at your earliest opportunity, to see for yourself the issues associated with the existing road and easement.

The personal and economic values that our home currently affords us would forever be lost as we move into retirement. So, we are appealing to you, as homeowners that will be significantly negatively impacted by the proposed development of any houses on the 27.8 acres, to decline their development application for anything other than agriculture purposes.

Sincerely,



Philip N. Clarey  
13401 H Ave 328  
Visalia, CA 93292  
(559) 738-0527 home  
(559) 972-2688 cell

Attachment No. 11

Initial Study / Mitigated Negative Declaration

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# COUNTY OF TULARE RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard  
Visalia, CA 93277

## Initial Study and Mitigated Negative Declaration

Simon/Dutton/Qualls Project  
(GPA 16-005, PZC 16-007, and PPM 16-030)

December 2017

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

## INITIAL STUDY CHECKLIST

1. **Project Title:** GPA 16-005, PZC 16-007, and PPM 16-030 Simon/Dutton/Qualls
2. **Lead Agency:** County of Tulare  
Resource Management Agency  
5961 S. Mooney Blvd.  
Visalia, CA 93277
3. **Contact Persons:** Dana Mettlen, Planner III (Project Planner) – 559-624-7106  
Hector Guerra, Chief, Environmental Planning Division – 559-624-7121
4. **Project Location:** South of Avenue 328 and east of Road 132, northeast of the City of Visalia in Tulare County, California. (APN 079-190-017) in Section 9, Township 18S, Range 25E, MDB&M.
5. **Applicant:** Paula Simon, Sonjia Dutton, & Berwyn Qualls  
844 N. High Road  
Palm Springs, CA 92262
6. **Latitude, Longitude:** 36° 22' 50.18" N / 119 ° 16' 15.69" W
7. **General Plan Designation:** Rural Valley Lands Plan Checklist to Control Development in a County Approved City Urban Area Boundary (CACUAB)
8. **Zoning:** AE-40 (Exclusive Agriculture – 40 acre minimum)
9. **Description of Project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)** The project is General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.83 acre parcel; Zone Change No. PZC 16-007 on a 7.29-acre portion of a 27.83 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map No. PPM 16-030 to divide a 27.83-acre parcel into three parcels and a remainder; Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres and Remainder Parcel = 20.97 acres, contingent upon the Board of Supervisors' approval of GPA 16-005 & PZC 16-007, with the requirement to file a final map.
10. **Surrounding land uses and setting (Brief description):** The surrounding properties to the north, west and east are developed with rural residential housing. This area has been substantially developed with rural residential development. The properties to the northwest and south are in agricultural production.
11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** San Joaquin Valley Unified Air Pollution Control District.
12. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?** A Sacred Lands File (SLF) search by the Native American Heritage Commission (NAHC) was requested on May 11, 2017. The NAHC responded on May 17, 2017, indicating that the SLF returned with negative results. Pursuant to SB 18 and AB 52, Tulare County Resource Management Agency (RMA) staff contacted eleven (11) Native American tribal contacts, representing five (5) tribes, by letter regarding the proposed Project, to provide an opportunity for consultation. None of the tribes responded requesting



consultation within the mandatory response time-frames. Conditions of Approval been incorporated into the project to reduce potential impacts in the event of accidental discovery of Native American tribal cultural resources during construction-related activities.

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**Vicinity Map**  
for  
**GPA 16-005 & PZC 16-007 & PPM 16-030**

Supervisory District: 2

0 0.5 1 Miles

**Legend:**

- SITE
- Supervisory Districts

Control Totals  
Engineering  
Information Systems



Figure 2

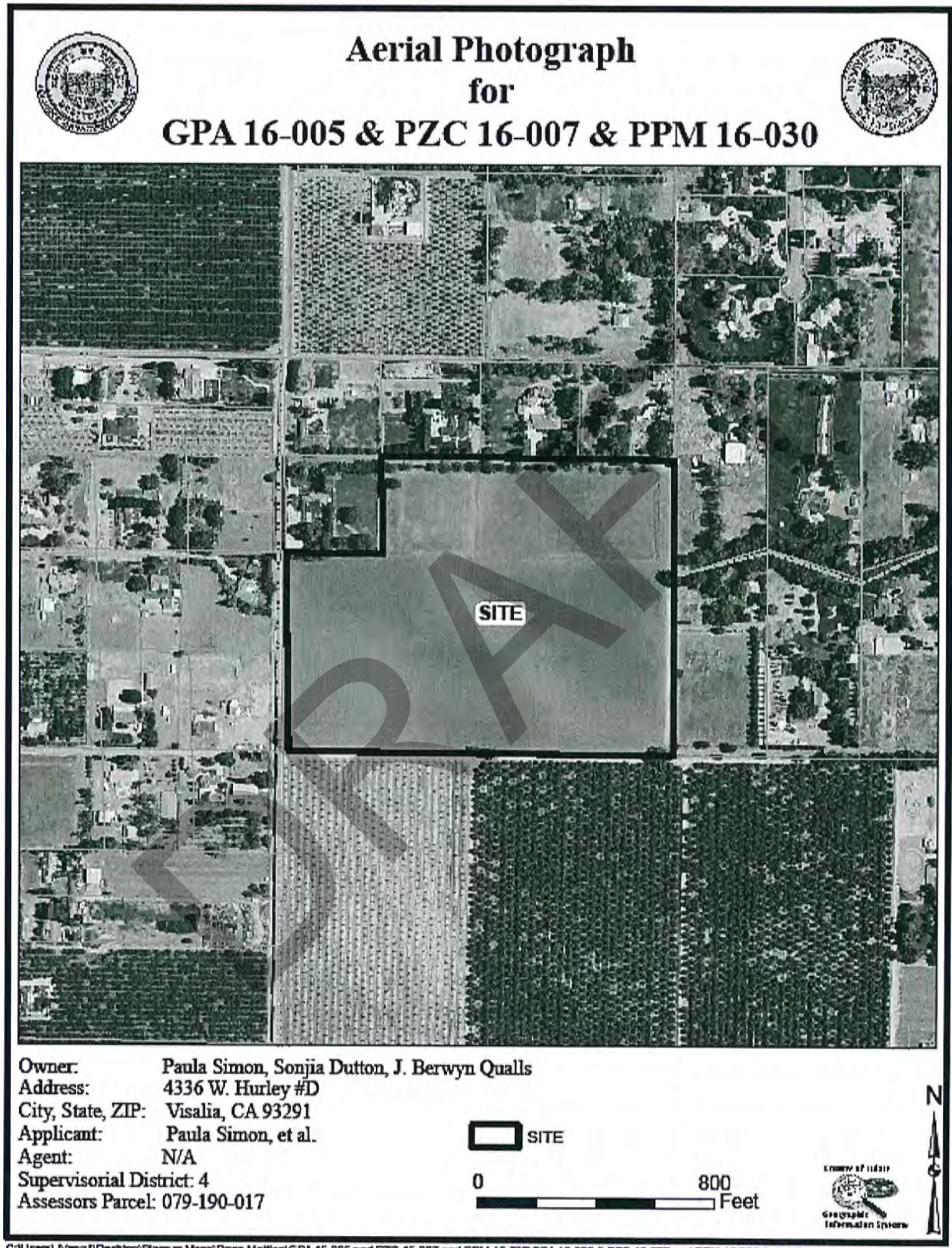
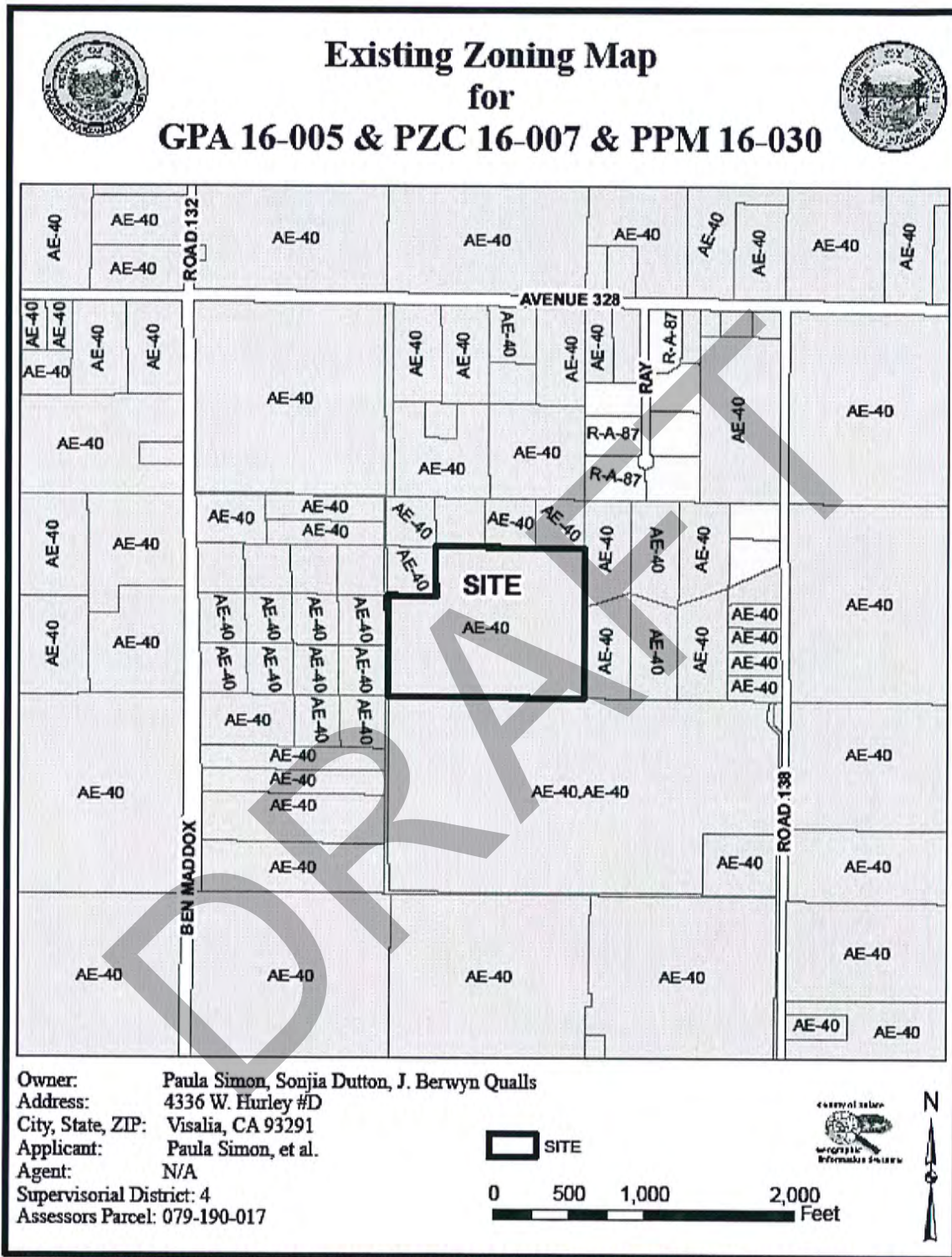




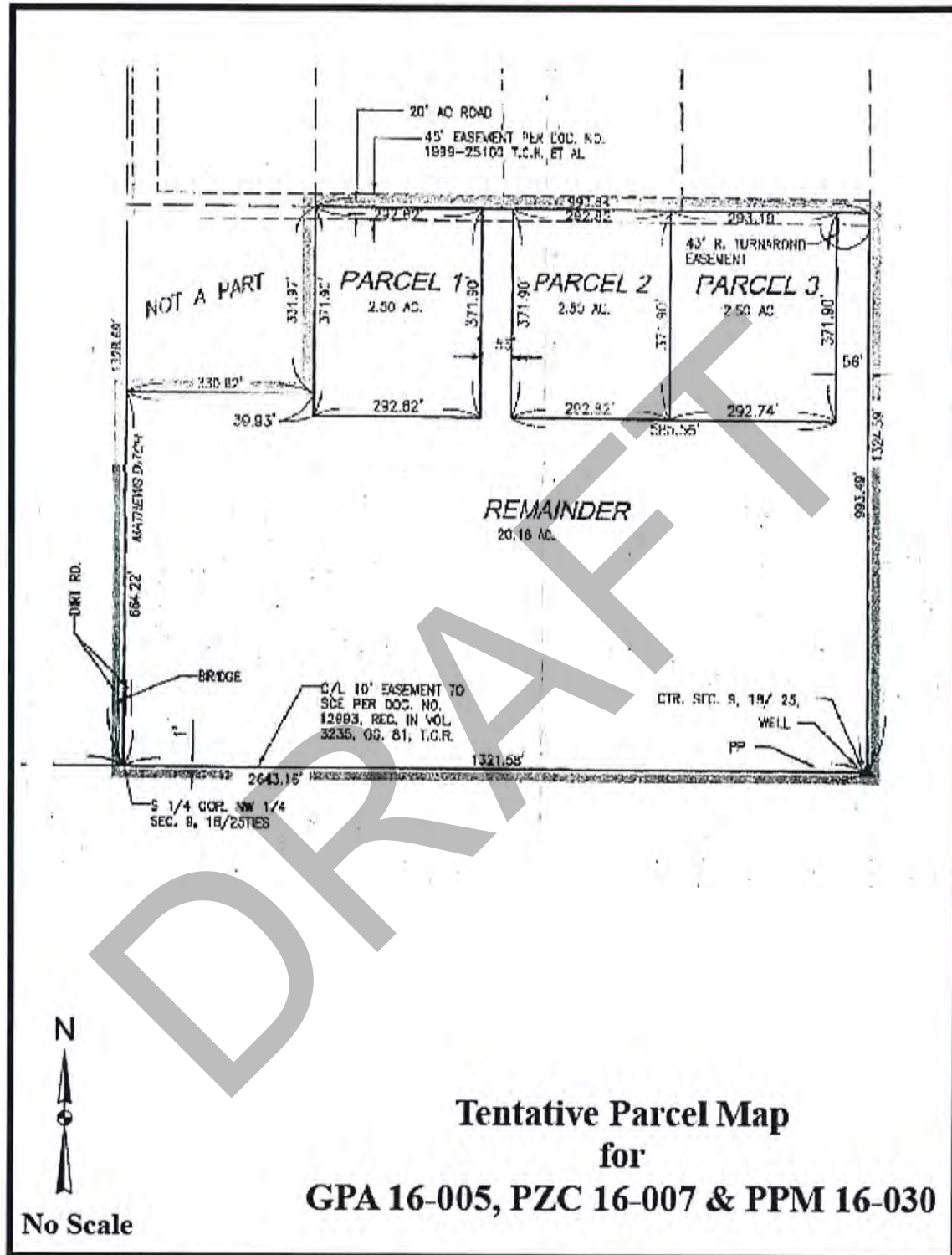
Figure 3



C:\Users\J\Working\Planner Maps\MapData\Metters\GPA 16-005 and PZC 16-007 and PPM 16-030\GPA 16-005 & PZC 16-007 and PPM 16-030 Existing Zoning Map.mxd



Figure 4



## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

## B. DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Hector Guerra

Printed Name

Chief Environmental Planner

Title

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Reed Schenke P.E.

Printed Name

Director/Environmental Assessment Officer

Title



## EVALUATION OF ENVIRONMENTAL IMPACTS:

The following checklist contains an extensive listing of the kind of environmental effects which result from development projects. Evaluation of the effects must take into account the whole action involved, including off-site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts, in addition to reasonably foreseeable phases or corollary actions. The system used to rate the magnitude of potential effects is described as follows:

A **"Potentially Significant Impact"** is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

A **"Less Than Significant With Mitigation Incorporated"** applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."

A **"Less Than Significant Impact"** means that the environmental effect is present, but is minor in nature and/or not adverse, or is reduced to a level less than significant due to the application and enforcement of mandatory locally adopted standards.

**"No Impact"** indicates that the effect does not apply to the proposed project.

Using this rating system, evaluate the likelihood that the proposed project will have an effect in each of the environmental areas of concern listed below. At the end of each category, discuss the project-specific factors, locally adopted standards, and/or general plan elements that support your evaluation. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one proposed (e.g., Zone C of the FEMA maps). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project specific screening analysis). The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance

Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

**"Negative Declaration: Less Than Significant With Mitigation Incorporated"** applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The mitigation measures must be described along with a brief explanation on how they reduce the effect to a less than significant level (mitigation measures from Section E., "Earlier Analyses," may be cross-referenced).

Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following.

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site- specific conditions for the project.

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		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
1.	AESTHETICS				
	Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Analysis:					
<p>The following Tulare County General Plan 2030 Update policy for this resource applies to this Project: <b>SL-3.2 Urban Expansion–Edges</b> - The County shall design and plan the edges and interface of communities with working and natural landscapes to protect their scenic qualities by:</p> <ol style="list-style-type: none"><li>1. Maintaining urban separators between cities and communities,</li><li>2. Encouraging cities to master plan mixed-density neighborhoods at their edges, locating compatible lower density uses adjacent to working and natural landscapes, and</li><li>3. Protecting important natural, cultural, and scenic resources located within areas that may be urbanized in the future.</li></ol> <p>a) <b>Less Than Significant Impact</b> – The proposed Project will not adversely affect any scenic vista. Other than the future residential structures typical of rural residential development, the Project will not include any other structures which may substantially impact a scenic vista. Zoning height limitations would restrict structures (e.g., residences) to no greater than a two-story equivalent (2-1/2 story and not to exceed 35 feet maximum). No parts of the Project would obstruct local scenic views, be visually intrusive or incompatible with the surrounding area, or be visible to large numbers of sensitive receptors. The Project site is relatively level, is currently vacant and was last farmed in 2011. As noted earlier, the surrounding properties to the north, west and east are developed with rural residences. This area has been substantially developed with rural residential development beginning in 1972. The properties to the northwest and south are in agricultural production. As shown in Figure 2 Aerial Photograph, all of the adjacent sites are heavily screened with vegetation (i.e., decorative trees), which screens views into and outside of the adjacent properties. As such, the Project would not have a less than substantial impact on a scenic vista resulting in a Less Than Significant Impact to this resource.</p> <p>b) <b>No Impact</b> – The Project is not located adjacent to any designated Candidate State Scenic Highway (see Tulare County General Plan 2030 Update, Part I – Goals and Policies Report, Chapter 7 – Scenic Landscapes, Figure 7-1) or any County-designated Scenic Corridor (see Tulare County General Plan 2030 Update, Part II – Area Plan Policies, Chapter 2– Corridors Framework Plan, Figure 2-1). As the proposed project will result in three rural residential lots (and a remainder lots), it will not substantially damage scenic resources scenic resources, including, but not limited to, trees, rock outcroppings, and historic</p>					



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>buildings within a state or county designated scenic highway or county designated scenic road. Therefore, the Project would result in No Impact to this resource.</p> <p>c) <b>Less Than Significant Impact</b> – As previously noted, the Project will not adversely affect any scenic vista. Other than the future residential structures typical of rural residential development, the Project will not include any other structures which may substantially impact a scenic vista. Zoning height limitations would restrict structures (e.g., residences) to no greater than a two-story equivalent (2-1/2 story and not to exceed 35 feet maximum). No part of the Project would obstruct local scenic views, be visually intrusive or incompatible with the surrounding area, or be visible to large numbers of sensitive receptors. The Project site is relatively level, is currently vacant and was last farmed in 2011. As noted earlier, the surrounding properties to the north, west and east are developed with rural residences. This area has been substantially developed with rural residential development beginning in 1972. The properties to the northwest and south are in agricultural production. As shown in Figure 2 Aerial Photograph, all of the adjacent sites are heavily screened with vegetation (i.e., decorative trees) which screens views into and outside of the adjacent properties. As such, the Project would not have a less than substantial impact on a scenic vista. As such, the Project will not substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p> <p>d) <b>Less Than Significant Impact</b> – Viewers traveling north on Road 136 will likely have the most direct view (from the southeast to northwest) As noted earlier, the surrounding properties to the north, west and east are developed with rural residences. This area has been substantially developed with rural residential development beginning in 1972. The properties to the northwest and south are in agricultural production. As shown in Figure 2 Aerial Photograph, all the adjacent sites are heavily screened with vegetation (i.e., decorative trees), which screens views into and outside of the adjacent properties. The Project has the potential to result in the creation of a new source of light; however, the Project will comply with the applicable General Plan policies adopted to minimize lighting impacts. Standard conditions of approval require outdoor lighting to be directed away from public roads and adjacent properties and to be dark-sky compliant. Therefore, the Project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p>				
<b>2.</b>	<b>AGRICULTURAL AND FOREST RESOURCES</b>				
	<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the Rural Valley Lands Plan point evaluation system prepared by the County of Tulare as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols Adopted by the Air Resources Board. Would the project:</p>				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
b)	Conflict with existing zoning for agriculture use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources code 12220(g), timberland (as defined in Public Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Analysis:**

The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: AG-1.14 *Right to Farm Noticing*.

- a) **Less Than Significant Impact** – The Project would result in the conversion of approximately 7.3 acres of prime agricultural land to non-agricultural use. The Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) (see <http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>) identifies on-site soil as Grangeville sandy Loam, 0-2% slopes, which is considered by the Farmland Mapping and Monitoring Program (FMMP) to be Prime Farmland for Tulare County if irrigated and either protected from flooding or not frequently flooded during the growing season (see Prime and Statewide Soils Spreadsheet, [http://www.conservation.ca.gov/dlrp/fmmp/mccu/Pages/prime\\_soils.aspx](http://www.conservation.ca.gov/dlrp/fmmp/mccu/Pages/prime_soils.aspx), and Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Tulare County, [http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/soils/Tulare\\_ssurg.pdf](http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/soils/Tulare_ssurg.pdf)). The *Tulare County Important Farmland 2014* (Rural Land Mapping Edition, Sheet 1) map also identifies the Project site as Prime Farmland (see [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/tul14\\_no.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/tul14_no.pdf)). However, as the Project site is not currently active, it is not irrigated; as such, the site is not capable of growing common cultivated crops and pasture plants over a long period without deterioration. Furthermore, the Project is subject to the Tulare County Agricultural Conservation Easement Program (ACEP). As such, a Condition of Approval requiring the applicant to submit an application for an Agricultural Conservation Easement, with associated fees, to the Tulare County Resource Management Agency (RMA) for no less than 7.3 acres of on-site Prime farmland prior to the issuance of building permits. According to the FMMP, as of 2014 there were 366,414 acres of Prime Farmland (see Table A-44 Tulare County 2012-2014 Land Use Conversion, <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx>); as such, this Project represents 0.002% of the County's Prime Farmland. Therefore, the Project would not result in a significant conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>use. Therefore, the Project would result in Less Than Significant Impacts to this resource.</p> <p>b) <b>No Impact</b> - The subject site is zoned AE-40 (Exclusive Agricultural – 40 acre minimum), which allows agriculture and most ag-related uses. The applicant is requesting a General Plan Amendment (No. GPA 16-005) to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.83 acre parcel; Zone Change (No. PZC 16-007) on a 7.29-acre portion of a 27.83 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map (No. PPM 16-030) to divide a 27.83-acre parcel into three parcels and a remainder: Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres and Remainder Parcel = 20.97 acres. The site is not within an agricultural preserve and is not under a Williamson Act Contract. The Project is consistent with land uses and zoning within a County Approved City Urban Area Boundary (CACUAB). Therefore, the Project will not conflict with existing zoning for agriculture use or a Williamson Act contract. Therefore, there will be No Impact to this resource.</p> <p>c) <b>No Impact</b> – There are no forestlands on the Project site or in the vicinity. The Project site is not zoned for forestland, timberland, or timberland zoned Timberland Production. Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forestland, timberland, or timberland zoned Timberland Production. Therefore, there will be No Impact to this resource.</p> <p>d) <b>No Impact</b> – The Project will not be located on forest land. As such, the Project would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, there will be No Impact to this resource.</p> <p>e) <b>No Impact</b> – The Project would not involve other changes in the existing environment which, due to its location or nature, could result in conversion of farmland to non-agricultural use. An important goal of the Tulare County General Plan 2030 Update is to preserve the County's agricultural roots and economy. The General Plan 2030 Update includes the following policy, which applies to this Project, to protect agricultural resources: AG-1.14 Right-to-Farm Noticing. Because of active agricultural uses (grazing) adjacent to the site, as a Condition of Approval, the applicant will be required to sign a "Right to Farm" notice. Because of the nature of the Project (a General Plan amendment, rezone, and tentative parcel map for three (3) potential residential lots and an out-lot), it can be reasonably concluded that the Project will not affect any farmland beyond its own boundaries. Therefore, there will be No Impact to this resource.</p>				
<b>3.</b>	<b>AIR QUALITY</b>				
	Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
	a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Analysis:**

The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: AQ-2.2 *Indirect Source Review*; AQ-3.4 *Landscape*; AQ-4.2 *Dust Suppression Measures*.

The proposed Project is located in the San Joaquin Valley Air Basin (SJVAB), a continuous inter-mountain air basin. The Sierra Nevada Range forms the eastern boundary; the Coast Range forms the western boundary; and the Tehachapi Mountains form the southern boundary. These topographic features restrict air movement through and beyond the SJVAB. The SJVAB is comprised of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties and the valley portion of Kern County; it is approximately 25,000 square miles in area. Tulare County lies within the southern portion of the SJVAB. Air resources in the SJVAB is managed by the San Joaquin Valley Air Pollution Control District (Air District).

Both the federal government (through the United State Environmental Protection Agency (EPA)) and the State of California (through the California Air Resources Board (ARB)) have established health-based ambient air quality standards (AAQS) for six air pollutants, commonly referred to as "criteria pollutants." The six criteria pollutants are: carbon monoxide (CO), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb).

National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for each criteria pollutant to protect the public health and welfare. The federal and state standards were developed independently with differing purposes and methods, although both processes are intended to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent.

The Federal Clean Air Act requires EPA to set NAAQS for the six criteria pollutants, noted above, that occur throughout the United States. Of the six pollutants, particle pollution and ground-level ozone are the most widespread health threats. EPA regulates the criteria pollutants by developing human health-based and/or environmentally-based criteria (science-based guidelines) for setting permissible levels. The set of limits based on human health is called primary standards. Another set of limits intended to prevent environmental and property damage is called secondary standards.

EPA is required to designate areas as meeting (attainment) or not meeting (nonattainment) the air pollutant standards. The Federal Clean Air Act (CAA) further classifies nonattainment areas based on the severity of the nonattainment problem, with marginal, moderate, serious, severe, and extreme nonattainment classifications for ozone. Nonattainment classifications for PM range from marginal to serious. The Federal CAA requires areas with air quality violating the NAAQS to prepare an air quality control plan referred to as the State Implementation Plan (SIP). The SIP contains the strategies and control measures that states will use to attain the



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	<p>NAAQS. The Federal CAA amendments of 1990 require states containing areas that violate the NAAQS to revise their SIP to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, rules, and regulations of Air Basins as reported by the agencies with jurisdiction over them. The EPA reviews SIPs to determine if they conform to the mandates of the Federal CAA amendments and will achieve air quality goals when implemented. If the EPA determines a SIP to be inadequate, it may prepare a Federal Implementation Plan (FIP) for the nonattainment area and impose additional control measures.</p> <p>The SJVAB is considered to be in attainment for federal and state air quality standards for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>); attainment for federal and non-attainment for state air quality standards for respirable particulate matter (PM<sub>10</sub>); and non-attainment of state and federal air quality standards for ozone (O<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>). To meet federal Clean Air Act requirements, the Air District has adopted the following attainment plans: the 2004 Extreme Ozone Attainment Demonstration Plan (for the 1-hour standard); the 2007 Ozone Plan (for the 1997 8-hour standard); the 2009 RACT SIP; the 2013 Plan for the Revoked 1-Hour Ozone Standard; the 2014 RACT SIP; the 2016 Plan for the 2008 8-Hour Ozone Standard; the 2007 PM<sub>10</sub> Maintenance Plan; the 2008 PM<sub>2.5</sub> Plan (for the 1997 annual standard); the 2012 PM<sub>2.5</sub> Plan (for the 2006 24-hour standard); the 2015 Plan for the 1997 PM<sub>2.5</sub> Standard (for annual and 24-hour standards); and the 2004 Revision to the California State Implementation Plan for Carbon Monoxide. The State does not have an attainment deadline for the ozone standards; however, it does require implementation of all feasible measures to achieve attainment at the earliest date possible. State PM<sub>10</sub> and PM<sub>2.5</sub> standards have no attainment planning requirements, but must demonstrate that all measures feasible for the area have been adopted.</p> <p>It is reiterated that the Project does not contain a development proposal; rather, the Project is a tentative parcel map. Until such time a development proposal is submitted for processing with the County of Tulare, the Project will not result in a physical change in the environment. In the event development proposals were to occur, the proposals could be subject to various San Joaquin Valley Air Pollution Control District (Air District) rules/regulations, thresholds, and/or permitting requirements, as applicable. As indicated below, the mere size of the project (i.e., three potential rural residential sites) would not result in the exceedance of any Air District thresholds and, depending upon a final determination by the Air District, does not appear to meet rule applicability requirements.</p> <p>a) <b>Less Than Significant Impact</b> – Air quality plans (also known as attainment plans) and subsequent rules are used to bring the applicable air basin into attainment with federal ambient air quality standards designed to protect the health and safety of residents within that air basin. In the event development proposals were to occur following approval of the proposed Project, such developments will be required to comply with all applicable Air District rules and regulations including, but not limited to, Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions) requirements and District Rule 9510 (Indirect Source Review). The Air District's <i>Guidance for Assessing and Mitigating Air Quality Impacts</i> (GAMAQI) states, "...the District has established thresholds of significance for criteria pollutant emissions, which are based on District New Source Review (NSR) offset requirements for stationary sources. Stationary sources in the District are subject to some of the toughest regulatory requirements in the nation. Emission reductions achieved through implementation of District offset requirements are a major component of the District's air quality plans. Thus, projects with emissions below the thresholds of significance for criteria pollutants would be determined to "Not conflict or obstruct implementation of the District's air quality plan." (GAMAQI, page 65, available online at <a href="http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf">www.valleyair.org/transportation/GAMAQI_3-19-15.pdf</a>)</p> <p>"Determination of whether a project would exceed the applicable thresholds of significance for criteria pollutants requires quantification of project specific emissions. To streamline the process of assessing</p>				



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	<p>significance of criteria pollutant emissions from commonly encountered projects, the District has developed the screening tool, Small Project Analysis Level (SPAL). Using project type and size, the District has pre-quantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants.” (GAMAQI, page 85)</p> <p>The Air District has identified SPAL limits based on vehicle trips and by project type (<i>SPAL</i>, Table 5.2 and Table 5-3 (a), see: <a href="http://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.PDF">http://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.PDF</a>). The SPAL limits identified for residential land uses are 1,453 average daily trips (ADT) per day or 390 units. As the Project includes a potential for three (3) single-family residences (units), the Project is below the applicable SPAL established by the Air District. The traffic generation analysis (TGA) prepared for the Project (see Attachment “D”) states that the Project will result in 29 ADT, which is below the 1,453 ADT SPAL limits established by the Air District. As the Project falls below the Air District’s SPAL levels for both ADT and units, it can be reasonably concluded that the Project will not exceed the Air District’s thresholds of significance and, therefore, will not conflict with or obstruct implementation of the applicable air quality plan. As such the Project will have a Less Than Significant Impact on the environment.</p> <p>b) <b><i>Less Than Significant Impact</i></b> - Nearly all development projects have the potential to generate pollutants that will worsen air quality, so it is necessary to evaluate air quality impacts to comply with California Environmental Quality Act. The Air District’s GAMAQI states, “Determination of whether project emissions would violate any ambient air quality standard is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project’s property boundaries, the project would be considered to not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The need to perform an air quality dispersion modeling analysis for any project (urban development, commercial, or industrial projects) is determined on a case-by-case basis depending on the level of emissions associated with the proposed project.” (GAMAQI, page 65)</p> <p>The Air District’s guidance document, <i>Ambient Air Quality Analysis Project Daily Emissions Assessment</i> (see <a href="http://www.valleyair.org/transportation/CEQA%20Rules/Ambient-Air-Quality-Analysis-Project-Daily-Emissions-Assessment.pdf">http://www.valleyair.org/transportation/CEQA%20Rules/Ambient-Air-Quality-Analysis-Project-Daily-Emissions-Assessment.pdf</a>), states, “State and Federal ambient air quality standards have been established to protect public health and welfare from the adverse impacts of air pollution. A project would be considered to have a significant impact if its emissions are predicted to cause or contribute to a violation of any California Ambient Air Quality Standard (CAAQS)/National Ambient Air Quality Standard (NAAQS). The District applies a threshold of 100 pounds per day of any criteria pollutant to determine significance impact. ...Development projects below ISR applicability thresholds are therefore, not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Thus, for development projects (including transportation and transit projects) below District Rule 9510 (Indirect Source Review) Applicability Thresholds, no emission calculation is required for ambient air quality analysis purposes, and an ambient air quality analysis is not required.” The applicability threshold for residential development is 50 dwelling units. As such, the proposed Project’s three residences are significantly below the Air District’s threshold. Therefore, the Project will not violate any air quality standards or contribute substantially to an existing or projected air quality violation and will have a Less Than Significant Impact on air quality.</p> <p>Furthermore, the SJVAPCD requires concerted efforts to reduce project-related emissions, including compliance with the following rules and regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4102 (Nuisance), Rule 4641 (Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations), and Rule</p>				



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	<p>9510 (Indirect Source Review). As such, the Project will not violate any air quality standards or contribute substantially to an existing or projected air quality violation and will have a Less Than Significant Impact on air quality.</p> <p>c) <b>Less Than Significant Impact</b> - The Project would be considered to have a significant cumulative impact on air quality if project-specific impacts are determined to be significant. As previously noted, the emissions analysis confirms that the Project falls under the SPAL limits, that Project-specific emissions are below the Air District's thresholds of significance at a project-specific level, and that the Project will not cause or contribute to an existing air quality violation. Therefore, because the Project would have Less Than Significant Project-specific Impacts, the Project will have a Less Than Significant Cumulative Impact on air quality.</p> <p>d) <b>Less Than Significant Impact</b> – The Air District suggests that projects classified as meeting SPAL examine areas surrounding the project site for sources of toxic air contaminants, hazardous materials, and odors and to verify the project itself is not a source of toxic air contaminants or other hazardous air pollutants. County staff evaluated all sources of emissions to determine whether an HRA should be conducted.</p> <p>The Project site is located in a rural area with scattered rural residences. The nearest residences are located approximately 110 feet north of the Project's northern property line; the nearest residence to the west is approximately 175 feet west; the nearest residence to the northeast is approximately 325 feet northeast; the nearest residence to the southeast is approximately 250 feet southeast; the nearest southerly residence (southeast) is approximately 440 feet southeast. Approximately 60 residences are within 1 mile of the existing parcel boundary, with the majority of these residences (approximately 30) located northwest (upwind) of the Project site. Elbow Creek Elementary is located within ¼ mile (slightly northeast) of the Project site. The proposed Project, if eventually developed to residential uses, would not handle hazardous materials with the exception of the sale of pre-packaged, common cleaning supplies (such as bleach, ammonia, etc.) in daily operations. Construction-related activities may require the use of Medium- and Heavy-duty diesel equipment/trucks would be a source of diesel particulate matter which is considered to be a toxic air contaminant. However, as this Project does not include a specific development proposal, it would be speculative to estimate potential toxic air contaminant emissions. Also, any emissions would be temporary, short-term, intermittent, and dependent upon the number and timing of parcels at the time of development.</p> <p>The proposed Project has the potential to temporarily expose the residents of nearby single-family residences to the northwest, west, northeast, and southeast of the Project site to increased criteria pollutant emission concentrations from diesel powered construction equipment during the short-term construction phase. As this Project does not include a specific development proposal, it would be speculative to estimate potential criteria pollutant emissions. Particulate emissions from diesel powered construction equipment are considered a toxic air contaminant by the California Air Resources Board. However, any construction-related emissions would be temporary, short-term, intermittent, and dependent upon the number and timing of parcels at the time of development; and due to the limited number of potential parcels which could be developed (three), emissions would not exceed the Air District's health risk thresholds of 20 in one million.</p> <p>Tulare County RMA staff has prepared screening analyses for heavy-duty truck-related health risk impacts for other projects that include a higher volume of daily/weekly heavy-duty vehicles. Air pollutants are linear by nature. By analogy, one such screening analysis indicated that a project with 2,600 heavy-duty trucks per year would have an estimated health risk of 4.98 in one million for a work site receptor located</p>				



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	<p>approximately 25 feet north of the project boundary and a risk of 0.94 in one million for a residential receptor approximately 638 feet southwest of the project boundary (Diesel Truck Health Risk Screening memo, PSP 14-052). Another screening analysis indicated that a project with 3,432 heavy-duty trucks per year would have an estimated health risk of 0.59 in one million (approximately 2 in one million using current methodologies) for a school site receptor located approximately 50 feet north of the project boundary and a risk of 1.78 in one million (approximately 5.5 in one million using current methodologies) for a work site receptor approximately 50 feet south of the project boundary (Diesel Truck Health Risk Screening memo, PRC 15-024). Both of these screening analyses conclude that the projects would not exceed the Air District's health risk thresholds of 20 in one million. As the proposed Project does not include any development proposal of any land use type, it could not possibly approach the number of heavy-duty trucks in the example projects provided above; therefore, it is anticipated that Project-related health risks would not exceed the Air District's health risk thresholds. As such, based on the information presented before the County, the County has concluded that an HRA will not be required for determining risks associated with on-site heavy-duty vehicles.</p> <p>Furthermore, the Applicant will be required to comply with all local, state, and federal policies related to emission of toxic air pollutants in the unlikely event such pollutants are emitted and would require control efforts to minimize their impacts. Tulare County Environmental Health Services Division will require a Hazardous Waste Business Plan if materials exceed their thresholds. As such, the Project will not expose sensitive receptors to substantial pollutant concentrations resulting in impacts that are Less Than Significant.</p> <p>e) <b>Less Than Significant Impact</b> - As noted earlier, approximately 60 sensitive receptors (residences) are within 1 mile of the proposed Project, with the majority of these residences (approximately 30) located northeast (upwind) of the Project site. Potential odor sources associated with the Project could originate from diesel exhaust from construction equipment and fumes from architectural coatings and paving operations during the construction phase; and from diesel exhaust from delivery vehicles (e.g., heavy-duty trucks) if future development were to occur on the Project site. However, these odors, if perceptible, would dissipate rapidly as they mix with the surrounding air and would be of very limited duration. As such, Project-related objectionable odors would not affect a substantial number of people in the area; therefore, the Project would result in Less Than Significant Impact as due to odors.</p>					
4.	<b>BIOLOGICAL RESOURCES</b>					
	Would the project:					
	a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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		policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: ERM-1.1 <i>Protection of Rare and Endangered Species</i>; ERM-1.2 <i>Development in Environmentally Sensitive Areas (limits development in sensitive areas)</i>; ERM-1.3 <i>Encourage Cluster Development</i>; ERM-1.7 <i>Planting of Native Vegetation (including native trees, shrubs, and grassland preserve)</i>; ERM-1.8 <i>Open Space Buffers (buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities)</i>; ERM-1.9 <i>Coordination of Management on Adjacent Lands (to preserve and protect biological resources, including those within and adjacent to designated critical habitat, reserves, preserves, and other protected lands, while maintaining the ability to utilize and enjoy the natural resources in the County)</i>; ERM-1.10 <i>Appropriate Access for Recreation</i>; ERM-1.11 <i>Hunting and Fishing (provide opportunities for hunting and fishing activities within the County pursuant to appropriate regulations of the California Fish &amp; Game Code)</i>; ERM-1.13 <i>Pesticides (implementing pesticide controls to limit effects on natural resources)</i>; and ERM-1.14 <i>Mitigation and Conservation Banking Program (support the establishment and administration of a mitigation banking program for protection and recovery of threatened and endangered species impacted during the land development process)</i>.</p> <p>As indicated in the Executive Summary of the Biological Evaluation (BE) prepared by consultant Live Oak Associates, Inc. (LOA, April 2017); "Live Oak Associates, Inc. (LOA) conducted an investigation of the</p>					



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>biological resources of an approximate 27-acre agricultural site proposed for residential subdivision (hereafter referred to as the project site). The project site is located south of Avenue 328, west of Road 138, east of Road 132, and north of Avenue 320, approximately 2 miles northeast of Visalia, in an unincorporated part of Tulare County, California. The proposed project consists of subdivision into four parcels, to eventually be converted to residential development. In March of 2017, LOA surveyed the project site for biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law.</p> <p>Land use identified within the project site is limited to fallow field. A mosaic of agricultural, and residential land uses surrounds the project site, within a region dominated by similar land uses.</p> <p>As defined by the California Environmental Quality Act (CEQA), impacts associated with residential development would be less than significant for special status plant species, most special status animals occurring regionally, wildlife movement corridors, downstream water quality, sensitive habitats, and Waters of the U.S.</p> <p>Potentially significant impacts associated with eventual residential development include project related mortality of the San Joaquin kit fox, roosting bats, and nesting raptors and migratory birds protected under the federal Migratory Bird Treaty Act and related state laws. Project avoidance of active dens, roosts, and nests identified during preconstruction surveys conducted prior to periods of mass grading on individual lots, and implementation of minimization measures consistent with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance will ensure that impacts to all special status animal species are reduced to a less than significant level.”<sup>1</sup></p> <p><u>Biological Evaluation Study Methodology</u></p> <p>“A field survey of the project site was conducted on March 20, 2017 by LOA ecologist Wendy Fisher. The survey consisted of driving the perimeter road of the project site, conducting a meandering walk periodically, and using binoculars to scan the site and adjacent lands. During the survey, the principal land uses of the project site were identified and the constituent plants and animals of each land use were noted.</p> <p>LOA conducted an analysis of potential project impacts based on the known and potential biotic resources of the project site. Sources of information used in the preparation of this analysis included: (1) the <i>California Natural Diversity Data Base</i> (CDFW 2017a), (2) the <i>Online Inventory of Rare and Endangered Vascular Plants of California</i> (CNPS 2017), and (3) manuals, reports, and references related to plants and animals of the San Joaquin Valley region.</p> <p>Detailed surveys for sensitive biological resources were not conducted for this study. Field surveys conducted for this study were sufficient to assess the significance of possible biological impacts associated with full development of the project site and to assess the need for more detailed studies that could be warranted if sensitive biotic resources were identified in this initial survey.”<sup>2</sup></p> <p><b>a) <i>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 the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i></b></p>				

<sup>1</sup> “Biological Evaluation 27-Acre Subdivision APN 079-190-017 Tulare County, California.” Page 1. Prepared by Live Oak Associates, Inc., April 2017 (see Attachment “B” of this document).

<sup>2</sup> Ibid. Page 4.



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	AND				
	<p>b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service</i></p> <p><b>Potentially Significant Project Impacts/Mitigation</b></p> <p>As indicated in the BE, “The 27-acre project site is proposed for subdivision into four separate parcels, all of which are expected to be used for residential development. The following subsections assume that all areas of the project site will be impacted by future development. It is assumed that removal of the few valley oaks on the project boundaries would occur as a result of residential development on individual lots. Potentially significant project impacts to biological resources and mitigations are discussed below.”<sup>3</sup> [as follows].</p> <p><u>Project-Related Mortality of San Joaquin Kit Fox</u></p> <p><b>“Potential Impacts.</b> As discussed in Section 2.5.2 [of the BE], the San Joaquin kit fox is unlikely to occur within the project site. However, based on past occurrences of kit fox in the 10-mile vicinity of the project site, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the project site, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the project site would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.</p> <p><b>Mitigation.</b> Prior to project construction, the following measures adapted from the U.S. Fish and Wildlife Service 2011 <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (Appendix E [of the BE]) will be implemented.</p> <p><b>Mitigation Measure 3.3.1a [BIO-1 of this IS/MND] (Pre-construction Surveys).</b> Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance on each of the four separate parcels. These surveys will be conducted in accordance with the USFWS <i>Standardized Recommendations</i>. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately to determine the best course of action.</p>				

<sup>3</sup> Op. Cit. 27.

<sup>4</sup> Op. Cit. 28-29.

<sup>5</sup> Op. Cit. 29-30.

<sup>6</sup> Op. Cit. 31-32.

<sup>7</sup> Op. Cit. 32.

<sup>8</sup> Op. Cit. 33.

<sup>9</sup> Op. Cit. 33-34.

<sup>10</sup> Op. Cit. 34.

<sup>11</sup> Op. Cit.

<sup>12</sup> Op. Cit. 34-35.

<sup>13</sup> Op. Cit. 35.

<sup>14</sup> Op. Cit.

<sup>15</sup> Op. Cit. 36.



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	<p><b>Mitigation Measure 3.3.1b [BIO-2 of this IS/MND] (Avoidance).</b> Should a kit fox be found using the site during preconstruction surveys, the project will avoid the habitat occupied by the kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified.</p> <p><b>Mitigation Measure 3.3.1c [BIO-3 of this IS/MND] (Minimization).</b> Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.</p> <p><b>Mitigation Measure 3.3.1d [BIO-4 of this IS/MND] (Mortality Reporting).</b> The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p> <p>Implementation of these measures will reduce potential impacts to the San Joaquin kit fox to a less than significant level and ensure that future development activities within the project site remain in compliance with state and federal laws protecting this species.”<sup>4</sup></p> <p><u>Project-Related Mortality/Disturbance of Nesting Raptors and Migratory Birds</u></p> <p><b>“Potential Impacts.</b> The project site contains habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Four special-status birds (Swainson’s hawk, white-tailed kite (<i>Elanus leucurus</i>), northern harrier, and loggerhead shrike (<i>Lanius ludovicianus</i>)) also have the potential to nest within or adjacent to the project site. On-site valley oak trees, as well as mature trees bordering the site, could be used for nesting by the western kingbird, Bullock’s orioles (<i>Icterus bullockii</i>), and various raptors. Ground-nesting species such as the western meadowlark (<i>Sturnella neglecta</i>), mourning dove, and northern harrier could potentially nest in the dense vegetation of the fallow field. Raptors and migratory birds nesting within the project site at the time of construction have the potential to be injured or killed by project activities. In addition to direct “take” of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.</p> <p><b>Mitigation.</b> The following measures will be implemented prior to the start of ground disturbance on each of the four parcels of the project site. Mitigation Measure 3.3.2a (Avoidance). In order to avoid impacts to nesting raptors and migratory birds, ground disturbance on individual lots of the project will occur, where possible, outside the nesting season, or between September 1st and January 31st.</p> <p><b>Mitigation Measure 3.3.2b [BIO-5 of this IS/MND] (Preconstruction Surveys).</b> If ground disturbance must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. Should a 30-day window of no activity occur on any given parcel (within the breeding season), the surveys should be redone. The surveys will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save the Swainson’s hawk;</p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.</p> <p><b>Mitigation Measure 3.3.2c [BIO-6 of this IS/MND] (Establish Buffers).</b> Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.</p> <p>Implementation of the above measures will reduce potential project impacts to nesting raptors and migratory birds to a less than significant level, and will ensure that the project remains in compliance with state and federal laws protecting these species.”<sup>5</sup></p> <p><u>Project Impacts to Roosting Bats</u></p> <p><b>“Potential Impact.</b> Valley oak trees within the study area provide potential roosting habitat for several species of bat. Development of the parcels on the project site could result in removal of mature valley oaks potentially serving as roosting habitat for both pallid bat (<i>Antrozous pallidus</i>) and western mastiff bat (<i>Eumops perotis</i> ssp. <i>californicus</i>). Impacts to mature valley oak trees with maternal roosts have the potential to result in the mortality of many juvenile bats and would be considered a significant impact of the project as defined by CEQA.</p> <p><b>Mitigation.</b> In order to minimize construction disturbance to maternal roosting bats in onsite trees, prior to the beginning of ground disturbance on each of the four separate parcels, the following measures will be implemented, as applicable:</p> <p><b>Mitigation Measure 3.3.3a [BIO-7 of this IS/MND] (Temporal Avoidance).</b> Tree removal (if necessary) should occur after September 30, and before April 1, outside the maternal roosting season.</p> <p><b>Mitigation Measure 3.3.3b [BIO-8 of this IS/MND] (Preconstruction Surveys).</b> If removal of trees must occur between April 1 and September 30 (general maternity bat roost season), a qualified biologist will survey affected trees for the presence of bats within 30 days prior to these activities. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.</p> <p><b>Mitigation Measure 3.3.3c [BIO-9 of this IS/MND] (Minimization).</b> If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted via partial dismantlement of trees prior to full removal under the direction of a qualified biologist to ensure that no adverse impact to any bats occurs as a result of construction activities.</p> <p><b>Mitigation Measure 3.3.3d [BIO-10 of this IS/MND] (Avoidance of Maternity Roosts).</b> 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 50 to 100 feet as determined by the biologist.</p> <p><b>Mitigation Measure 3.3.3e [BIO-11 of this IS/MND] (Consultation if Maternity Roosts Cannot be</b></p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p><b>Avoided).</b> If maternal roosts are determined to be present and must be removed, the bats will be excluded from the roosting site before the roost is removed. An exclusion plan, addressing exclusion methods, and roost removal procedures will be developed by a qualified biologist before implementation. Exclusion methods may include use of one-way doors at roost entrances or sealing roost entrances when a site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g. during hibernation or while females in maternity colonies are nursing young).</p> <p>Implementation of these measures will reduce potentially significant project impacts to roosting bats to a “less than significant” level under CEQA.”<sup>6</sup></p> <p><b>Less Than Significant Project Impacts</b></p> <p><u>Loss of Habitat for Special Status Plants</u></p> <p>As indicated in the BE, “Fourteen special status vascular plant species are known to occur in the vicinity of the project site: Hoover’s spurge (<i>Euphorbia hooveri</i>), San Joaquin Valley orcutt grass (<i>Orcuttia inaequalis</i>), San Joaquin adobe sunburst (<i>Pseudobahia peirsonii</i>), heartscale (<i>Atriplex cordulata</i> var. <i>cordulata</i>), Earlimart orache (<i>Atriplex cordulata</i> var. <i>erecticaulis</i>), brittlescale (<i>Atriplex depressa</i>), lesser saltscale (<i>Atriplex minuscula</i>), vernal pool smallscale (<i>Atriplex persistens</i>), subtle orache (<i>Atriplex subtilis</i>), recurved larkspur (<i>Delphinium recurvatum</i>), spiny-sealed button-celery (<i>Eryngium spinosepalum</i>), Winter’s sunflower (<i>Helianthus winteri</i>), California satintail (<i>Imerata brevifolia</i>), and California alkali grass (<i>Puccinellia simplex</i>) (see Table 1 [in the BE]). Past and ongoing disturbance of the project site and surrounding lands has eliminated habitat for these 14 plant species. Therefore, the proposed project would not affect regional populations of these species and impacts would be less than significant.”<sup>7</sup> As such, no mitigation measures are warranted.</p> <p><u>Loss of Habitat for Special Status Animals Absent or Unlikely to Occur in the Project Site</u></p> <p>As indicated in the BE, “Of the 18 special status animal species potentially occurring in the region, twelve (12) species would be absent or unlikely to occur on the project site (see Table 1 [in the BE]). These include the vernal pool fairy shrimp (<i>Branchinecta lynchi</i>), vernal pool tadpole shrimp (<i>Lepidurus packardii</i>), Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>), California tiger salamander (<i>Ambystoma californiense</i>), Western yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>), willow flycatcher (<i>Empidonax traillii</i>), San Joaquin kit fox, western spadefoot (<i>Spea hammondi</i>), western pond turtle (<i>Emys marmorata</i>), foothill yellow-legged frog (<i>Rana boylei</i>), burrowing owl, and American badger (<i>Taxidea taxus</i>). Loss of habitat as a result of future residential development of the project site would have no effect on these species because there is little or no likelihood that they are present.”<sup>8</sup> As such, no mitigation measures are warranted.</p> <p><u>Loss of Habitat for Special Status Animals that Could Breed and/or Forage in the Project Site</u></p> <p>The BE provides the following analysis regarding loss of habitat for special status animals that could breed and/or forage in the Project site; “Of the 18 special status animal species potentially occurring in the region, six species have the potential to occur within the project site in association with breeding, foraging, or both. These species comprise the Swainson’s hawk, northern harrier, white-tailed kite, loggerhead shrike, pallid bat, and western mastiff bat. The Swainson’s hawk, white-tailed kite, and loggerhead shrike could theoretically nest in the on-site valley oaks, while the northern harrier could nest in the dense vegetation of</p>				



		<b>SIGNIFICANT IMPACT</b>	<b>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</b>	<b>LESS THAN SIGNIFICANT IMPACT</b>	<b>NO IMPACT</b>
	<p>the site's fallow field. All four birds could forage in the fallow field. However, the project site is situated within a matrix of residential development and orchard lands incompatible with the life history of these four avian species, all of which are associated with open country. Although the site may be used for nesting and foraging by these birds on occasion, it is unlikely to represent regionally important habitat for any of these species.</p> <p>The pallid bat and western mastiff bat have the potential to roost in the on-site valley oaks, and to forage in or over the fallow field. Functionally similar roosting habitat is plentiful on surrounding lands, and the loss of the oaks is not expected to adversely affect individuals or populations of these species. Similarly, considerable agricultural habitat suitable for foraging by these species will continue to be available on surrounding lands following development of the project site.</p> <p>For the reasons given, loss of breeding and foraging habitat for the four avian species and two bat species considered in this section is not considered a significant impact of the project under CEQA.<sup>9</sup> As such, mitigation measures are not warranted.</p> <p><b>c) <i>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?</i></b></p> <p>There are no "waters" of the United States within the Project area. As indicated in the BE, "As discussed in Section 2.6, no potential waters of the U.S. have been identified on the project site. Therefore, impacts from project implementation will have no measurable effect on the value or function of waters of the U.S. and are not considered significant under CEQA."<sup>10</sup> Therefore, no mitigation measures are required or necessary.</p> <p><b>d) <i>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?</i></b></p> <p>The Project would not interfere with wildlife movement corridors. As indicated in the BE, "The project site consists of and is surrounded by developed and/or highly disturbed lands that do not contain important movement corridors for native wildlife. Birds using the Pacific flyway will continue to do so following project development. Future development of the project site will result in a less than significant effect on regional wildlife movements."<sup>11</sup> Therefore, no mitigation measures are required or necessary.</p> <p><b>e) <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i></b></p> <p>The project would not disturb riparian habitat or other sensitive habitats. This conclusion is based on the information contained in the BE, to wit; "Riparian habitat is absent from the project site. The fallow field of the project site is not considered a sensitive habitat, and is not of significant importance to regional wildlife populations. Because riparian and other sensitive habitats are absent, future development of the project site will have no impact on these habitats."<sup>12</sup> Further, the BE provided the following determination regarding project impacts to designate critical habitat; "As discussed, designated critical habitat is absent from the project site. Although critical habitat for vernal pool fairy shrimp, vernal pool fairy shrimp, Hoovers's spurge and San Joaquin Valley orcutt grass occurs approximately 4.5 miles north of the site, suitable habitat for these vernal pool species is absent from the project site. Future development of the project site does not have the potential to impact designated critical habitat."<sup>13</sup></p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	
	<p>In addition to the discussion at Item c), the Project would not result in degradation of water quality in seasonal drainages, stock ponds, and downstream waters. The BE includes the following analysis; “Extensive grading often leaves the soils of construction zones barren of vegetation and, therefore, vulnerable to erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek beds, canals, and adjacent wetlands. Furthermore, runoff is often polluted with grease, oil, pesticide and herbicide residues, heavy metals, etc. However, agricultural and industrial/residential lands in and around the project site are nearly level and are subjected to regular soil disturbance that exposes barren soils. The only hydrologic feature found in the immediate vicinity of the project site where grading could occur (residential pond) is highly maintained and isolated from all other hydrologic features. Therefore, impacts to water quality from project construction are considered less than significant.</p> <p>It should be noted that projects involving the grading of more than one acre of land must be in compliance with provisions of a General Construction permit (a type of NPDES permit) available from the RWQCB.”<sup>14</sup></p> <p>Therefore, no mitigation measures are required or necessary for the above noted resource impacts.</p> <p><b>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?</b></p> <p>“The project will be implemented in accordance with the goals and policies of the Tulare County General Plan. No known HCPs or NCCPs are in effect for the area. Therefore, the project is not expected to conflict with local policies or habitat conservation plans.”<sup>15</sup> As such, no mitigation measures are required or necessary.</p>					
5.	CULTURAL RESOURCES					
	a)	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policy for this resource applies to this Project: ERM-6.1 <i>Evaluation of Cultural and Archaeological Resources</i>.</p> <p>A Cultural Resources Assessment (CRA) was prepared by consultant Sierra Valley Cultural Planning and is</p>					





		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>included in the Initial Study as Attachment "B". "On 23 March 2017, a cultural resources survey was performed of approximately 27 acres (11 hectares) of land located south of Avenue 328 and west of Road 132, northeast of the City of Visalia in Tulare County, California. The study area is located in Township 18S, Range 25E, Section 9, MDB&amp;M; see Maps 1 and 2.</p> <p>The cultural resources survey was performed at the request of Mr. Fred Weber on behalf of the property owners. The results of this study will supplement environmental studies performed in support of a tentative parcel map which will divide the 27 acres into three equal parcels of 2.515 acres with a remainder of 20.12 acres. Provisions and implementing guidelines of the California Environmental Quality Act (CEQA), as amended March 18, 2010, state that identification and evaluation of historical resources is required for any action that may result in a potential adverse effect on the significance of such resources, which include archaeological resources.</p> <p>No archaeological or other cultural resources were identified as a result of this study. Therefore, it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended."<sup>16</sup></p> <p>"Prior to field inspection, a records search was completed by the Southern San Joaquin Valley Information Center (SSJV) of the California Historical Resources Information System staff to identify areas previously investigated and to identify known cultural resources present within or in close proximity to the Project APE. According to the Information Center records, there are no prehistoric or historic-period sites or structures identified within the project APE, and no prehistoric or historic-period sites or structures are identified within a ¼-mile radius of the study area. There have been no previous investigations within the APE or within ¼-mile radius. No cultural resource sites listed on the National Register of Historic Places, the California Register of Historic Resources California Points of Historical Interest, State Historic Landmarks, or the California Inventory of Historic Resources have been documented within ¼-mile radius of the project APE."<sup>17</sup></p> <p>A Sacred Lands File (SLF) search was conducted on May 17, 2017, by the Native American Heritage Commission (NAHC) which then provided a response indicating "negative results" meaning that no sacred lands are located within or near the USGS Quadrangle where the Project is located. As discussed in further detail below, the CRA finds that no archaeological or cultural resources were identified within the Project Area of Potential Impact (APE).</p> <p>a) <b>No Impact</b> - There are no known historical resources located on the Project site. "Two items were documented as a result of this survey. Along the western edge of the parcel is a north- to south-trending irrigation ditch. This unlined ditch measures approximately ten feet wide by four feet deep. The banks of the ditch area are level and free of any vegetation. No associated ditch gates or concrete features were observed along the inspected portion of the ditch.</p> <p>At the southeast corner of the study area is a Fairbanks-Morse Pomona turbine pump (Figures 6-7 [in the CRA and shown below]). The above ground portion of the pump motor is four feet tall. The electrical source for the pump is a nearby wooden utility pole. On September 02, 1944, the Fairbanks-Morse and Company purchased the Pomona Pump Company. After the acquisition, Pomona pumps were labeled "Fairbanks-Morse Pomona" (The Log of West Coast Maritime Industries, July 1944, Volume 39, No.7, page 126. Source accessed via Google Books March 24, 2017).</p>				

<sup>16</sup> "Cultural Resources Assessment, 27-Acre Parcel (APN 079-190-017, 13401 Avenue 328 At Ben Maddox Way, Tulare County, California)". March 2017 Page. 3. Prepared by Sierra Valley Cultural Planning.

<sup>17</sup> Ibid. Page 4



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	  <p>No archaeological or other cultural resources were identified as a result of this study. Therefore, it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended. In the unlikely event that buried archaeological deposits are encountered within the project area, the finds must be evaluated by a qualified archaeologist.”<sup>18</sup> No buildings or historic structures, monuments, or markers will be removed as part of the Project. Therefore, the Project will not result in any substantial adverse change in the significance of an historical resource as defined in Section 15064.5. Therefore, there will be No Impact to this resource.</p> <p>b) <b><i>Less Than Significant Impact</i></b> – “Survey methods involved walking the perimeters of the parcel and attempting to walk several east to west transects within the 27-acre parcel. A Panasonic DMC-TS20 digital camera was used to photo document the project setting and any items of note within the study area. All photo information was recorded in the field on a photo-log.”<sup>19</sup> “Soils across the parcel are a fine grain silty sandy loam with clay. Inspected soils have a general Munsell color value of 10yr 3/2, dark grayish brown (wet).”<sup>20</sup> As indicated in the CRA, “No archaeological or other cultural resources were identified as a result of this study. Therefore, it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended. In the unlikely event that buried archaeological deposits are encountered within the project area, the finds must be evaluated by a qualified archaeologist. Should human remains be encountered, the County Coroner must be contacted immediately; if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well.”<sup>21</sup> A standard Condition of Approval will be imposed that requires cessation of grading or construction if any paleontological, archaeological or historical resources are discovered during surface or subsurface grading or construction activities on the site. Therefore, the Project will result in a Less Than Significant Impact.</p> <p>c) <b><i>Less Than Significant Impact</i></b> – No paleontological resources or unique geologic feature of paleontological or cultural value have been identified at the proposed Project site. However, a standard Condition of Approval will be imposed that requires cessation of grading or construction if any paleontological, archaeological or historical resources are discovered during surface or subsurface grading or construction activities on the site. Therefore, the Project will result in a Less Than Significant Impact.</p>				

<sup>18</sup> Op. Cit. 13-14.

<sup>19</sup> Op. Cit. 13

<sup>20</sup> Op. Cit.

<sup>21</sup> Op. Cit. 13-14.



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	d) <b>Less Than Significant Impact</b> – A Standard Condition of Approval will be imposed that requires immediate cessation of grading or construction, and other requirements specified by State law, in the unlikely event of discovering human remains during activities on the Project site. Therefore, the Project will result in a Less Than Significant Impact on this resource.				
<b>6.</b>	<b>GEOLOGY/SOILS</b>				
	Would the project:				
	a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication No. 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Analysis:				
	The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: HS-1.2				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p><i>Development Constraints; HS-1.4 Building and Codes; HS-1.11 Site Investigations; HS-2.8 Alquist-Priolo Act Compliance.</i></p> <p>The United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) identified the soil on the Project site as Grangeville sandy loam, 0-2% slopes, with a capability class of 1 irrigated and 4c non-irrigated. According to the NRCS, the Grangeville series consists of very deep, somewhat poorly drained soils, and moderately rapid permeability. (see <a href="https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx">https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</a>)</p> <p>According to California Geological Survey – Alquist-Priolo Earthquake Fault Zones as of January 2010, Table 4, neither Tulare County, nor any city within Tulare County, are located within earthquake fault zones. “There are three faults within the region that have been, and will be, principal sources of potential seismic activity within Tulare County. These faults are described below:</p> <ul style="list-style-type: none"> <li>▪ <b>San Andreas Fault.</b> The San Andreas Fault is located approximately 40 miles west of the Tulare County boundary. This fault has a long history of activity, and is thus the primary focus in determining seismic activity within the county. Seismic activity along the fault varies along its span from the Gulf of California to Cape Mendocino. Just west to Tulare County lies the “Central California Active Area,” where many earthquakes have originated.</li> <li>▪ <b>Owens Valley Fault Group.</b> The Owens Valley Fault Group is a complex system containing both active and potentially active faults, located on the eastern base of the Sierra Nevada Mountains. The Group is located within Tulare and Inyo Counties and has historically been the source of seismic activity within Tulare County.</li> <li>▪ <b>Clovis Fault.</b> The Clovis Fault is considered to be active within the Quaternary Period (within the past two million years), although there is no historic evidence of its activity, and is therefore classified as “potentially active.” This fault lies approximately six miles south of the Madera County boundary in Fresno County. Activity along this fault could potentially generate more seismic activity in Tulare County than the San Andreas or Owens Valley fault systems. In particular, a strong earthquake on the Fault could affect northern Tulare County. However, because of the lack of historic activity along the Clovis Fault, inadequate evidence exists for assessing maximum earthquake impacts.”<sup>22</sup> “Older buildings constructed before current building codes were in effect, and even newer buildings constructed before earthquake resistance provisions were included in the current building codes, are most likely to suffer damage in an earthquake. Most of Tulare County’s buildings are no more than one or two stories in height and are of wood frame construction, which is considered the most structurally resistant to earthquake damage. Older masonry buildings (without earthquake-resistance reinforcement) are the most susceptible to structural failure, which causes the greatest loss of life. The State of California has identified unreinforced masonry buildings as a safety issue during earthquakes. In high risk areas (Bay Area) inventories and programs to mitigate this issue are required. Because Tulare County is not a high-risk area, state law only recommends that programs to retrofit URM’s are adopted by jurisdictions.”<sup>23</sup></li> </ul> <p>a) <b>Less Than Significant Impact</b> - No substantial faults are known to traverse Tulare County according to the Alquist-Priolo Earthquake Fault Zoning Maps and the State of California Department of Conservation. The nearest major fault line, which lies outside of Tulare County, is the San Andreas fault zones; well over 50 miles southwest of the proposed Project site. According to the Health and Safety Element (Chapter 10) of the</p>				

<sup>22</sup> Tulare County General Plan 2030 Update, *Background Report*, Pages 8-6 to 8-7.

<sup>23</sup> Ibid. 8-8.



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>Tulare County General Plan 2030 Update, Tulare County is located in the V-1 zone. This zone includes most of the eastern San Joaquin Valley, and is characterized by a relatively thin section of sedimentary rock overlying a granitic basement. Amplification of shaking that would affect low to medium-rise structures is relatively high, but the distance of the faults that are expected sources of the shaking is sufficiently great that the effects should be minimal. The requirements of Zone II of the Uniform Building Code should be adequate for normal facilities.<sup>24</sup> Therefore, any impacts resulting from the rupture of a known earthquake fault would be Less Than Significant.</p> <p>i) <i>Fault Rupture</i>: “The Great Valley in general, has historically been a province of relatively low seismic activity. There are no known active fault traces in the project vicinity. The project area is not within an Alquist-Priolo Earthquake Fault (Special Studies) Zone and will not require a special site investigation by an Engineering Geologist.</p> <p>The site is not within a currently established California Earthquake Fault Zone for surface fault rupture hazards. No active faults with the potential for surface fault rupture are known to pass directly beneath the site. Therefore, the potential for surface rupture due to faulting occurring beneath the site during the design life of the proposed development is considered low. As such, the impact from this resource item would be Less Than Significant.</p> <p>ii) <i>Strong seismic ground shaking</i>: Tulare County is characterized as Severity Zone “Nil” and “Low” for ground-shaking events. De-aggregation of the hazard was performed by using the USGS Interactive De-aggregation website and it was found that all faults within a 20-mile radius are quaternary faults between the ages of 750,000 and 1.6 million years old. Quaternary faults are defined as those faults that have been recognized at the surface and which have evidence of movement in the past 1.6 million years, which is the duration of the Quaternary Period. Due to the distance and types of faults in the proposed Project vicinity, strong ground shaking is unlikely. Therefore, the impact from this resource item would be Less Than Significant.</p> <p>iii) <i>Ground Failure-Liquefaction</i>: The proposed Project area is not located within an area mapped to have a potential for soil liquefaction. Liquefaction in soils and sediments occurs during earthquake events, when soil material is transformed from a solid state to a liquid state, generated by an increase in pressure between pore space and soil particles. Earthquake induced liquefaction typically occurs in low-lying areas with soils or sediments composed of unconsolidated, saturated, clay-free sands and silts, but it can also occur in dry, granular soils or saturated soils with partial clay content. The Grangeville soil of the Project site is a sandy loam, 0-2% slopes, alluvium derived from granitic rock sources, somewhat poorly drained, rarely floods, never ponds, with moderate ability to store water (NRCS). As such, the impact from this resource item would be Less Than Significant.</p> <p>iv) <i>Landslides</i>: The Project is located on a relatively flat parcel of land. As such, landslides are not a significant threat as the topography in the proposed Project area is relatively flat. No geologic landforms exist on or near the site that would result in a landslide event. Therefore, No Impact from this resource item would occur.</p> <p>Therefore, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving earthquakes, strong seismic ground shaking, liquefaction, or landslides.</p>				

<sup>24</sup> Five County Seismic Safety Element, Summary of Seismic Hazards & Safety Recommendations, page 15



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>b) <b><i>Less Than Significant Impact</i></b> – The proposed Project area is primarily flat and as such, soil erosion is not anticipated. If required by the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB), a Stormwater Pollution Prevention Plan (SWPPP) could be developed by a qualified engineer or erosion control specialist and implemented before construction begins. If prepared, the SWPPP will be kept on site during construction-related activities and will be made available upon request to representatives of the CVRWQCB. The objectives of the SWPPP will be to identify pollutant sources that may affect the quality of stormwater associated with construction activity and to identify, construct, and implement stormwater pollution prevention measures to reduce pollutants in stormwater discharges during and after construction. To meet these objectives, the SWPPP will include a description of potential pollutants, a description of methods of management for dredged sediments, and hazardous materials present on site during construction (including vehicle and equipment fuels). The SWPPP will also include details for best management practices (BMPs) for the implementation of sediment and erosion control practices. Implementation of the SWPPP will comply with state and federal water quality regulations and will reduce this impact to a less than significant level. Compliance with local grading and erosion control ordinances will also help minimize adverse effects associated with erosion and sedimentation. Any stockpiled soils will be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction and reclamation. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction and reclamation periods are not anticipated. The impact will be Less Than Significant.</p> <p>c) <b><i>No Impact</i></b> – On-site soil type (Grangeville sandy loam) is not prone to landslide, spreading, subsidence, liquefaction or collapse. Therefore, No Impact to or from this resource would occur.</p> <p>d) <b><i>Less Than Significant Impact</i></b> – The on-site soil does is not an expansive soil. As with any construction project within Tulare County, the Building Division may require a soils report prior to issuance of applicable building permits and appropriate construction techniques to ensure any on-site structures (e.g., residences) are developed to standards which would prevent structural failure. Therefore, a Less Than Significant Impact to or from this resource would occur.</p> <p>e) <b><i>Less Than Significant Impact</i></b> – Existing, surrounding residential land uses use septic systems for wastewater disposal. The Project, if eventually developed to rural residences, would be required to adhere to conditions of approval as recommended by the Tulare County Environmental Health Services Division (EHSD) to avoid potential impacts from on-site septic systems. Among the conditions typically imposed by EHSD for septic systems are: the disposal system shall be designed by a licensed professional knowledgeable and experienced in the field of sewage disposal system and design (a registered civil engineer, registered environmental health specialist, or registered engineering geologist); the specifications and engineering data for the system shall be reviewed and approved by the EHSD prior to the release of building permits; and seepage pits are not allowed. The Project engineering and design features would be required to be compliant with California Building Code and Waste Discharge Requirements to ensure proper preventative measures are implemented to prevent adverse impacts from the use of the on-site septic system. Therefore, a Less Than Significant Impact to or from this resource will occur.</p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
7.	<b>GREENHOUSE GAS EMISSIONS</b>				
	Would the project:				
	a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: AQ-3.4 <i>Landscape</i>; ERM-4.2 <i>Streetscape and Parking Improvements for Energy Conservation</i>.</p> <p>a) and b) <b>Less Than Significant Impact:</b> This Initial Study is relying on the guidance and expertise of the San Joaquin Valley Unified Air Pollution Control District (Air District) in addressing greenhouse gas (GHG) emissions. The Air District is a public health agency with jurisdiction over air quality and resources in the San Joaquin Valley Air Basin. The following assessment follows the Air District's recommendation for evaluation of potential impacts on GHG emissions as provided in the <i>Guidance for Assessing and Mitigating Air Quality Impacts</i> (GAMAQI) adopted by the Air District Governing Board on March 19, 2015. The Air District has determined that projects complying with an approved GHG emission reduction plan or GHG mitigation program, which avoids or substantially reduces GHG emissions within the geographic area in which the project is located, would be determined to have a less than significant individual and cumulative impact for GHG emissions (GAMAQI, page 112).</p> <p>The <i>Tulare County Climate Action Plan</i> (CAP) serves as a guiding document for County actions to reduce GHG emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the Tulare County General Plan 2030 Update which provides the supporting framework for development in the County. The CAP builds on the General Plan's framework with more specific actions that will be applied to achieve emission reduction targets required by State of California legislation. The Tulare County General Plan 2030 Update fulfills many sustainability and GHG reduction objectives at the program level. Individual projects that will implement the General Plan will comply with these policies resulting in long-term benefits to GHG reductions that will help the County achieve the CAP reduction targets. The CAP identifies the policies from the various General Plan elements that promote more efficient development, and reduce travel and energy consumption.</p> <p>The Project provides an opportunity for up to three single-family if ultimately developed. The Project will result in direct GHG emissions from the general building operations (heating and cooling, cleaning supplies, etc.) as well as from on-road vehicles miles travelled by residents to and from the site. The Project is consistent with the Tulare County General Plan and CAP. Because of the small number of residences (three), Project-related GHG emissions will not have a significant impact on the environment, nor will the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Therefore, the Project will have a Less Than Significant Impact on these resources.</p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	
8.	HAZARDS AND HAZARDOUS MATERIALS:					
	Would the project:					
	a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	with wildlands?				
	<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: HS-4.1 <i>Hazardous Materials</i>; HS-4-3 <i>Incompatible Land Uses</i>; and HS-4-4 <i>Contamination Prevention</i>.</p> <p>a) <b><i>Less Than Significant Impact</i></b> – Construction-related activities associated with construction of the residential development would require the limited use and transport of hazardous materials, including fuels, oils, and other chemicals (e.g., paints, adhesives, etc.) typically used during construction. It is likely that these hazardous materials and transport vehicles would be stored by the contractor(s) on-site during construction-related activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. However, a Storm Water Pollution Prevention Plan (SWPPP) may be required for the proposed Project and would include emergency procedures for incidental hazardous materials releases. If required, a SWPPP typically includes Best Management Practices which includes requirements for hazardous materials storage. In addition, all use, storage, transport and disposal of hazardous materials during construction shall be performed in accordance with existing local, state and federal hazardous materials regulations.</p> <p>The operational phase of the proposed Project would occur after construction is completed and residents move in to occupy the structures on a day-to-day basis. The proposed Project includes land uses that are considered compatible with the surrounding uses, that is, large lot single-family rural residential uses. This land use does not routinely (i.e., as a commercial practice would) transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as cleaners, paint, etc. The proposed Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, nor would a significant hazard to the public or to the environment through the reasonably foreseeable upset and accidental conditions involving the likely release of hazardous materials into the environment occur.</p> <p>All businesses transporting, storing, using or disposing of hazardous materials (including wastes) must comply with applicable local, state and federal regulations for hazardous materials management. These include regulations and programs administered by the Tulare County Health &amp; Human Services Agency, Environmental Health Services Division as well as other requirements of state and federal laws and regulations, including compliance with the Uniform Fire Code for hazardous material storage. This impact to or from this resource will be Less Than Significant.</p> <p>b) <b><i>Less Than Significant Impact</i></b> – The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or risk explosion. As noted above, the Tulare County Environmental Health Services Division (TCEHSD) requires a Hazardous Materials Business Plan if the Applicant will handle or store quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or any amount of a hazardous waste. While the facility operates in compliance with local, state and federal regulations, there is no significant hazard to the public or the environment. Also, see response a), above. As such, the Project would result in a Less Than Significant Impact to or from this resource.</p> <p>c) <b><i>No Impact</i></b> – The nature of the Project will not result in emitting of hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The facility is approximately 0.25 miles from the northeastern most portion of the</p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>property to the nearest school structure. (Elbow Creek Elementary to the northeast). Therefore, the Project would result in No Impact to or from this resource.</p> <p>d) <b>No Impact</b> - According to the State of California Department of Toxic Substances Control <i>EnviroStor</i> database map (<a href="http://www.envirostor.dtsc.ca.gov/public/">http://www.envirostor.dtsc.ca.gov/public/</a>) and <i>Hazardous Waste and Substance Sites List</i> (<a href="http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm">http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm</a>), the Project site does not contain and is not proximate (within one mile) to a listed hazardous site, pursuant to Government Code Section 65962.5. Therefore, the Project would result in No Impact to or from this resource.</p> <p>e) <b>No Impact</b> - According to the <i>Tulare County Comprehensive Airport Land Use Plan</i> (CALUP), the Project site is not located within an airport land use plan or two miles of a public-use airport. The nearest public-use airports with an airport land use plan is Sequoia Field (approximately 5 miles northwest of the Project site). Therefore, the Project would result in No Impact to or from a public-use airport.</p> <p>f) <b>No Impact</b> - The Project site is not in the vicinity of any private airstrip. As noted earlier, the nearest airport is Sequoia Field is located approximately four miles northeast of the Project site. The three parcels could accommodate up to three single-family residences that would not exceed 35 feet in height to be consistent with Tulare County building codes and will be not result in a safety hazard for people residing or working in the project area. Therefore, the Project would result in Less Than Significant Impacts to this resource.</p> <p>g) <b>No Impact</b> - "Tulare County has in place an emergency plan to cope with natural disasters that are statewide or happen locally. The County Fire Department and local stationed California Department of Forestry (CDF) are well prepared to fight fires locally as well as statewide. The United States Forest Service (USFS) is in charge of fires that happen in the national parks and Tulare County assists with the fire management process as needed."<sup>25</sup></p> <p>"In the event of a disaster, certain facilities are critical to serve as evacuation centers, provide vital services, and provide for emergency response. Existing critical facilities in Tulare County include hospitals, county dispatch facilities, electrical, gas, and telecommunication facilities, water storage and treatment systems, wastewater treatment systems, schools, and other government facilities. This plan also addresses evacuation routes, which include all freeways, highways, and arterials that are located outside of the 100-year flood plain."<sup>26</sup></p> <p>As such, the Project will not impair implementation of, or interfere with, County-adopted emergency response plans. Therefore, the Project would result in No Impact to this resource.</p> <p>h) <b>No Impact</b> - The Project is located in the Unincorporated Local Responsibility Area (see <a href="http://frap.fire.ca.gov/webdata/maps/tulare/fhszs_map.54.pdf">http://frap.fire.ca.gov/webdata/maps/tulare/fhszs_map.54.pdf</a>). The Project site is surrounded to the north, west and east with rural residential housing. The properties to the northwest and south are in agricultural production. With this environmental context, the proposed Project site is not located within a wildlands area. Therefore, the proposed Project will not expose people or structure to wildland fires. No Project-specific impacts related to this Checklist Item will occur. Therefore, the Project would result in No Impact to this resource.</p>				

<sup>25</sup> Tulare County Association of Governments Regional Transportation Plan, Page 1-11.

<sup>26</sup> Tulare County General Plan 2030 Update Background Report, pages 8-35 to 8-36.



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
<b>9.</b>	<b>HYDROLOGY AND WATER QUALITY</b>				
	Would the project:				
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	Expose people or structures to a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j)	Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: WR-2.1 <i>Protect Water Quality</i>; WR-2.2 <i>National Pollutant Discharge Elimination System (NPDES) Enforcement</i>; WR-2.3 <i>Best Management Practices (BMPs)</i>; WR-2.4 <i>Construction Site Sediment Control</i>; WR-3.3 <i>Adequate Water Availability</i>.</p> <p>a) <b>Less Than Significant Impact</b> – The Project will not result in a violation of any water quality standards or waste discharge requirements. Treatment of wastewater on the Project site will be achieved via engineered septic disposal systems. The disposal system shall be designed by a licensed professional knowledgeable and experienced in the field of sewage disposal system and design (a registered civil engineer, registered environmental health specialist, or registered engineering geologist). As discussed in Item 6 e), the Project, if eventually developed to rural residences, would be required to adhere to conditions of approval as recommended by the Tulare County Environmental Health Services Division (EHSD) to avoid potential impacts from on-site septic systems. Among the conditions typically imposed by EHSD for septic systems are: the disposal system shall be designed by a licensed professional knowledgeable and experienced in the field of sewage disposal system and design (a registered civil engineer, registered environmental health specialist, or registered engineering geologist); the specifications and engineering data for the system shall be reviewed and approved by the EHSD prior to the release of building permits; and seepage pits are not allowed. The Project engineering and design features would be required to be compliant with California Building Code and Waste Discharge Requirements to ensure proper preventative measures are implemented to prevent adverse impacts from the use of the on-site septic system. The County Environmental Health Services Division requires that septic tanks and leach fields are located outside of areas subject to vehicular traffic and are not paved over. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p> <p>b) <b>Less Than Significant Impact</b> – The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. A technical memorandum was prepared by Kenneth D. Schmidt and Associates Groundwater Quality Consultants which concludes that sufficient groundwater exists via well extraction to provide sufficient groundwater for 40 years for the three proposed residences (see Attachment “C” of this document). As noted above, the area contains adequate water supply the proposed Project; as such, the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p> <p>c) <b>Less Than Significant Impact</b> – The Project will not substantially alter the existing drainage pattern of the Project site or the surrounding area; as such, it would not result in substantial erosion or siltation. The Project will retain all stormwater on-site through the utilization of on-site grading. As such, the following conditions of approval, as recommended by the Tulare County Public works will be implemented to reduce any potential impacts from soil erosion: a grading and drainage plan shall be prepared by a licensed civil engineer and shall be submitted to and approved by the Tulare County Resource Management Agency – Engineering Branch prior to the issuance of the special use permit and any building permits; the grading and</p>					



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>drainage plan shall include existing and proposed contours and detail the means of disposal of storm water runoff from the site in such a manner that all such runoff shall be collected and disposed of on-site; and grading and drainage plan shall specify a means of disposal such that runoff is not diverted to adjacent property or road frontage. A Condition of Approval requiring all on-site parking areas and driveways to be surfaces for all-weather conditions and continually maintained will further reduce soil erosion. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p> <p>d) <b>Less Than Significant Impact</b> – The Project will not substantially alter the existing drainage pattern of the site or area in a way that would increase surface runoff. As noted above, a grading and drainage plan is required as a Condition of Approval by County Engineering. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p> <p>e) <b>No Impact</b> – The Project will not result in runoff water that would exceed capacity of existing or planned stormwater drainage systems, nor would the Project provide substantial additional sources of polluted runoff. The Project is not served by a community storm water drainage system; all stormwater will be retained onsite. As previously noted, a grading and drainage plan is required by County Engineering. Therefore, the Project would result No Impact to this resource.</p> <p>f) <b>No Impact</b> – The Project consists of a subdivision of a parcel to four parcels to accommodate up to three potential home sites. The Project will not utilize hazardous materials with the exception of typical household cleaning supplies. The Tulare County Environmental Health Services Division (TCEHSD) requires submittal of a Hazardous Materials Business Plan, if any parcel or site ever handles or stores quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas or any amount of a hazardous waste. There is a low risk of hazardous materials being released to the environment during construction-related activities (e.g., diesel fuel) on the Project site. As such, the Project will not otherwise substantially degrade groundwater quality. Therefore, the Project would result in No Impact to this resource.</p> <p>g) <b>Less Than Significant Impact</b> – The Project consists of a subdivision of a parcel into four parcels to accommodate up to three potential home sites. The Project site is located within a Flood Zone X, per Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map (FIRM) for Community Number 065066, dated June 16, 2009, Panel No. 645, Map # 06107C0645E (see <a href="http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30">http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30</a>). Construction of buildings within a Flood Zone X requires no specific flood mitigation measures; however, FEMA recommends that all finished floor levels be elevated one (1) foot above adjacent natural ground. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p> <p>h) <b>Less Than Significant</b> – As noted item g), construction of buildings within a Flood Zone X requires no specific flood mitigation measures; however, FEMA recommends that all finished floor levels be elevated one (1) foot above adjacent natural ground. As such, the Project would result in a Less Than Significant Impact to this resource.</p> <p>i) <b>No Impact</b> – The Project would not 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. Therefore, the Project would result in No Impact to this resource.</p> <p>j) <b>No Impact</b> – As the Project is not located in or near a lake or enclosed body of water, near a seashore, or located in lands conducive to mud slides/flows, the Project would not be subject to inundation by seiche,</p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	tsunami or mudflow. Therefore, the Project would result in No Impact to this resource.				
<b>10.</b>	<b>LAND USE AND PLANNING</b>				
	Would the project:				
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: PF-4.1 <i>CACUABs for Cities</i>, and LU-1.10 <i>Roadway Access</i>.</p> <p>a) <b>No Impact</b> - The Project site is located northeast of the City of Visalia in a rural area with scattered rural residences. There are several existing rural residences adjacent to the Project site. As such, the Project will not divide an established community. Therefore, the Project would result in No Impact to this resource.</p> <p>b) <b>No Impact</b> -The Project site is within an area subject to Rural Valley Lands Plan Checklist to Control Development in a County Approved City Urban Area Boundary (CACUAB). As noted earlier, the Project is General Plan Amendment No. GPA 16-005 to change the land use designation from Agriculture to Rural Residential on a 7.29-acre portion of a 27.83 acre parcel; Zone Change No. PZC 16-007 on a 7.29-acre portion of a 27.83 acre parcel from the AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Parcel Map No. PPM 16-030 to divide a 27.83-acre parcel into three parcels and a remainder: Parcel 1 = 2.23 acres, Parcel 2 = 2.23 acres, Parcel 3 = 2.23 acres and Remainder Parcel = 20.97 acres, contingent upon the Board of Supervisors' approval of GPA 16-005 &amp; PZC 16-007, with the requirement to file a final map. It is not intended, nor will it 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. As such, the Project would result in No Impact to this resource.</p> <p>c) <b>No Impact</b> – As noted in the discussion for Biological Resources Checklist Item f), the Project site is not located in an area covered by an adopted habitat conservation plan; natural community conservation plan; or other approved local, regional, or state habitat conservation plans. Therefore, the Project would result in No Impact to this resource.</p>					



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
<b>11.</b>	<b>MINERAL RESOURCES</b>				
	Would the project:				
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<p>Analysis: As discussed below, the Project is not near any known mineral resources.</p> <p>a) <b>No Impact</b> – No oil or gas wells are located within or near the proposed Project site. According to the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), there are only three areas within Tulare County that produce (or have produced) gas and oil: the Trico gas field, the Deer Creek (including Deer Creek North), and Terra Bella oil fields (see <a href="http://www.conservation.ca.gov/dog/maps/Pages/d4_index_map1.aspx">http://www.conservation.ca.gov/dog/maps/Pages/d4_index_map1.aspx</a>). The nearest of these fields (Deer Creek) is located approximately 30 miles southeast of the Project site (see Tulare County General Plan 2030 Update Background Report, Figure 10-3). No other valuable mineral resources are known to exist on or near the Project site. Therefore, the Project would result in No Impact to this resource.</p> <p>b) <b>No Impact</b> - According to the Environmental Resources Management Element of the Tulare County General Plan 2030 Update (Part I – Goals and Policies Report, Chapter 8), the most important minerals that are extracted in Tulare County are sand, gravel, crushed rock, and natural gas. The Project site does not contain any of the minerals or natural resources of local or state significance known to exist in the County. According to the Environmental Resources Management Element, the Project site is not in a Mineral Resource Zone and none are in the immediate Project vicinity; the nearest mineral resource zone is located approximately 6.5 miles east of the Project site (Section 8.9 – Mineral Resources, Figure 8-1). Therefore, the Project would result in No Impact to this resource.</p>				
<b>12.</b>	<b>NOISE</b>				
	Would the project result in:				
	a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	without the project?				
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Analysis:</b></p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: HS-8.11 <i>Peak Noise Generators</i>; HS-8.18 <i>Construction Noise</i>; HS-8.19 <i>Construction Noise Control</i></p> <p>The Health and Safety Element of the Tulare County General Plan 2030 Update (Part I – Goals and Policies Report, Chapter 10) identifies noise producers in the County including highways and roads, railroads, manufacturing plants, airports, and agricultural operations. Table 10.1 of the Health and Safety Element (Section 10.8 – Noise, page 10-25) establishes noise level criteria for typical land uses throughout Tulare County. Exterior noise levels in the range of 60 dB Ldn or Community Noise Equivalent Level (CNEL), or below, are generally considered acceptable for residential land uses, 70 dB Ldn (or CNEL) or below are considered acceptable for golf courses, and 75 dB Ldn (or CNEL) or below are considered acceptable for industrial and agricultural uses.</p> <p>The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in CEQA documents and local noise ordinances, which generally acknowledge that short-term noise from construction-related activities is inevitable and cannot be mitigated beyond a certain level. The Health and Safety Element (Section 10.8 Noise) does not identify short-term, construction-noise-level thresholds. It does, however, limit noise generating activities such as construction to hours of normal business operation unless specific County approval is given. Thus, the County consents to short-term noise at levels that it would not accept from permanent noise sources.</p> <p>a) <b><i>Less Than Significant Impact</i></b> – Proposed Project construction-related activity would involve short-term, temporary noise sources from earthmoving equipment operations. Typical construction equipment would include a grader, trencher, and other miscellaneous equipment. During the construction phase, noise from construction activities would contribute to the noise environment in the immediate proposed Project vicinity. Activities involved in construction would generate maximum noise levels, as indicated in Table 1 below, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers, well maintained equipment, shielding noisier equipment parts, and/or time and activity constraints) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control.</p>					



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**Table 1. Typical Construction Noise Levels**

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise Control <sup>1</sup>
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

Source: U.S. Department of Transportation, Federal Transit Administration, 2006.  
<sup>1</sup> Feasible noise control includes the use of intake mufflers, exhaust mufflers, and engine shrouds operating in accordance with manufacturers specifications.

During the site preparation phase of the three potential residences noted in the Project description, earthmoving equipment will circulate throughout the site thus dispersing both volume and frequency of noise exposure at variable distances resulting in dissipated dBA. Earthmoving operations will occur beyond 50 feet in distance to the nearest residences. Although the noise generated from earthmoving equipment may exceed the acceptable 60 dB Ldn for residential uses during earthmoving operations, the impact is short-term, temporary, and will only occur during normal business hours, typically from 8:00 a.m.-5:00 p.m. Therefore, the Project will not expose persons to excessive noise levels during construction-related activities.

Project operations will not expose persons to noise levels in excess of standards established in the County's Health and Safety Element (Section 10.8 Noise). Noise sensitive uses such as residential development, churches, schools and hospitals are considered during development of local industrial facilities, highways, major local streets, and other stationary sources. The Project site is located in an inhabited area with mixed agricultural and scattered, large lot, rural residences and is predominantly surrounded by agricultural uses (e.g., orchards). The nearest residences are located approximately 110 feet north of the Project's northern property line; the nearest residence to the west is approximately 175 feet west; the nearest residence to the northeast is approximately 325 feet northeast; the nearest residence to the southeast is approximately 250 feet southeast; the nearest southerly residence (southeast) is approximately 440 feet southeast. Approximately 60 residences are within one mile of the existing parcel boundary, with the majority of these residences (approximately 30) located northwest of the Project site. Elbow Creek Elementary is located within ¼ mile (slightly northeast) of the Project site. If the residences are ultimately developed, the Project could generate intermittent construction activities-related noise during normal business (i.e., 8 A.M.-5 P.M.) attributable to workers and equipment (such as trenchers, backhoes, cement trucks, pneumatic nail guns, etc.). Other than typical residential uses noise (e.g., vehicles departing/arriving, outdoor related activities, yardwork equipment, etc.), the noise generated by the future residential uses would be similar to adjacent residences, agricultural-related activities, vehicle traffic, etc. As such, the proposed Project will not result in permanent noise, ground-borne noise, or vibrations; although construction-related equipment may generate low frequency sound vibrations. Therefore, the Project would result in a Less Than Significant Impact to this resource.

- b) **No Impact** – As previously noted, the Project does not include any operations that would result in excessive ground-borne vibrations or other noise levels. Therefore, the Project would result in No Impact to this



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	resource.				
	<p>c) <b>Less Than Significant Impact</b> – The Project is not anticipated to result in a substantial permanent increase in ambient noise levels, although intermittent increases in noise may occur from departing and arriving vehicles and from other equipment (such as outdoor related activities, yardwork equipment, etc.) used on the site. Therefore, the Project would result in a Less Than Significant Impact to this resource.</p> <p>d) <b>Less Than Significant Impact</b> – The Project is not anticipated to result in substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. The Project site is not within a noise-impacted corridor, but rather it is situated within an agricultural area where equipment is typically operated during daylight hours. As such, the Project would result in a Less Than Significant Impact to this resource. Also see discussions at Items 12 a) thru c).</p> <p>e) <b>No Impact</b> - According to the Tulare County Comprehensive Airport Land Use Plan (CALUP), the Project site is not located within an airport land use plan or within two miles of a public-use airport. The nearest public-use airports with airport land use plans are Woodlake Airport (approximately eight miles east of the Project site in Woodlake, CA) (CALUP, Figure 1-1). Therefore, the Project would result in No Impact to this resource.</p> <p>f) <b>No Impact</b> - The Project site is not within the vicinity of any known private airstrips. Therefore, the Project would result in No Impacts to this resource.</p>				
<b>13.</b>	<b>POPULATION AND HOUSING</b>				
	Would the project:				
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<p>Analysis:</p> <p>a) - c) <b>No Impact</b> - The Project consists of a subdivision of a parcel to four parcels to accommodate up to three potential home sites. The Project will not be growth inducing, rather, it is considered growth accommodating. As with any residential project, the future residential units (if developed) will be required to comply with applicable standards, guidelines, requirements, etc. Based on Tulare County's average household size, the three residences would result in approximately 10 persons (based on the County's average household size of 3.24 person per owner-occupied units (see California Department of Finance, 2011-2015 American Community Survey 5-year Estimates: Tenure)). As such, the proposed Project will</p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	not result in demographic or population changes, induce population growth, alter the location, distribution, or density of the area's population, or displace any housing or people; and the Project does not conflict with the County's adopted housing element. Therefore, the Project would result in No Impact to these resources.				
<b>14.</b>	<b>PUBLIC SERVICES</b>				
	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:				
	a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Analysis:  The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: WR-3.3 <i>Adequate Water Availability</i> ; PFS-7.2 <i>Fire Protection Standards</i> ; PFS-7.8 <i>Law Enforcement Staffing Ratios</i> .  a) <b>Less Than Significant Impact</b> – The Project consists of a subdivision of a parcel to four parcels to accommodate up to three potential home sites. As such, the Project will not result in the need for additional fire protection facilities. County fire protection services will likely be provided by the nearest fire station, Station No. 8, located in Ivanhoe (approximately four miles east of the Project site). City of Visalia Fire Station No. 54 is located approximately four miles south of the Project site and could provide assistance as requested by Tulare County Fire Department via a mutual aid agreement. Therefore, the Project will have a Less Than Significant Impact to this resource.  b) <b>Less Than Significant Impact</b> – As noted earlier, the proposed Project will result in minimal population growth and will, therefore, not significantly impact the need for additional police facilities. Police protection will be provided by the Tulare County Sheriff's Department (Sheriff's Cutler-Orosi Substation, located in Cutler, is approximately 11 miles north/northwest of the Project site). City of Visalia Police Substation NW Third Street is located approximately four miles north of the Project site and could provide assistance as requested by Tulare County Sheriff's Office via a mutual aid agreement. Therefore, the Project will have a Less Than Significant Impact to this resource.  c) <b>Less Than Significant Impact</b> - The proposed Project is estimated to result in approximately 10 persons. As such, very minimal population growth and subsequent school-aged student growth would occur. The Project is within the Visalia Unified School District (VUSD); therefore, VUSD has the authority to levy school fees as development occurs to use as determined by VUSD; including the addition of new or expansion of existing education facilities. Therefore, it is not anticipated that the Project would result in the need for additional school facilities. As such, the Project would result in a Less Than Significant Impact to this resource.  d) <b>No Impact</b> - Community parks are not located within or in the vicinity of the proposed Project. Therefore, the Project would result in No Impact to this resource.				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	e) <b>No Impact</b> – Electricity to the Project site will be provided by Southern California Edison. Existing communication facilities are adequate for the Project. The proposed Project will not impact the need for any other public or utility services. Therefore, the Project would result in No Impact to this resource.				
<b>15.</b>	<b>RECREATION</b>				
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<p>Analysis:</p> <p>a) <b>No Impact</b> - The proposed Project will not increase the use of any public park facilities and will result in no environmental impacts on existing neighborhood, regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, the Project would result in No Impact to this resource.</p> <p>b) <b>No Impact</b> - The Project does not include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. Therefore, the Project would result in No Impact to this resource.</p>				
<b>16.</b>	<b>TRANSPORTATION/TRAFFIC</b>				
	Would the project:				
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with an applicable congestion management program, including, but not limited to level of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



			SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
		service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
	c)	Result in a change in air traffic patterns, including either increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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 supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: LU-1.10 <i>Roadway Access</i>.</p> <p>A Trip Generation Analysis (TGA) was prepared by Omi-Means Engineering Solutions in March 2017, to evaluate anticipated Project-related traffic and to identify potential traffic-related impacts. The TGA is included in this Initial Study as Attachment "D". As noted in the TGA, "The purpose of this Memorandum is to identify any potential traffic impacts that may occur as a result of splitting a parcel to add additional single-family dwelling units (SFDU). The proposed project is generally located on the southeast corner of Avenue 328/Road 132 in Tulare County, just north of the city limits of Visalia."<sup>27</sup> "Avenue 328 and Road 132 are both County owned and maintained roads. They are two-lane undivided roadways with narrow shoulders and are in good condition, based upon visual review of the exterior pavement. An all-way stop-controlled intersection is the traffic control that is currently in operation. All of the approaches on Avenue 328 and Road 132 operate with shared movements, i.e., a single lane with shared left, through and right movements."<sup>28</sup></p> <p><b>"Existing Traffic Volumes</b></p> <p>Based upon Omni-Means' understanding of the project, the following existing intersection was identified as important intersection for this study: Avenue 328/Road 132. At the study intersection, existing weekday AM and</p>						

<sup>27</sup> Trip Generation Analysis (TGA) was prepared by Omi-Means Engineering Solution in March 2017. Page 1. (See Attachment "E" of this document)

<sup>28</sup> Ibid.



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<p>PM peak-hour traffic volume counts were conducted by Metro Traffic Count Data, Inc., on Thursday, March 9, 2017, while local schools were in session and the weather was clear (reference Appendix [of the TGA] for turning movement report). The traditional AM peak period is defined as one-hour of peak traffic flow counted between 7:00 AM and 9:00 AM and the traditional PM peak period is defined as one-hour of peak traffic flow counted between 4:00 PM and 6:00 PM. Actual peak hour factors and heavy-duty truck percentages were applied to the existing conditions evaluation.”<sup>29</sup></p> <p><b>“Existing Traffic Operations</b></p> <p>Traffic operations have been quantified through the determination of “Level of Service” (LOS). LOS is a qualitative measure of traffic operating conditions, whereby a letter grade “A” through “F” is assigned to an intersection or roadway segment representing progressively worsening traffic conditions. LOS was calculated for intersection control types using the methods documented in the Highway Capacity Manual 2010 (HCM 2010). LOS definitions for different types of intersection controls are outlined in the Appendix [of the TGA].</p> <p>According to the Tulare County General Plan Circulation Element, LOS “D” is the standard used for all county streets and roads. For purposes of this report, LOS “D” is taken as the CEQA significance threshold for minimum acceptable traffic operations on non-state highway facilities. Intersection turning movement volumes and LOS worksheets are contained in the Appendix [of the TGA].</p> <p>“Existing” peak-hour intersection traffic operations were quantified applying existing traffic volumes and existing intersection lane geometrics and control (shown on Figure 1 [of the TGA]). Table 1 presents the “Existing” peak hour intersection delay and LOS.</p> <table><tr><th colspan="9"><b>Table 1</b> <b>Existing Conditions</b> <b>Intersection Level-Of-Service</b></th></tr><tr><th rowspan="2">No.</th><th rowspan="2">Intersection</th><th rowspan="2">Control Type</th><th colspan="3">AM Peak Hour</th><th colspan="3">PM Peak Hour</th></tr><tr><th>Delay (sec/veh)</th><th>LOS</th><th>Warrant Met?</th><th>Delay (sec/veh)</th><th>LOS</th><th>Warrant Met?</th></tr><tr><td>1</td><td>Avenue 328/Road 132</td><td>AWSC</td><td>19.1</td><td>C</td><td>No</td><td>12.9</td><td>B</td><td>No</td></tr></table> <p><i>Legend: AWSC: All-Way Stop-Control; Warrant: CA MUTCD Peak-Hour Warrant-3.</i></p> <p>As shown in Table 1, the intersection at Avenue 328/Road 132 currently operates at acceptable LOS “C” conditions during the AM peak hour period and LOS “B” conditions during the PM peak hour period.”<sup>30</sup></p> <p><b>“Project Trip Generation</b></p> <p>Table 2 identifies the estimated trip generation of the project’s land-use based upon data presented in ITE Trip Generation (9th Edition). As shown in Table 2, the project is estimated to generate 29 daily trips, including 2 AM peak hour trips (1 in and 2 out) and 3 PM peak hour trips (2 in and 1 out).”<sup>31</sup></p>						<b>Table 1</b> <b>Existing Conditions</b> <b>Intersection Level-Of-Service</b>									No.	Intersection	Control Type	AM Peak Hour			PM Peak Hour			Delay (sec/veh)	LOS	Warrant Met?	Delay (sec/veh)	LOS	Warrant Met?	1	Avenue 328/Road 132	AWSC	19.1	C	No	12.9	B	No
<b>Table 1</b> <b>Existing Conditions</b> <b>Intersection Level-Of-Service</b>																																						
No.	Intersection	Control Type	AM Peak Hour			PM Peak Hour																																
			Delay (sec/veh)	LOS	Warrant Met?	Delay (sec/veh)	LOS	Warrant Met?																														
1	Avenue 328/Road 132	AWSC	19.1	C	No	12.9	B	No																														

<sup>29</sup> Op. Cit. 2

<sup>30</sup> Op. Cit.

<sup>31</sup> Op. Cit. 2-3.

<sup>32</sup> Op. Cit. 3.

<sup>33</sup> Op. Cit.



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**Table 2**  
**Project Trip Generation**

Land Use Category (ITE Code)	Unit <sup>1</sup>	Daily Trip Rate/Unit <sup>2</sup>	AM Peak Hour Trip Rate/Unit			PM Peak Hour Trip Rate/Unit		
			Total	In %	Out %	Total	In %	Out %
Single Family Detached Housing (210)	DU	9.57	0.75	25%	75%	1.01	63%	37%
Project Name	Quantity (Units)	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			Total	In %	Out %	Total	In %	Out %
	3	29	2	1	2	3	2	1
Net New Project Trips <sup>3</sup>		29	2	1	2	3	2	1

Notes:  
 1. DU = dwelling unit  
 2. Trip rates based on ITE Trip Generation Manual 9<sup>th</sup>  
 3. Rounding errors may occur

### Project Trip Nature, Distribution and Assignment

The project is expected to “generate” and “attract” a small amount of trips throughout the area. Directional trip distribution for project generated trips was estimated based upon existing traffic flow patterns, geographic location of the project sites and location of other similar destinations. These considerations resulted in a distribution project trips throughout the study area and is summarized below:

- 65% to/from Avenue 328 west of project driveway via Road 132
- 35% to/from Avenue 328 east of project driveway<sup>32</sup>

### “Existing plus Project Operations

Adding the project trips (as shown in Table 2) to Existing traffic conditions, Table 3 identifies Existing plus Project traffic operations at the study intersection.

**Table 3**  
**Existing Plus Project Conditions**  
**Intersection Level-Of-SERVICE**

No.	Intersection	Control Type	AM Peak Hour			PM Peak Hour		
			Delay (sec/veh)	LOS	Warrant Met?	Delay (sec/veh)	LOS	Warrant Met?
1	Avenue 328/Road 132	AWSC	19.3	C	No	13	B	No

Legend: AWSC: All-Way Stop-Control; Warrant: CA MUTCD Peak-Hour Warrant-3.

As shown in Table 3, the study intersection is projected to continue operate at acceptable LOS “C” and “B” conditions, respectively, during the AM and PM peak hour periods under the Existing plus Project scenario.<sup>33</sup>

- a) **Less Than Significant Impact** – The Project will not result in a substantial increase in roadway vehicle volume or vehicle miles traveled. As indicated in the Traffic Generation Assessment (TGA, page 1), per the Institute of Transportation Engineers (ITE, 9<sup>th</sup> Edition), the Project will result in an estimated 29 ADT; with



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>peak hour estimates in the morning at 2 trips and peak hour estimates in the evening at 3 trips.</p> <p>A traffic impact study is not required as contained in guidelines in the Transportation and Circulation Element of the Tulare County General Plan 2030 Update (Part I – Goals and Policies Report, Chapter 13), which require a traffic study when peak hour trips exceed 100 (see Policy TC-1.15, page 13-4). Pursuant to the California Department of Transportation (Caltrans) <i>Guide for the Preparation of Traffic Impact Studies</i> (<a href="http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf">http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf</a>), a traffic impact study should be prepared if a project generates over 100 peak hour trips assigned to a state highway facility, where the facility is experiencing noticeable delays; approaching unstable traffic flow conditions (LOS "C" or "D").</p> <p>Therefore, the Project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, and impacts are Less Than Significant.</p> <p>b) <b>Less Than Significant Impact</b> – The minimum requirements for Level of Service (LOS) standards in Tulare County are set forth by Tulare County Association of Governments (TCAG). LOS standards shall be no worse than “D” in rural areas (TCAG, <i>2014-2040 Regional Transportation Plan &amp; Sustainable Communities Strategy</i>, System Performance Policy No. 2, page 2-4).</p> <p>As indicated in the TGA, the intersection at Avenue 328 and Road 132 currently operates at acceptable LOS “C” conditions during the A.M. peak hour period and LOS “B” conditions during the PM peak hour period. Therefore, the evaluation of traffic generated by the project indicates that there will not be any significant impact to the nearby roadway facilities, and no further traffic study is warranted.” (see TGA, page 2)</p> <p>As Project-related traffic will not cause the adjacent roadways to operate at an unacceptable LOS, and a TIS is not warranted, the Project will not conflict with the applicable congestion management program; impacts are Less Than Significant.</p> <p>c) <b>No Impact</b> – No air traffic exists in the Project area. The proposed Project is intended to accommodate the ultimate construction of three single-family rural residences. As the nearest operational airport is approximately eight miles east, it is not possible that the proposed Project would interfere with air traffic or result in the need to increase or change current air traffic operations. Therefore, there would be No Impacts to air traffic patterns.</p> <p>d) <b>Less Than Significant Impact</b> – The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, hazards or barriers for vehicles, pedestrians, or bicyclists. The Project site is near SR 63 (approximately one miles east) but does not have has direct access to the State Route; as such, the Project will not increase hazards due to a design feature. Therefore, a Less Than Significant Impact would occur as a result of the Project.</p> <p>e) <b>Less Than Significant Impact</b> – The Project will not result in inadequate emergency access. Conditions of approval have been included that requires the applicants to provide surfaced, year-round access for emergency fire department response and submittal of all site plans to the County Fire Chief for approval to assure fire protection measures and standards are met. Therefore, the Project will not result in inadequate emergency access and would result in a Less Than Significant Impact.</p> <p>f) <b>No Impact</b> – TCAG’s <i>2014-2040 Regional Transportation Plan &amp; Sustainable Communities Strategy</i> contains policies regarding public transit, bicycle, and pedestrian facilities within Tulare County. This Plan</p>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	includes a proposed Class II Bike Project along SR 63; however, as the Project is approximately one-mile distance from SR 65, it will result No Impact to bicycle or pedestrian facilities.				
<b>17.</b>	<b>TRIBAL CULTURAL RESOURCES</b>				
	Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<p><b>Analysis:</b></p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: ERM-6.1 <i>Evaluation of Cultural and Archaeological Resources</i>; ERM-6.3: <i>Alteration of Sites with Identified Cultural Resources</i>; ERM-6.4: <i>Mitigation</i>; ERM-6.7 <i>Cooperation of Property Owners</i>; ERM-6.8 <i>Solicit Input from Local Native Americans</i>; ERM-6.9: <i>Confidentiality of Archaeological Sites</i>; ERM-6.10: <i>Grading Cultural Resources Sites</i>.</p> <p>A Cultural Resources Assessment (CRA) was prepared by consultant Sierra Valley Cultural Planning in May 2017, and is included in the Initial Study as Attachment "B". The CRA finds, "No archaeological or other cultural resources were identified as a result of this study. Therefore, it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended."<sup>34</sup> However, in the event of accidental discovery of Tribal Cultural Resources during Project construction-related activities, Mitigation Measures will be implemented to reduce any potential impacts to less than significant.</p> <p>"Prior to field inspection, a records search was completed by the Southern San Joaquin Valley Information Center (SSJV) of the California Historical Resources Information System staff to identify areas previously investigated and to identify known cultural resources present within or in close proximity to the Project APE. According to the Information Center records, there are no prehistoric or historic-period sites or structures identified within the project APE, and no prehistoric or historic-period sites or structures are identified within a ¼-mile radius of the study area. There have been have been no previous investigations within the APE or within</p>				

<sup>34</sup> "Cultural Resources Assessment, 27-Acre Parcel (APN 079-190-017, 13401 Avenue 328 At Ben Maddox Way, Tulare County, California". March 2017 Page. 3. Prepared by Sierra Valley Cultural Planning.



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>¼-mile radius. No cultural resource sites listed on the National Register of Historic Places, the California Register of Historic Resources California Points of Historical Interest, State Historic Landmarks, or the California Inventory of Historic Resources have been documented within ¼-mile radius of the project APE.”<sup>35</sup></p> <p>“Survey methods involved walking the perimeters of the parcel and attempting to walk several east to west transects within the 27-acre parcel. A Panasonic DMC-TS20 digital camera was used to photo document the project setting and any items of note within the study area. All photo information was recorded in the field on a photo-log. Ground visibility across the entire project area was extremely poor (0 to 2 percent). Dense non-native grasses two to four feet tall completely obscured all of the ground surfaces. Along the edges of the parcel vegetation had been mowed in the recent past. In these areas grasses were ten to twelve inches tall. Soils across the parcel are a fine grain silty sandy loam with clay. Inspected soils have a general Munsell color value of 10YR 3/2, dark grayish brown (wet).”<sup>36</sup></p> <p>“Two items were documented as a result of this survey. Along the western edge of the parcel is a north- to south-trending irrigation ditch. This unlined ditch measures approximately ten feet wide by four feet deep. The banks of the ditch area are level and free of any vegetation. No associated ditch gates or concrete features were observed along the inspected portion of the ditch.</p> <p>At the southeast corner of the study area is a Fairbanks-Morse Pomona turbine pump (Figures 6-7 [in the CRA]). The above ground portion of the pump motor is four feet tall. The electrical source for the pump is a nearby wooden utility pole. On September 02, 1944, the Fairbanks-Morse and Company purchased the Pomona Pump Company. After the acquisition, Pomona pumps were labeled “Fairbanks-Morse Pomona” (The Log of West Coast Maritime Industries, July 1944, Volume 39, No.7, page 126. Source accessed via Google Books March 24, 2017).</p> <p>No archaeological or other cultural resources were identified as a result of this study. Therefore, it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended. In the unlikely event that buried archaeological deposits are encountered within the project area, the finds must be evaluated by a qualified archaeologist. Should human remains be encountered, the County Coroner must be contacted immediately; if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well.”<sup>37</sup></p> <p>a) <b>No Impact</b> – As noted above, there are no resources within or in the immediate vicinity of the study area that are listed on the National Register of Historic Places, the California Register of Historic Resources, California Points of Historical Interest, or the California State Historic Resources Inventory. There were two items (a ditch and a turbine pump) observed; however, these items are not listed in any historical records. No buildings or historic structures, monuments, or markers will be removed as part of the Project. Therefore, the Project will not result in any substantial adverse change in the significance of an historical resource as defined in Public Resources Code Section 5020.1(k). Therefore, the Project would result in No Impact to this resource.</p> <p>b) <b>Less Than Significant Impact</b> – A Sacred Lands File (SLF) search was conducted on May 17, 2017, by the Native American Heritage Commission (NAHC) which then provided a response indicating “negative results” meaning that no sacred lands are located within or near the USGS Quadrangle where the Project is</p>				

<sup>35</sup> Ibid. Page 4

<sup>36</sup> Op. Cit. 13

<sup>37</sup> Op. Cit. 13-14.



		<b>SIGNIFICANT IMPACT</b>	<b>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</b>	<b>LESS THAN SIGNIFICANT IMPACT</b>	<b>NO IMPACT</b>
	<p>located. After receiving the NAHC's list of applicable tribes for consultation pursuant to SB 18 and AB 52, Tulare County RMA staff contacted eleven (11) Native American tribal contacts, representing five (5) tribes, by letter (see Attachment "E") regarding the proposed Project, to provide an opportunity for consultation. None of the tribes responded requesting consultation within the mandatory response time-frames.</p> <p>Standard and generally-accepted procedure for reviewing land use projects for potential archaeological/cultural resources is to determine whether the subject site is on any features which would have attracted prehistoric peoples. As noted above, the on-site pedestrian survey observed that vegetation had been mowed in the recent past along the edges of the Project site, the non-native grasses were ten to twelve inches tall, and the soils across the parcel are a fine grain silty sandy loam with clay, and inspected soils have a general Munsell color value of 10yr 3/2, dark grayish brown (wet). The CRA found that no archaeological or other cultural resources were identified within the project APE as a result of the survey, it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources, and that no further cultural resources investigation is therefore recommended.</p> <p>The following standard Conditions of Approval, consistent with existing State regulation, have been included in the Project and will be implemented in the unlikely event that tribal cultural resources are uncovered during Project construction.</p> <ul style="list-style-type: none"> <li>• In the event that historical, archaeological, paleontological, or tribal cultural 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 recovery, excavation analysis, and curation of archaeological, paleontological, or tribal cultural 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.</li> <li>• The property owner shall avoid and minimize impacts to paleontological and tribal cultural resources. If a potentially significant paleontological or tribal cultural resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the Tribe and paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.</li> <li>• Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human</li> </ul>				



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	
	<p>remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"><li>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"><li>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</li><li>b. If the coroner determines the remains to be Native American:<ol style="list-style-type: none"><li>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</li><li>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.</li><li>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</li></ol></li></ol></li><li>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.<ol style="list-style-type: none"><li>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.</li><li>b. The descendant fails to make a recommendation; or</li><li>c. The landowner or his authorized representative rejects the recommendation of the descendent.</li></ol></li></ol> <p>Implementation of these standard conditions will reduce potential impacts to tribal cultural resources resulting from construction-related activities. Therefore, the Project would result in a Less Than Significant Impact to Tribal Cultural Resources.</p>					
18.	UTILITIES AND SERVICE SYSTEMS					
	Would the project:					
	a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	environmental effects?				
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: PFS-2.1 <i>Water Supply</i>; PFS-2.2 <i>Adequate Systems</i>; PFS-2.4 <i>Water Connections</i>; PFS-3.1 <i>Private Sewage Disposal Standards</i>; PFS-4.2 <i>Site Improvements</i>; PFS-4.4 <i>Stormwater Retention Facilities</i>; PFS-5.7 <i>Provisions for Solid Waste Storage, Handling, and Collection</i>; PFS-7.2 <i>Fire Protection Standards</i>.</p> <p>As noted earlier in Item 9 b), the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. A technical memorandum was prepared by Kenneth D. Schmidt and Associates Groundwater Quality Consultants which concludes that sufficient groundwater exists via well extraction to provide sufficient groundwater for 40 years for the three proposed residences (see Attachment "C" of this document).</p> <p>a) <b>No Impact</b> – Wastewater treatment has the potential to violate water quality standards or waste discharge requirements. Treatment of wastewater from the potential three residences will be achieved via individual engineered septic disposal systems. The disposal systems shall be designed by a licensed professional knowledgeable and experienced in the field of sewage disposal system and design (a registered civil engineer, registered environmental health specialist, or registered engineering geologist). The Project engineering and design features in compliance with California Building Code and Waste Discharge Requirements will ensure the proper preventative measures will be taken to eliminate any adverse impacts from the use of individual septic systems. Furthermore, the following conditions of approval, as recommended by the Tulare County Environmental Health Services Division (EHSD) will be implemented to reduce potential impacts from wastewater treatment: the specifications and engineering data for the system shall be reviewed and approved by the EHSD prior to the release of building permits. Therefore, the Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and would result in No Impact to this resource.</p> <p>b) <b>No Impact</b> – The Project will not require or result in the construction of new water or wastewater treatment</p>					



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
	<p>or expansion of existing facilities, the construction of which could cause significant environmental effects. As previously noted, treatment of wastewater will be achieved via an engineered on-site septic system. As such, the Project does not require the expansion of existing or the construction of new off-site wastewater facilities and would result in No Impact to this resource.</p> <p>c) <b>No Impact</b> – The Project will not substantially alter the existing drainage pattern of the Project site or the surrounding area; as such, it would not result in substantial erosion or siltation. The Project will retain all stormwater on-site through the utilization of on-site grading. As such, the Project does not require or result in the construction of new or expansion of existing off-site storm water drainage facilities, which could cause significant environmental effects. Therefore, the Project will result in No Impact to this resource.</p> <p>d) <b>Less Than Significant Impact</b> – The Project will have sufficient water supplies (including fire flow) available to serve the Project. See also discussion earlier at Item 9 b). Therefore, the Project will have sufficient water supplies and will result in a Less Than Significant Impact to this resource.</p> <p>e) <b>No Impact</b> – The Project is not served by a wastewater treatment facility. As previously noted, the Project will be served by an on-site engineered septic system. See discussions at items 17 a) and b). As such, the Project will result in No Impact to this resource.</p> <p>f) <b>Less Than Significant Impact</b> – Solid waste disposal services for the Project will be provided by the solid waste disposal company servicing the area. Tulare County Solid Waste Department operates three landfills with sufficient capacity to accommodate the proposed Project. The proposed Project will not generate solid waste in quantities that will potentially impact a landfill in an adverse manner; as such, the Project will be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Therefore, the Project will result in a Less Than Significant Impact to this resource.</p> <p>g) <b>No Impact</b> – As previously noted, waste disposal services will be provided by the solid waste disposal company servicing the area. As such, the Applicant must comply with federal, state, and local statutes and regulations related to solid waste. Therefore, there are No Impacts to this resource.</p>				
19.	<b>MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a)	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 species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
b)	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Analysis:**

The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: AG-1.14 *Right to Farm Noticing*; AQ-2.2 *Indirect Source Review*; AQ-3.4 *Landscape*; AQ-4.2 *Dust Suppression Measures*; ERM-1.1 *Protection of Rare and Endangered Species*; ERM-1.2 *Development in Environmentally Sensitive Areas (limits development in sensitive areas)*; ERM-1.3 *Encourage Cluster Development*; ERM-1.7 *Planting of Native Vegetation*; ERM-1.8 *Open Space Buffers (buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities)*; ERM-1.9 *Coordination of Management on Adjacent Lands (to preserve and protect biological resources, including those within and adjacent to designated critical habitat, reserves, preserves, and other protected lands, while maintaining the ability to utilize and enjoy the natural resources in the County)*; ERM-1.10 *Appropriate Access for Recreation*; ERM-1.11 *Hunting and Fishing (provide opportunities for hunting and fishing activities within the County pursuant to appropriate regulations of the California Fish & Game Code)*; ERM-1.13 *Pesticides (implementing pesticide controls to limit effects on natural resources)*; ERM-1.14 *Mitigation and Conservation Banking Program (support the establishment and administration of a mitigation banking program for protection and recovery of threatened and endangered species impacted during the land development process)*; ERM-4.2 *Streetscape and Parking Improvements for Energy Conservation*; ERM-6.1 *Evaluation of Cultural and Archaeological Resources*; HS-1.2 *Development Constraints*; HS-1.4 *Building and Codes*; HS-1.11 *Site Investigations*; HS-2.8 *Alquist-Priolo Act Compliance*; HS-4.1 *Hazardous Materials*; HS-4.3 *Incompatible Land Uses*; and HS-4.4 *Contamination Prevention*; HS-8.11 *Peak Noise Generators*; HS-8.18 *Construction Noise*; HS-8.19 *Construction Noise Control*; LU-1.10 *Roadway Access*; PFS-2.1 *Water Supply*; PFS-2.1; PFS-2.2 *Adequate Systems*; PFS-2.4 *Water Connections*; PFS-3.1 *Private Sewage Disposal Standards*; PFS-4.2 *Site Improvements*; PFS-4.4 *Stormwater Retention Facilities*; PFS-5.7 *Provisions for Solid Waste Storage, Handling, and Collection*; PFS-7.2 *Fire Protection Standards*; PFS-7.8 *Law Enforcement Staffing Ratios*; SL-3.2 *Urban Expansion – Edges*; WR-2.1 *Protect Water Quality*; WR-2.2 *National Pollutant Discharge Elimination System (NPDES) Enforcement*; WR-2.3 *Best Management Practices (BMPs)*; WR-2.4 *Construction Site Sediment Control*; WR-3.3 *Adequate Water Availability*; and PFS-7.8 *Law Enforcement Staffing Ratios*.

- a) Based on the analyses above, no "Significant Impacts" were identified, and findings of "Less Than Significant Impact" or "No Impact" are appropriate for the Project for all resources with the exception of Biological Resources, which is found to be "Less Than Significant With Mitigation." For resources in which "Less Than Significant Impacts" were identified, potential impacts will be reduced to a less than significant level by application and enforcement of State and other local standards, rules, regulations, orders, etc., or through County ordinances and/or conditions made a part of the project approval.



		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
<p>As discussed in Checklist Item 4. Biological Resources, the pre-field survey reports found that there were 14 special status plant species and 18 special status wildlife species previously recorded within the Project study area, that is, on or within five miles of the Project site. The Biological Evaluation (BE) indicates that of the 14 special status plant species identified in the pre-field survey, all 14 species were presumed absent from the Project site; there was an absence of habitat for three species while the habitat has been rendered unsuitable by human disturbance for the remaining 11 species (see BE, Table 1, pages 11-12). Therefore, impacts to special status plant species would be Less Than Significant.</p> <p>The BE indicates that no special status wildlife species, or their sign (scat, burrows, etc.) were observed on the Project site during field surveys. Of the 18 special status wildlife species identified in the pre-field survey, the field surveys indicated that eight species are presumed absent from the Project site, four species are unlikely to occur on the Project site, and six have been determined to have the possibility of occurrence on the Project site (see BE, Table 1, page 12-15). The six wildlife species with possibility of occurrence are: Swainson's hawk (<i>Buteo swainsoni</i>); northern harrier (<i>Circus cyaneus</i>); white-tailed Kite (<i>Elanus leucurus</i>); loggerhead shrike (<i>Lanius ludovicianus</i>); pallid bat (<i>Antrozous pallidus</i>); and western mastiff bat (<i>Eumops perotis</i>).</p> <p>The BE indicates the Project site does not provide nesting/roosting opportunities for the loggerhead shrike, northern harrier, tri-colored blackbird, pallid bat, and western mastiff bat; nor will the development of the Project have a significant impact on the foraging area of these species; therefore, impacts on special status bird and bat species is Less Than Significant.</p> <p>Mitigation measures have been included in the Mitigation Monitoring and Reporting Program (included in this Initial Study as Attachment "F") for the San Joaquin kit fox, nesting raptors and non-specific migratory birds, and roosting bats. These mitigation measures include avoidance, compensation, and additional focused field surveys, and would reduce potential impacts to special status wildlife species to Less Than Significant With Mitigation.</p> <p>The BE also indicates that no potential jurisdictional waters are located on the Project site and there is no evidence of hydric soils, wetland hydrology, or hydrophytic vegetation. As such, mitigation measures are not required to reduce potential impacts to sensitive natural communities to Less Than Significant.</p> <p>b), c) Based on the analyses above, no "Significant Impacts" were identified, and findings of "Less Than Significant Impact" or "No Impact" are appropriate for the Project for all resources with the exception of Biological Resources, which was found to be "Less Than Significant With Mitigation". As such, a finding of "Less Than Significant Impact" is appropriate for the Mandatory Findings of Significance.</p>					



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# **ATTACHMENT “A”**

## **Biological Evaluation**

DRAFT





# **LIVE OAK ASSOCIATES, INC.**

an Ecological Consulting Firm

**BIOLOGICAL EVALUATION  
27-ACRE SUBDIVISION  
APN 079-190-017  
TULARE COUNTY, CALIFORNIA**

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April 6, 2017

PN 2133-01

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## EXECUTIVE SUMMARY

Live Oak Associates, Inc. (LOA) conducted an investigation of the biological resources of an approximate 27-acre agricultural site proposed for residential subdivision (hereafter referred to as the project site). The project site is located south of Avenue 328, west of Road 138, east of Road 132, and north of Avenue 320, approximately 2 miles northeast of Visalia, in an unincorporated part of Tulare County, California. The proposed project consists of subdivision into four parcels, to eventually be converted to residential development. In March of 2017, LOA surveyed the project site for biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law.

Land use identified within the project site is limited to fallow field. A mosaic of agricultural, and residential land uses surround the project site, within a region dominated by similar land uses.

As defined by the California Environmental Quality Act (CEQA), impacts associated with residential development would be less than significant for special status plant species, most special status animals occurring regionally, wildlife movement corridors, downstream water quality, sensitive habitats, and Waters of the U.S.

Potentially significant impacts associated with eventual residential development include project-related mortality of the San Joaquin kit fox, roosting bats, and nesting raptors and migratory birds protected under the federal Migratory Bird Treaty Act and related state laws. Project avoidance of active dens, roosts, and nests identified during preconstruction surveys conducted prior to periods of mass grading on individual lots, and implementation of minimization measures consistent with the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* will ensure that impacts to all special status animal species are reduced to a less than significant level.



## TABLE OF CONTENTS

1.0 INTRODUCTION .....	1
1.1 PROJECT DESCRIPTION .....	1
1.2 REPORT OBJECTIVES .....	1
1.3 STUDY METHODOLOGY .....	4
2.0 EXISTING CONDITIONS .....	5
2.1 REGIONAL SETTING .....	5
2.2 PROJECT SITE .....	6
2.3 LAND USES .....	6
2.3.1 Fallow Field .....	6
2.4 SPECIAL STATUS PLANTS AND ANIMALS .....	9
2.5 ENDANGERED, THREATENED, OR SPECIAL STATUS PLANT AND ANIMAL SPECIES MERITING FURTHER DISCUSSION .....	16
2.5.1 Swainson's Hawk ( <i>Buteo swainsoni</i> ). Federal Listing Status: None; State Listing Status: Threatened.....	16
2.5.2 San Joaquin Kit Fox ( <i>Vulpes macrotis mutica</i> ). Federal Listing Status: Endangered; State Listing Status: Threatened .....	16
2.5.3 Burrowing Owl ( <i>Athene cunicularia</i> ). Federal Listing Status: None; State Listing Status: Species of Special Concern.....	19
2.6 JURISDICTIONAL WATERS .....	20
2.7 DESIGNATED CRITICAL HABITAT .....	20
2.8 NATURAL COMMUNITIES OF SPECIAL CONCERN .....	20
2.9 WILDLIFE MOVEMENT CORRIDORS .....	21
3.0 IMPACTS AND MITIGATIONS .....	22
3.1 SIGNIFICANCE CRITERIA .....	22
3.2 RELEVANT GOALS, POLICIES, AND LAWS .....	23
3.2.1 General Plan Policies of County of Tulare .....	23
3.2.2 Threatened and Endangered Species .....	24
3.2.3 Designated Critical Habitat.....	24
3.2.4 Migratory Birds.....	25
3.2.5 Birds of Prey .....	25
3.2.6 Nesting Birds .....	26
3.2.7 Wetlands and Other Jurisdictional Waters.....	26

3.3 POTENTIALLY SIGNIFICANT PROJECT IMPACTS/MITIGATION .....	27
3.3.1 Project-Related Mortality of San Joaquin Kit Fox .....	28
3.3.2 Project-Related Mortality/Disturbance of Nesting Raptors and Migratory Birds .....	29
3.3.3 Project Impacts to Roosting Bats.....	31
3.4 LESS THAN SIGNIFICANT PROJECT IMPACTS .....	32
3.4.1 Loss of Habitat for Special Status Plants.....	32
3.4.2 Loss of Habitat for Special Status Animals Absent or Unlikely to Occur in the Project Site .....	33
3.4.3 Loss of Habitat for Special Status Animals that Could Breed and/or Forage in the Project Site.....	33
3.4.4 Project Impacts to Wildlife Movement Corridors .....	34
3.4.5 Disturbance to Riparian Habitat or other Sensitive Habitats.....	34
3.4.6 Project Impacts to Designated Critical Habitat.....	35
3.4.7 Degradation of Water Quality in Seasonal Drainages, Stock Ponds, and Downstream Waters .....	35
3.4.8 Local Policies or Habitat Conservation Plans.....	36
4.0 LITERATURE CITED AND CONSULTED .....	37
APPENDIX A: VASCULAR PLANTS OF THE PROJECT SITE.....	39
APPENDIX B: TERRESTRIAL VERTEBRATE SPECIES THAT POTENTIALLY OCCUR ON THE PROJECT SITE.....	42
APPENDIX C: SELECTED PHOTOGRAPHS OF THE PROJECT SITE .....	47
APPENDIX D: U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE.....	52
APPENDIX E: TULARE COUNTY GENERAL PLAN POLICIES .....	62



## **1.0 INTRODUCTION**

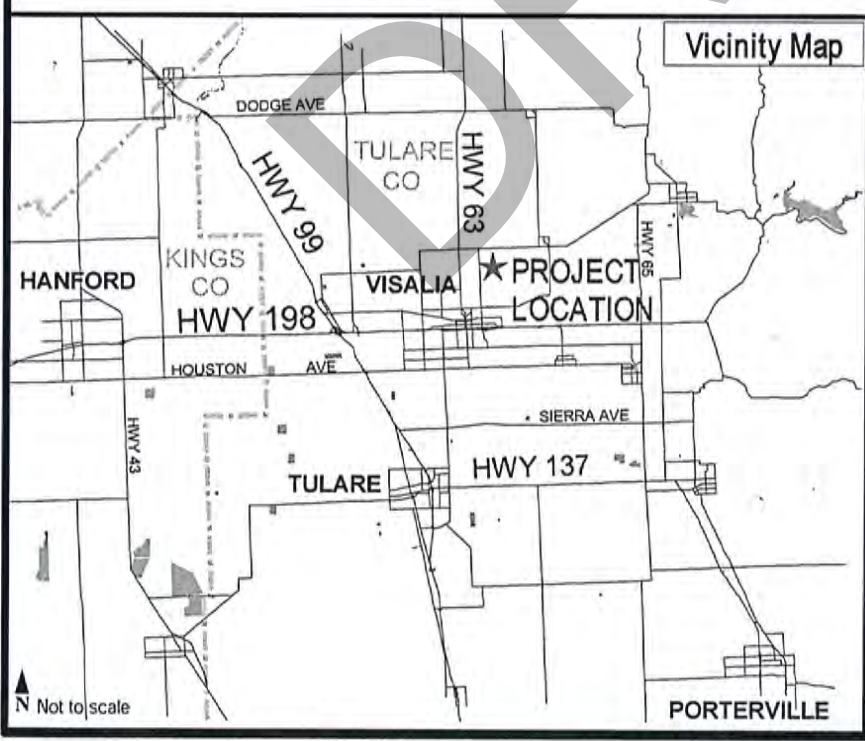
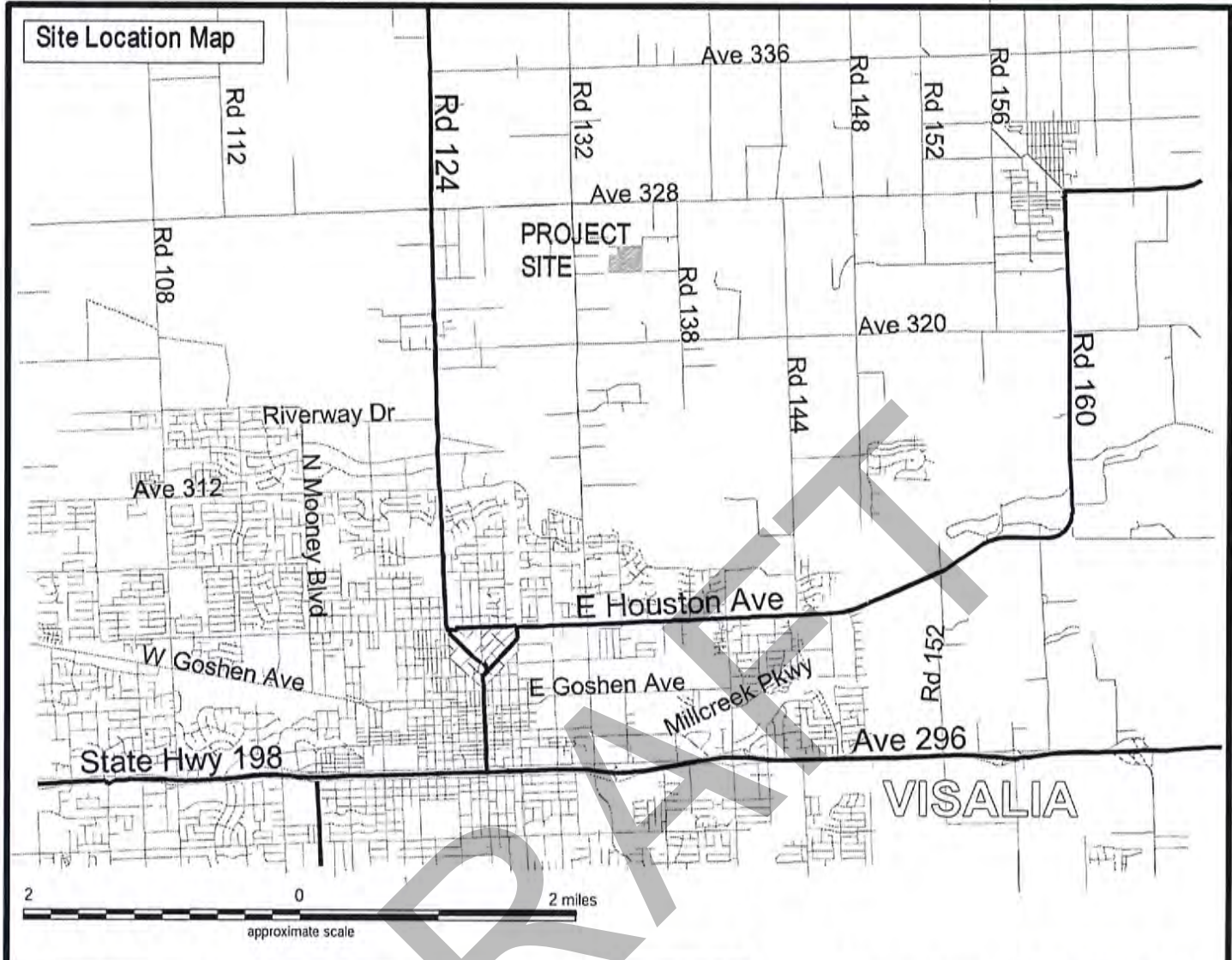
The technical report that follows describes the biotic resources of approximately 27 acres of agricultural land (hereafter referred to as the project site) proposed for subdivision into four parcels. The project site is located south of Avenue 328, west of Road 138, east of Road 132, and north of Avenue 320, approximately 2 miles north of Visalia in an unincorporated area of Tulare County, California (Figure 1). The site may be found on the *Monson* U.S. Geological Survey (USGS) 7.5-minute quadrangle in Section 9 of Township 18 South, Range 25 East, Mt. Diablo Base and Meridian (Figure 2).


### **1.1 PROJECT DESCRIPTION**

The proposed project (APN 079-190-017) is the subdivision of the 27-acre parcel into four parcels planned for residential use. Three of the parcels will be 2.5 acres in size, and the remaining parcel 20 acres. It is anticipated that each of the three smaller parcels will eventually be used for the development of one single-family home and associated outbuildings, landscaping, and infrastructure, and that the parcels will not be further subdivided. The 20-acre parcel may include construction of multiple structures suitable for a single family compound. For the purposes of this analysis, it is anticipated that eventually all 27 acres will be impacted by project implementation. The land use of the project site will change from agriculture to residential.

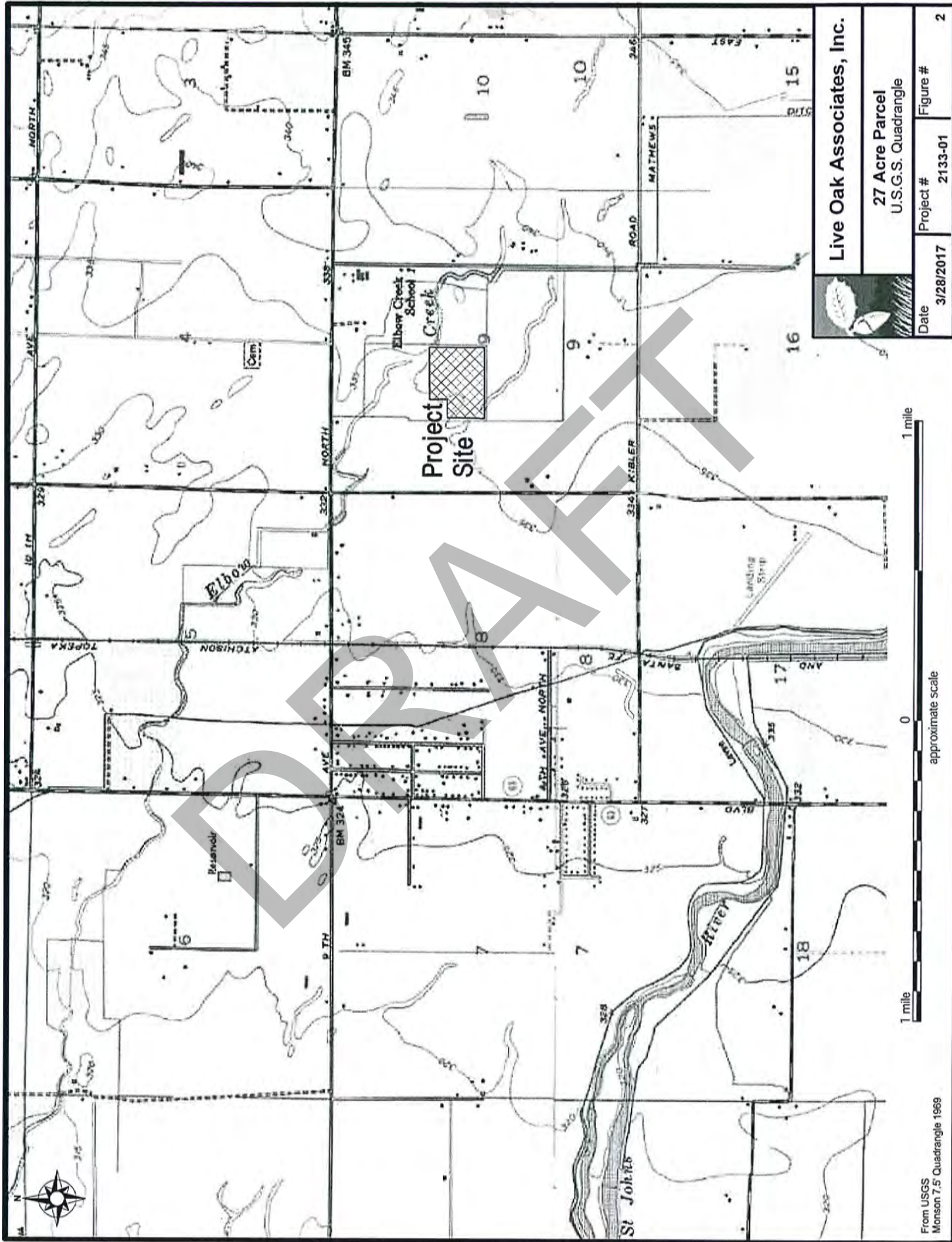
### **1.2 REPORT OBJECTIVES**

The development of agricultural lands and other open space parcels may damage or modify biotic habitats used by sensitive plant and wildlife species. In such cases, site development may be regulated by state or federal agencies, subject to provisions of the California Environmental Quality Act (CEQA), and/or covered by policies and ordinances of Tulare County. This report addresses issues related to: 1) sensitive biotic resources occurring within the project site; 2) the federal, state, and local laws regulating such resources, and 3) mitigation measures that may be required to reduce the magnitude of anticipated impacts and/or comply with permit requirements of state and federal resource agencies. As such, the objectives of this report are to:



 <b>Live Oak Associates, Inc.</b>		
<b>27 Acre Parcel</b> Site / Vicinity Map		
Date	Project #	Figure #
3/28/2017	2133-01	1





Live Oak Associates, Inc.		
27 Acre Parcel U.S.G.S. Quadrangle		
Date 3/28/2017	Project # 2133-01	Figure # 2

From USGS  
Monson 7.5 Quadrangle 1969

- Make reasonable inferences about the biological resources that could occur within the project site based on habitat suitability and the proximity of the project site to a species' known range;
- Summarize all site-specific information related to existing biological resources;
- Identify and discuss project impacts to biological resources likely to occur within the project site within the context of CEQA or any state or federal laws;
- Summarize all state and federal natural resource protection laws that may be relevant to future development of the project site; and
- Identify avoidance and mitigation measures that would reduce impacts to a less-than-significant level (as identified by CEQA) and are generally consistent with recommendations of the resource agencies for affected biological resources.

### 1.3 STUDY METHODOLOGY

A field survey of the project site was conducted on March 20, 2017 by LOA ecologist Wendy Fisher. The survey consisted of driving the perimeter road of the project site, conducting a meandering walk periodically, and using binoculars to scan the site and adjacent lands. During the survey, the principal land uses of the project site were identified and the constituent plants and animals of each land use were noted.

LOA conducted an analysis of potential project impacts based on the known and potential biotic resources of the project site. Sources of information used in the preparation of this analysis included: (1) the *California Natural Diversity Data Base* (CDFW 2017a), (2) the *Online Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2017), and (3) manuals, reports, and references related to plants and animals of the San Joaquin Valley region.

Detailed surveys for sensitive biological resources were not conducted for this study. Field surveys conducted for this study were sufficient to assess the significance of possible biological impacts associated with full development of the project site and to assess the need for more detailed studies that could be warranted if sensitive biotic resources were identified in this initial survey.



## 2.0 EXISTING CONDITIONS

### 2.1 REGIONAL SETTING

The project site is located in the central San Joaquin Valley. The valley is bordered by the Sierra Nevada to the east, the Tehachapi Mountains to the south, the California coastal ranges to the west, and the Sacramento-San Joaquin Delta to the north.

Like most of California, the central San Joaquin Valley (and the project site) experiences a Mediterranean climate. Warm dry summers are followed by cool moist winters. Summer temperatures commonly exceed 90 degrees Fahrenheit, and the relative humidity is generally very low. Winter temperatures rarely exceed 70 degrees Fahrenheit, with daytime highs often below 60 degrees Fahrenheit. Annual precipitation in the vicinity of the project site is about 8 inches, almost 85% of which falls between the months of October and March (Western Regional Climate Center 2009). Nearly all precipitation falls in the form of rain.

The principal drainage of the area and the project vicinity is the St. Johns River, which flows southeast to northwest approximately one mile southwest of the site. The St. Johns River is a tributary of the Kaweah River and historically terminated in Tulare Lake. It formerly contained large areas of riparian, wetland, and aquatic ecosystems that supported large populations of diverse native plants and animals. Presently, the St. Johns River supports only a fraction of the riparian habitat it once supported and the aquatic habitat has been greatly degraded from agricultural runoff and irregular flows. In essence the river has been reduced to a series of distributary channels supplying water to farmland in the region.

The project site is situated within a matrix of agricultural lands and residential development associated with the nearby communities. The project site is bordered by residential land to the west, north, and east, and orchard to the south. Sheep pasture and a seasonal pond were part of residential areas within 100 feet east of the site. The seasonal pond has been in place since prior to 1994, as seen by Google Earth historic images. Mathews Ditch, an earthen ditch, borders the site immediately on the west. Historically, a fragment of Elbow Creek, a distributary of the St. John's River, flowed from southeast to northwest adjacent to the site's northeastern corner.

However, no evidence of this stream was seen on the ground or from review of current aerial photographs.

## **2.2 PROJECT SITE**

The project site consists of a fallow field. The topography of the site is relatively level, with an average elevation of 335 feet National Geodetic Vertical Datum (NGVD).

One soil mapping unit was identified within the project site, Grangeville sandy loam, 0-2% slopes (NRCS 2017). Grangeville soils occur on alluvial fans and floodplains, and are very deep, somewhat poorly drained soils formed in moderate coarse textured alluvium dominantly from granitic rocks.

## **2.3 LAND USES**

A single land use type was observed on the project site during the March 2017 field survey: fallow field (Figure 3). A list of the vascular plant species observed within the project site and the terrestrial vertebrates using, or potentially using, the site are provided in Appendices A and B, respectively. Photos of the project site are presented in Appendix C.

### **2.3.1 Fallow Field**

The project site consisted entirely of a fallow agricultural field. Prior to 2011, the fallow field was in cultivation of a variety of agricultural crops. It has been left fallow for the last 6 years, allowing non-native weedy annuals to encroach upon the formerly highly managed field. The fallow field supported dense weedy annual plant species dominated by tall hedge mustard (*Sisymbrium altissimum*), barnyard barley (*Hordeum murinum* spp. *leporinum*), whitestem filaree (*Erodium moschatum*), and Menzies fiddleneck (*Amsinckia menziesii*). A few large valley oaks (*Quercus lobata*) lined the fallow field along its northern and southern boundaries, within the project area. The boundaries of the fallow field had recently been disced.

Historic agricultural practices within the fallow field limits its value to wildlife; however, some wildlife species would occur in these areas in limited numbers. Amphibians with the potential to

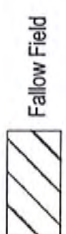
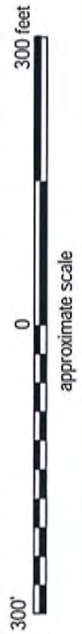




Live Oak Associates, Inc.

27 Acre Parcel  
Biotic Habitats

Date	3/28/2017	Project #	2133-01	Figure #	3
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Aerial Photograph Courtesy of Google Earth, Date 3/20/2016



use the fallow field include Pacific chorus frogs (*Pseudacris regilla*) and western toads (*Bufo boreas*). Reptiles that could occur in the field include the side-blotched lizard (*Uta stansburiana*), Pacific gopher snake (*Pituophis catenifer catenifer*), and common kingsnake (*Lampropeltis getulus*).

The fallow field also provides foraging habitat for a number of avian species. Common resident species likely to forage in the field include mourning doves (*Zenaida macroura*) and mixed flocks of Brewer's blackbirds (*Euphagus cyanocephalus*), brown-headed cowbirds (*Molothrus ater*), and European starlings (*Sturnus vulgaris*). Northern mockingbirds (*Mimus polyglottos*) and American crows (*Corvus brachyrhynchos*) were seen during the March 2017 survey, and are common visitors of agricultural sites. Summer migrants that would be common in the fallow field include the western kingbird (*Tyrannus verticalis*) while common winter migrants include the savannah sparrow (*Passerella sandwichensis*) and American pipit (*Anthus rubescens*).

Several mammal species would be expected to occur within the fallow field. Small mammals such as deer mice (*Peromyscus maniculatus*) and California voles (*Microtus californicus*) would occur in fluctuating numbers depending on the season and maintenance practices in the field. Botta's pocket gophers (*Thomomys bottae*) and California ground squirrels (*Otospermophilus beecheyi*) may also occur in the field. At the time of the field survey, the only small mammal burrows observed in the field were associated with the Botta's pocket gopher, and were located along the eastern boundary of the field. No ground squirrel burrows were observed within or on the boundaries of the fallow field. Various species of bat may also occasionally forage over the fallow field for flying insects. A domestic dog (*Canus familiaris*) was observed wandering through the field during the March field survey.

The presence of amphibians, reptiles, birds and small mammals is likely to attract foraging raptors and mammalian predators. Raptors such as the red-tailed hawk (*Buteo jamaicensis*) and northern harrier (*Circus cyaneus*) would likely forage over the fallow field from time to time. A red-shouldered hawk (*Buteo lineatis*) was observed flying overhead during the March 2017 field survey. Mammalian predators occurring in the fallow field would most likely be limited to the raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), coyote (*Canis latrans*) and red fox (*Vulpes vulpes*), as these species are relatively tolerant of human disturbance.



## 2.4 SPECIAL STATUS PLANTS AND ANIMALS

Several species of plants and animals within the state of California have low populations and/or limited distributions. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. As described more fully in Section 3.2, state and federal laws have provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. A sizable number of native plants and animals have been formally designated as “threatened” or “endangered” under state and federal endangered species legislation. Others have been designated as candidates for such listing. Still others have been designated as “species of special concern” by the CDFW. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened, or endangered. Collectively, these plants and animals are referred to as “special status species.”

A number of special status plants and animals occur in the vicinity of the project site (Figure 4). These species, and their potential to occur within the project site, are listed in Table 1 in the following pages. Sources of information for this table included *California’s Wildlife, Volumes I, II, and III* (Zeiner et. al 1988-1990), *California Natural Diversity Data Base* (CDFW 2017a), *Special Animals* (CDFW 2017b), *Endangered and Threatened Wildlife and Plants* (USFWS 2017), and *The California Native Plant Society’s Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2017). It is important to note that the California Natural Diversity Data Base (CNDDB) is a volunteer database; therefore, it may not contain all known literature records.

A search of published accounts for all of the relevant special status plant and animal species was conducted for the *Monson* USGS 7.5-minute quadrangle in which the project site occurs, and for the eight surrounding quadrangles (*Orange Cove South, Stokes Mountain, Ivanhoe, Exeter, Visalia, Reedley, Goshen* and *Traver*) using the CNDDB Rarefind 5 (2017) program.

# **LEGEND**

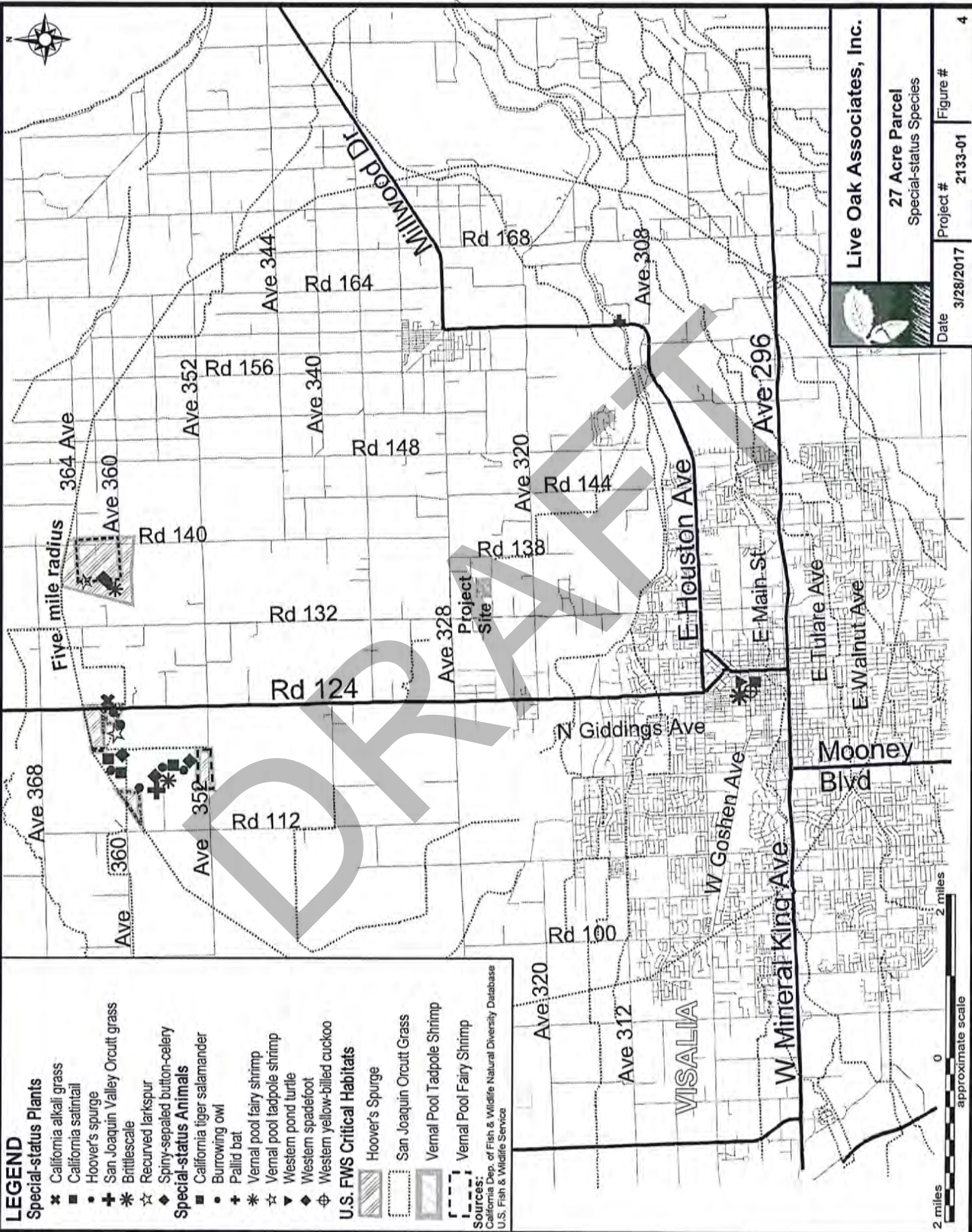
## **Special-status Plants**

- California alkali grass
  - California satintail
  - Hoover's spurge
  - San Joaquin Valley Orcutt grass
  - Brittlescale
  - Recurved larkspur
  - Spiny-sepal button-celery
- ## **Special-status Animals**
- California tiger salamander
  - Burrowing owl
  - Pallid bat
  - Vernal pool fairy shrimp
  - Vernal pool tadpole shrimp
  - Western pond turtle
  - Western spadefoot
  - Western yellow-billed cuckoo

## **U.S. FWS Critical Habitats**

- Hoover's Spurge
- San Joaquin Orcutt Grass
- Vernal Pool Tadpole Shrimp
- Vernal Pool Fairy Shrimp

**Sources:**  
California Dep. of Fish & Wildlife Natural Diversity Database  
U.S. Fish & Wildlife Service



**Live Oak Associates, Inc.**

**27 Acre Parcel**  
Special-status Species

Date 3/28/2017

Project # 2133-01

Figure # 4



**TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE VICINITY OF THE PROJECT SITE**

**PLANTS (adapted from CDFW 2017a and CNPS 2017)**

*Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act*

Species	Status	Habitat	Occurrence within the Project Site
Hoover's Spurge ( <i>Euphorbia hooveri</i> )	FT, CNPS 1B	This annual occurs in vernal pools of California's Central Valley; blooms July-September; elevation 80-820 ft.	<b>Absent.</b> Vernal pools are absent from the project site.
San Joaquin Valley Orcutt Grass ( <i>Orcuttia inaequalis</i> )	FE, CE CNPS 1B	This annual occurs in vernal pools of the Central Valley; requires deep pools with prolonged periods of inundation; blooms April-September; elevation 100-2,480 ft.	<b>Absent.</b> Vernal pools are absent from the project site.
San Joaquin Adobe Sunburst ( <i>Pseudobahia peirsonii</i> )	FT, CE CNPS 1B	This annual sunflower occurs in grasslands of the Sierra Nevada foothills in heavy clay soils of the Porterville and Centerville series. Blooms March-April; elevation 300-2,625 ft.	<b>Absent.</b> Suitable heavy clay soils of the Porterville and Centerville series are absent from the project site.

**CNPS-Listed Plants**

Heartscale ( <i>Atriplex cordulata</i> var. <i>cordulata</i> )	CNPS 1B	Occurs on saline or alkaline soils in chenopod scrub, meadows, seeps, and grasslands; blooms April-October; elevations below 1,230 ft.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
Earlimart Orache ( <i>Atriplex cordulata</i> var. <i>erecticaulis</i> )	CNPS 1B	Occurs in valley and foothill grassland between 130 and 330 ft. in elevation; blooms August-September.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
Brittlescale ( <i>Atriplex depressa</i> )	CNPS 1B	Occurs in relatively barren areas with alkaline clay soils in chenopod scrub, playas, grasslands, and vernal pools of the Central Valley; blooms April-October; elevations below 1,050 ft.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
Lesser saltscale ( <i>Atriplex minuscule</i> )	CNPS 1B	Occurs widely scattered locations of California's Central Valley with sandy alkaline soils in chenopod scrub, valley grasslands, and vernal pools; blooms May-October; elevation 50-660 ft.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
Vernal Pool Smallscale ( <i>Atriplex persistens</i> )	CNPS 1B	Occurs in alkaline vernal pools in Glenn, Madera, Merced, Solano, Stanislaus, and Tulare Counties; blooms June – September between 30-350 ft. in elevation.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
Subtle Orache ( <i>Atriplex subtilis</i> )	CNPS 1B	Occurs in valley and foothill grassland; blooms August-October; elevation 130-330 ft.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
Recurved Larkspur ( <i>Delphinium recurvatum</i> )	CNPS 1B	Occurs on alkaline soils in chenopod scrub, cismontane woodland, and grasslands; blooms March-June; elevations below 2,500 ft.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.

**TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE VICINITY OF THE PROJECT SITE**

**PLANTS (adapted from CDFW 2017a and CNPS 2017)**

**CNPS-Listed Plants**

Species	Status	Habitat	Occurrence within the Project Site
Spiny-Sepaled Button Celery ( <i>Eryngium spinosepalum</i> )	CNPS 1B	This annual/perennial occurs in vernal pools and valley and foothill grasslands of the San Joaquin Valley and the Tulare Basin; blooms April-May; elevation 330-840 ft.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
Winter's Sunflower ( <i>Helianthus winteri</i> )	CNPS 1B	This perennial occurs in openings on relatively steep south-facing slopes, in granitic, often rocky soils of cismontane woodland and valley and foothill grassland; blooms January – December; elevation 400 to 1,500 ft.	<b>Absent.</b> The site is too low in elevation for this species. It is relatively flat topographically. Habitats are not suitable.
California Satintail ( <i>Imperata brevifolia</i> )	CNPS 2B	This perennial grass occurs in chaparral, coastal sage scrub, creosote bush scrub and wetland/riparian habitat throughout much of southern California; blooms March – Sept.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.
California Alkali Grass ( <i>Puccinellia simplex</i> )	CNPS 1B	This annual grass occurs in alkaline sinks, flats, lake margins, vernal pools, chenopod scrub, valley grassland and wetland-riparian habitats in much of Central California; blooms March – May; elevation 0-3,050 ft.	<b>Absent.</b> Historic and ongoing human disturbance of the project site has rendered habitats unsuitable for this species.

**ANIMALS (adapted from CDFW 2017a and CDFW 2017b)**

**Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act**

Species	Status	Habitat	Occurrence within the Project Site
Vernal Pool Fairy Shrimp ( <i>Branchinecta lynchi</i> )	FT	Occurs in vernal pools, clear to tea-colored water in grass or mud-bottomed swales, and basalt depression pools.	<b>Absent.</b> Habitat suitable for this species is absent from the project site.
Vernal Pool Tadpole Shrimp ( <i>Lepidurus packardii</i> )	FE	Primarily found in vernal pools, but may use other seasonal wetlands in mesic valley and foothill grasslands.	<b>Absent.</b> Habitat suitable for this species is absent from the project site.
Valley Elderberry Longhorn Beetle ( <i>Desmocerus californicus dimorphus</i> )	FT	Lives in mature elderberry shrubs of the Central Valley and Sierra foothills. Tulare County is one of the southern valley counties that is no longer considered to be within the range of this species.	<b>Absent.</b> The site is well south of this species range. Blue elderberry shrubs are absent from the site.



**TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE VICINITY OF THE PROJECT SITE**

ANIMALS (adapted from CDFW 2017a and CDFW 2017b)

*Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act*

Species	Status	Habitat	Occurrence within the Project Site
California Tiger Salamander ( <i>Ambystoma californiense</i> )	FT, CT	Found primarily in annual grasslands; requires vernal pools for breeding and rodent burrows for aestivation. Although most CTS aestivate within 0.4 mile of their breeding pond, outliers may aestivate up to 1.3 miles away (Orloff 2011).	<b>Absent.</b> Habitat suitable for breeding is absent from the project site and surrounding lands. The residential pond immediately east of the site would not harbor breeding CTS, as it was constructed after the conversion of this area to residential and intensive agricultural uses, and appears to have an inundation regime not strictly tied to the rainy season. No rodent burrows providing suitable aestivation habitat were observed on the project site. The closest known occurrences of CTS are located in remnant grassland associated with the CDFW Stone Corral Ecological Reserve, 4 to 5 miles northwest of the project site.
Swainson's Hawk ( <i>Buteo swainsoni</i> )	CT	This breeding-season migrant to California nests in mature trees in riparian areas and oak savannah, and occasionally in lone trees at the margins of agricultural fields. Requires adjacent suitable foraging areas such as grasslands or alfalfa fields supporting rodent populations.	<b>Possible.</b> Although relatively unlikely due to the project site being surrounded by residential development and orchards, both incompatible land uses for this species, Swainson's hawks could theoretically nest in the few valley oaks on the perimeter of the site, or in the eucalyptus trees immediately bordering the site to the north and east. The fallow field represents suitable foraging habitat for this species.
Western Yellow-billed Cuckoo ( <i>Coccyzus americanus occidentalis</i> )	FT, CE	Utilizes densely wooded areas near waterways. Nests in riparian thickets of willow, and cottonwoods, with ample understory riparian vegetation.	<b>Absent.</b> Riparian habitat required by this species is absent from the site. The only documented occurrence of this species in the vicinity is from 1919.
Willow Flycatcher ( <i>Empidonax traillii</i> )	CE	Utilizes densely wooded areas near waterways. Nests in riparian thickets of willow, and cottonwoods, with ample understory riparian vegetation.	<b>Absent.</b> Riparian habitat required by this species is absent from the site. The closest known occurrence of this species was recorded along Cottonwood Creek, approximately 13 miles northeast of the site, in 1988.
San Joaquin Kit Fox ( <i>Vulpes macrotis mutica</i> )	FE, CT	Frequents desert alkali scrub and annual grasslands and may forage in adjacent agricultural habitats. Utilizes enlarged (6 to 10 inches in diameter) ground squirrel burrows as denning habitat.	<b>Unlikely.</b> The project site is situated within a matrix of intensive land uses making kit fox occurrence in the vicinity unlikely. No suitable burrows for kit fox denning were found on the site. At most, an occasional kit fox may pass through or forage on the site. There have been 11 documented SJKF occurrences within 10 miles of the project site, seven of which date back to the 1970's.

**TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE VICINITY OF THE PROJECT SITE**

ANIMALS (adapted from CDFW 2017a and CDFW 2017b)

*State Species of Special Concern or Fully Protected*

Species	Status	Habitat	Occurrence within the Project Site
Western Spadefoot ( <i>Spea hammondi</i> )	CSC	Mainly occurs in grasslands of San Joaquin Valley. Vernal pools or other temporary wetlands are required for breeding. Aestivates in underground refugia such as rodent burrows, typically within 1,200 ft. of aquatic habitat.	<b>Unlikely.</b> Habitat suitable for breeding is absent from the project site and surrounding lands. The residential pond immediately east of the site is unlikely to harbor breeding spadefoot toads, as it was constructed after the conversion of this area to residential and intensive agricultural uses. No rodent burrows providing suitable aestivation habitat were observed on the project site.
Western Pond Turtle ( <i>Emys marmorata</i> )	CSC	Occurs in open slow-moving water or ponds with rocks and logs for basking. Nesting occurs in open areas, on a variety of soil types, and up to ¼ mile away from water. This species is almost extinct in the southern San Joaquin Valley.	<b>Absent.</b> Suitable habitat is absent from the project site. The seasonal pond bordering the site to the east would not serve as suitable breeding habitat since it is not inundated year-round.
Foothill Yellow-legged Frog ( <i>Rana boylei</i> )	CSC	Occurs in rocky streams and rivers with rocky substrate and open sunny banks in forests, chaparral, and woodland below 6,000 ft. in elevation.	<b>Absent.</b> Suitable habitat is absent from the project site and lands immediately adjacent to the project site.
Northern Harrier ( <i>Circus cyaneus</i> )	CSC	Frequents meadows, grasslands, open rangelands, freshwater emergent wetlands. Nests on ground, generally in wet areas, although grassland, pasture, and cultivated fields may be used.	<b>Possible.</b> This species could forage or nest within the fallow field of the project site.
White-tailed Kite ( <i>Elanus leucurus</i> )	CFP	Occurs in savannah, open woodlands, marshes, desert grassland, and cultivated fields. Prefer lightly grazed or ungrazed fields for foraging. Nests in trees.	<b>Possible.</b> This species may forage within the fallow field of the project site. Large valley oaks on the perimeter of the site and trees adjacent to the site could theoretically serve as breeding habitat; however, white-tailed kites do not typically nest in such close proximity to residential development.
Burrowing Owl ( <i>Athene cunicularia</i> )	CSC	Frequents open, dry annual or perennial grasslands, deserts, and scrublands characterized by low growing vegetation. Dependent upon burrowing mammals, most notably the California ground squirrel, for nest burrows.	<b>Unlikely.</b> The site is situated within a matrix of land uses that are generally incompatible for this species, making burrowing owl use of the site unlikely. Moreover, the site does not appear to contain suitably-sized burrows for this species. Two suitable burrows were observed along the banks of Mathews Ditch immediately west of the site.
Loggerhead Shrike ( <i>Lanius ludovicianus</i> )	CSC	Frequents open habitats with sparse shrubs and trees, other suitable perches, bare ground, and low herbaceous cover. Can often be found in cropland.	<b>Possible.</b> Shrikes could forage in the on-site fallow field. Suitable nesting habitat for shrikes is available in valley oaks on the perimeter of the site and within shrubs adjacent to the site.



**TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE VICINITY OF THE PROJECT SITE**

ANIMALS (adapted from CDFW 2017a and CDFW 2017b)

*State Species of Special Concern or Fully Protected*

Species	Status	Habitat	Occurrence within the Project Site
Pallid Bat ( <i>Antrozous pallidus</i> )	CSC	Found in grasslands, chaparral, and woodlands, where it feeds on ground- and vegetation-dwelling arthropods, and occasionally take insects in flight. Prefers to roost in rock crevices, but may also use tree cavities, caves, bridges, and buildings.	<b>Possible.</b> Individuals of this species could potentially forage in the fallow field. Roosting habitat is limited to the few valley oaks along the site's perimeter, or in trees or structures adjacent to the site.
Western Mastiff Bat ( <i>Eumops perotis</i> ssp. <i>californicus</i> )	CSC	Found in open, arid to semi-arid habitats, where it feeds on insects in flight. Roosts most commonly in crevices in cliff faces, but may also use high buildings, trees, and tunnels.	<b>Possible.</b> Individuals of this species could potentially forage in flight over the fallow field. Roosting habitat is limited to the few valley oaks along the site's perimeter, or in trees or structures adjacent to the site.
American Badger ( <i>Taxidea taxus</i> )	CSC	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils.	<b>Unlikely.</b> No burrows suitable for this species were found on the site. The site is surrounded by residences and other incompatible land uses making badger occurrence here unlikely.

**Occurrence Terminology:**

Present:	Species observed on the site at time of field surveys or during recent past.
Likely:	Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible:	Species not observed on the site, but it could occur there from time to time.
Unlikely:	Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient.
Absent:	Species not observed on the site, and precluded from occurring there because habitat requirements not met.

**STATUS CODES**

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CR	California Rare
FPT	Federally Threatened (Proposed)	CFP	California Fully Protected
FC	Federal Candidate	CSC	California Species of Special Concern
CNPS	California Native Plant Society Listing		
1A	Plants Presumed Extinct in California	2B	Plants Rare, Threatened, or Endangered in California, but more common elsewhere
1B	Plants Rare, Threatened, or Endangered in California and elsewhere		

## **2.5 ENDANGERED, THREATENED, OR SPECIAL STATUS PLANT AND ANIMAL SPECIES MERITING FURTHER DISCUSSION**

### **2.5.1 Swainson's Hawk (*Buteo swainsoni*). Federal Listing Status: None; State Listing Status: Threatened**

*Ecology of the species.* Swainson's hawks are large, long-winged, broad-tailed hawks with a high degree of mate and territorial fidelity. They are breeding season migrants to California, arriving at their nesting sites in March or April. The young hatch sometime between March and July and fledge 4 to 6 weeks later. By October, most birds have left for wintering grounds in South America. In the Central Valley, Swainson's hawks typically nest in large trees along riparian systems, but may also nest in oak groves, or lone, mature trees in agricultural fields or along roadsides. Nest sites are typically located adjacent to suitable foraging habitat. Swainson's hawks forage in large, open fields with abundant prey, including grasslands or lightly grazed pastures, alfalfa and other hay crops, and certain grain and row croplands. Their designation as a California Threatened species is based on population decline due in part to loss of foraging habitat to urban development (CDFG 1994).

*Potential to occur onsite.* Swainson's hawks are relatively uncommon in the immediate project vicinity. The closest known breeding occurrence of this species is approximately 7 miles to the northwest, where a pair was observed in 2008. The project site is situated within a matrix of residential development and orchard lands, both incompatible land uses for this species. However, Swainson's hawks could theoretically nest in the valley oaks occurring on the perimeter of the site, or in other mature trees within 0.5 mile of the project site, and may occasionally forage in the fallow fields of the project site.

### **2.5.2 San Joaquin Kit Fox (*Vulpes macrotis mutica*). Federal Listing Status: Endangered; State Listing Status: Threatened**

*Ecology of the species.* By the time the San Joaquin kit fox (SJKF) was listed as federally endangered in 1967 and California threatened in 1971, it had been extirpated from much of its historic range. The smallest North American member of the dog family (Canidae), the kit fox historically occupied the dry plains of the San Joaquin Valley, from San Joaquin County to

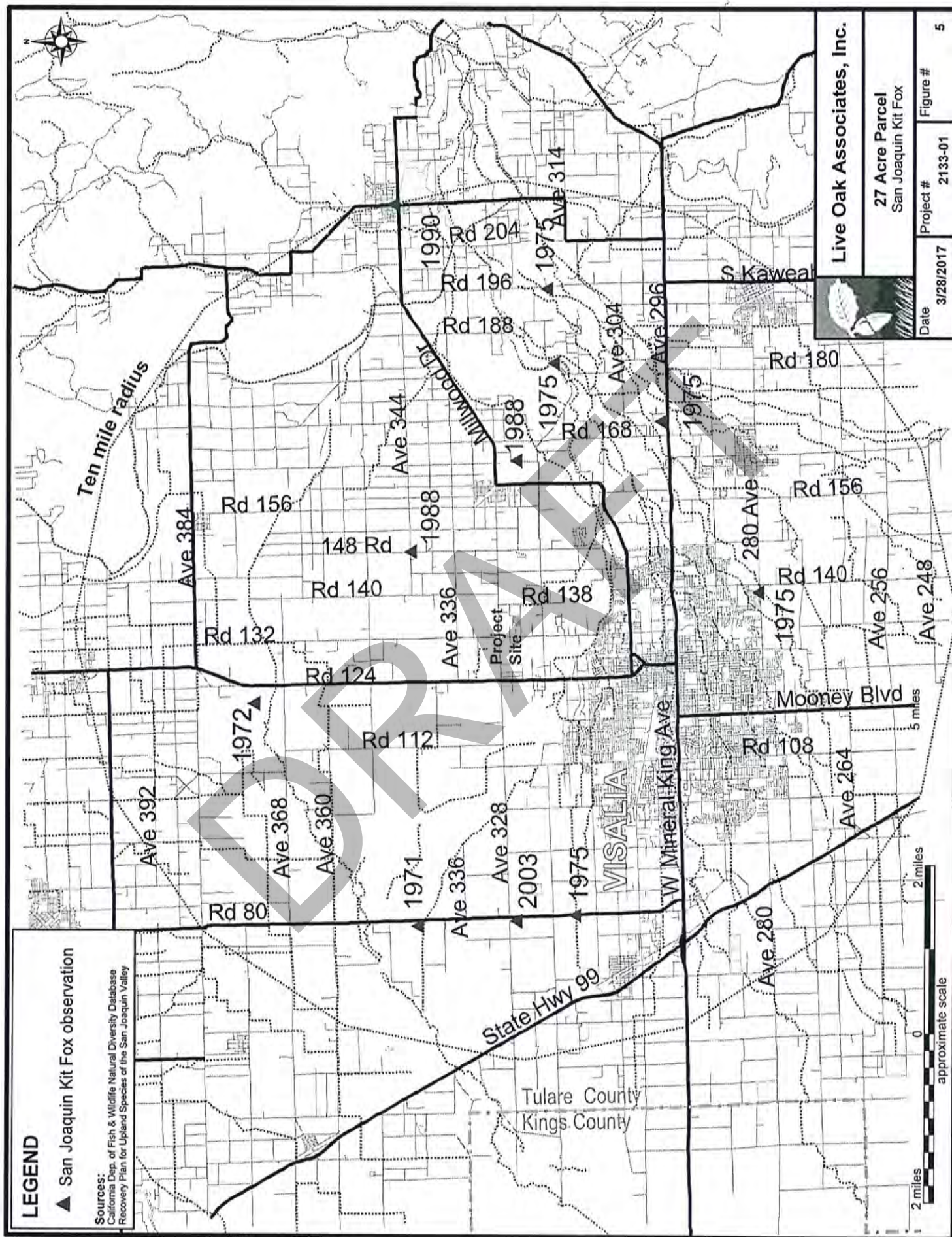


southern Kern County (Grinnell et al. 1937). Local surveys, research projects, and incidental sightings indicate that kit fox currently occupy available habitat on the San Joaquin Valley floor and in the surrounding foothills. Core SJKF populations are located in the natural lands of western Kern County, the Carrizo Plain Natural Area in San Luis Obispo County, and the Ciervo-Panoche Natural Area in western Fresno and eastern San Benito Counties (USFWS 1998).

The SJKF prefers habitats of open or low vegetation with loose soils. In the southern and central portion of the Central Valley, kit fox are found in valley sink scrub, valley saltbrush scrub, upper Sonoran subshrub scrub, and annual grassland (USFWS 1998). Kit fox may also be found in grazed grasslands, urban settings, and in areas adjacent to tilled or fallow fields (USFWS 1998). They require underground dens to raise pups, regulate body temperature, and avoid predators and other adverse environmental conditions (Golightly and Ohmart 1984). In the central portion of their range, they usually occupy burrows excavated by small mammals such as California ground squirrels. The SJKF is primarily carnivorous, feeding on black-tailed hares, desert cottontails, rodents, insects, reptiles, and some birds.

*Potential to occur onsite.* The project site consists of a fallow field theoretically suitable for foraging by the kit fox, but marginal for denning due to high levels of surrounding human activity. Gopher burrows, much less suitably-sized burrows, were observed on or directly adjacent to the project site during the March 2017 field survey. No ground squirrel burrows were found. The presence of domestic dogs on and adjacent to the site would be expected to further discourage on-site denning by this species.

Moreover, in order to access habitats of the project site, kit fox must first occur in the project vicinity. This is unlikely for several reasons. First, ten out of the eleven documented occurrences of kit fox within ten miles of the project site are historical, from 30 years ago (or more). The nearest that kit fox have been documented is 3 miles northeast of the project site in 1988 (see Figure 5). The most recent sighting from 2003 is approximately 7 miles west of the site. Second, all kit fox observations within ten miles of the project site have been made in natural lands associated with waterways or in large expanses of agricultural fields; there is not a regional precedent for kit fox occurrence in small agricultural fields isolated from other potential





habitat by a matrix of orchards and residential uses. Finally, the project site is situated over 65 miles north of the nearest kit fox core population in Bakersfield.

In summary, the San Joaquin kit fox is not expected to occur within the project site because 1) their occurrence in both the immediate and larger vicinity of the project site is historical in nature, 2) what little habitat exists for the kit fox within the project site is surrounded by an intensively-managed landscape of limited suitability for this species, and 3) domestic dogs would be expected to deter kit fox from using the site.

### **2.5.3 Burrowing Owl (*Athene cunicularia*). Federal Listing Status: None; State Listing Status: Species of Special Concern**

*Ecology of the species.* The burrowing owl is primarily a grassland species, but may also occur in open shrub lands, grazed pastures, and occasionally agricultural lands. The primary indicators of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation, with only sparse areas of shrubs or taller vegetation. Burrowing owls roost and nest in the burrows of California ground squirrels, and occasionally also badger, coyote, or fox. The burrowing owl diet includes a broad array of arthropods, small rodents, birds, reptiles, and amphibians. In California, burrowing owl survival and reproductive success appears linked to rodent populations, particularly California vole (*Microtus californicus*) (Gervais et al. 2006). In agricultural areas of the San Joaquin Valley, burrowing owls primarily forage within 600 meters of their nest burrows (Gervais et al. 2003). The burrowing owl was designated a California Species of Special Concern in 1978 following long-term population decline, primarily due to loss of habitat to development and agricultural practices.

*Potential to occur onsite.* The project site's fallow field appears suitable for foraging by the burrowing owl. However, burrowing owls are unlikely to roost or nest on the project site given the site's location within a matrix of residential development and orchard lands, given the presence of tall dense vegetation, and given the apparent absence of suitable burrows. The only burrows of suitable size for burrowing owl identified during the survey were located along the banks of Mathews Ditch immediately to the west of the site. High levels of human disturbance would likely preclude burrowing owls from roosting or nesting in such areas.

Burrowing owls are known to occur in the larger project vicinity, but have not been documented on immediately surrounding lands. The CNDDDB lists four burrowing owl occurrences in grassland habitat associated with the CDFW Stone Corral Ecological Reserve, between 4 and 5 miles to the northwest of the project site. An additional six occurrences are documented in the CNDDDB, all greater than 6 miles from the site.

## **2.6 JURISDICTIONAL WATERS**

As will be discussed in greater detail in Section 3.2.5, the U.S. Army Corps of Engineers (USACE) has regulatory authority over certain rivers, creeks, lakes, ponds, reservoirs, wetlands, and in some cases irrigation canals (“Waters of the U.S.” or “jurisdictional waters”). The extent of USACE jurisdiction is defined in the Code of Federal Regulations and has been further clarified in federal courts. Generally, Waters of the U.S. are navigable waters that cross state or national boundaries, are used in or somehow influence interstate or foreign commerce, or are impoundments or tributaries of such waters.

No potential jurisdictional waters were observed on the site. No evidence of hydric soils, wetland hydrology or hydrophytic vegetation were observed.

## **2.7 DESIGNATED CRITICAL HABITAT**

As will be discussed further in Section 3.2.3, the USFWS often designates areas of “critical habitat” when it lists species as threatened or endangered. Critical habitat is a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

Designated critical habitat is absent from the project site. Critical habitat for vernal pool fairy shrimp, vernal pool tadpole shrimp, Hoover’s spurge and San Joaquin Valley orcutt grass is present within vernal pools approximately 4.5 miles north of the site. Habitat suitable for these species does not occur within the project site.



## **2.8 NATURAL COMMUNITIES OF SPECIAL CONCERN**

Natural communities of special concern are those that are of limited distribution, distinguished by significant biological diversity, home to special status species, etc. CDFW is responsible for the classification and mapping of all natural communities in California. Natural communities are assigned state and global ranks according to their degree of imperilment. Any natural community with a state rank of 3 or lower (on a 1-5 scale) is considered of special concern. Examples of natural communities of special concern in the vicinity of the project site include vernal pools and various types of riparian forest (Sawyer, Keeler-Wolf and Evens 2012).

The fallow field present on the project site is highly disturbed and dominated by non-native species, and therefore would not be considered a natural community of special concern.

## **2.9 WILDLIFE MOVEMENT CORRIDORS**

Wildlife movement corridors are routes that animals regularly and predictably follow during seasonal migration, dispersal from native ranges, daily travel within home ranges, and inter-population movements. Movement corridors in California are typically associated with valleys, ridgelines, and rivers and creeks supporting riparian vegetation. No portion of the project site has the potential to function as a wildlife movement corridor. However, the Pacific flyway, one of four major bird migration routes in North America, passes over the project site and much of the rest of California.

### 3.0 IMPACTS AND MITIGATIONS

#### 3.1 SIGNIFICANCE CRITERIA

General plans, area plans, and specific projects are subject to the provisions of CEQA. The purpose of CEQA is to assess the impacts of proposed projects on the environment prior to project implementation. Impacts to biological resources are just one type of environmental impact assessed under CEQA, and vary from project to project in terms of scope and magnitude. Projects requiring removal of vegetation may result in the mortality or displacement of animals associated with this vegetation. Animals adapted to humans, roads, buildings, and pets may replace those species formerly occurring on a site. Plants and animals that are state and/or federally listed as threatened or endangered may be destroyed or displaced. Sensitive habitats such as wetlands and riparian woodlands may be altered or destroyed. Such impacts may be considered either “significant” or “less than significant” under CEQA. According to *California Environmental Quality Act, Statute and Guidelines* (AEP 2012), “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic interest. Specific project impacts to biological resources may be considered “significant” if they would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;
- 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 CDFW or USFWS;
- 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;
- 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;



- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Furthermore, CEQA Guidelines Section 15065(a) states that a project may trigger the requirement to make a “mandatory finding of significance” if the project has the potential to:

“Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.”

## **3.2 RELEVANT GOALS, POLICIES, AND LAWS**

### **3.2.1 General Plan Policies of County of Tulare**

In compliance with CEQA, the lead agency must consider conformance with applicable goals and policies of the General Plan of the County of Tulare. The Tulare County General Plan released an update in 2003 that is valid through 2030. Implementation of goals in the Tulare County General Plan is accomplished via a set of policies specific to each goal. Please refer to Appendix F for the biological resources section of the plan.

Relevant biological resource goals of the Tulare County General Plan include:

- protecting rare and endangered species;
- limiting development in environmentally sensitive areas;
- encouraging cluster development in areas with moderate to high potential for sensitive habitat;
- encouraging the planting of native trees, shrubs, and grasslands preserve;
- requiring open space buffers between development projects and significant watercourse, riparian vegetation, wetlands, and other sensitive habitats and natural communities;

- coordinating with other government land management agencies to preserve and protect biological resources;
- encouraging appropriate access to resource-managed lands;
- providing opportunities for hunting and fishing activities;
- implementing pesticide controls to limit effects on natural resources; and
- supporting the establishment and administration of a mitigation banking program.

### **3.2.2 Threatened and Endangered Species**

Permits may be required from the USFWS and/or CDFW if activities associated with a proposed project have the potential to result in the “take” of a species listed as threatened or endangered under the federal and/or state Endangered Species Acts. “Take” is defined by the state of California as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” (California Fish and Game Code, Section 86). “Take” is more broadly defined by the federal Endangered Species Act to include “harm” (16 USC, Section 1532(19), 50 CFR, Section 17.3). The CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

### **3.2.3 Designated Critical Habitat**

The USFWS often designates areas of “critical habitat” when it lists species as threatened or endangered. Critical habitat is defined by section 3(5)(A) of the federal Endangered Species Act as “(i) The specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.” The Act goes on to define “conservation” as “the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which listing under the Act is no longer necessary.”



The designation of a specific area as critical habitat does not directly affect its ownership. Federal actions that result in destruction or adverse modification of critical habitat are, however, prohibited in the absence of prior consultation with the USFWS according to provisions of the act. Furthermore, recent appellate court cases require that federal actions affecting critical habitat promote the recovery of the listed species protected by the critical habitat designation.

The USFWS designates critical habitat for a species by identifying general areas likely to contain the species' "primary constituent elements," or physical or biological features of the landscape that the species needs to survive and reproduce. Although a unit of critical habitat for a particular species may be quite large, only those lands within the unit that contain the species' primary constituent elements are actually considered critical habitat by the USFWS.

### **3.2.4 Migratory Birds**

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712) prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs. Additionally, California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513), as well as any other native non-game bird (Section 3800).

### **3.2.5 Birds of Prey**

Birds of prey are protected in California under provisions of the Fish and Game Code (Section 3503.5), which states that it is unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks and eagles) or Strigiformes (owls), as well as their nests and eggs. The bald eagle and golden eagle are afforded additional protection under the federal Bald and Golden Eagle Protection Act (16 USC 668), which makes it unlawful to kill birds or their eggs.

### 3.2.6 Nesting Birds

In California, protection is afforded to the nests and eggs of all birds. California Fish and Game Code (Section 3503) states that it is “unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Breeding-season disturbance that causes nest abandonment and/or loss of reproductive effort is considered a form of “take” by the CDFW.

### 3.2.7 Wetlands and Other Jurisdictional Waters

Natural drainage channels and adjacent wetlands may be considered “waters of the United States” or “jurisdictional waters” subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts. Jurisdictional waters generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce;
- All impoundments of waters otherwise defined as waters of the United States under the definition;
- Tributaries of waters identified in paragraphs (a)(1)-(4) (i.e. the bulleted items above).

As determined by the United States Supreme Court in its 2001 *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated *Carabell/Rapanos* decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable and therefore jurisdictional water.



The USACE regulates the filling or grading of jurisdictional waters under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by “ordinary high water marks” on opposing channel banks. All activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the RWQCB issues a certification (or waiver of such certification) that the proposed activity will meet state water quality standards.

The filling of isolated wetlands, over which the USACE has disclaimed jurisdiction, is regulated by the RWQCB. It is unlawful to fill isolated wetlands without filing a Notice of Intent with the RWQCB. The RWQCB is also responsible for enforcing National Pollution Discharge Elimination System (NPDES) permits, including the General Construction Activity Storm Water Permit. All projects requiring federal money must also comply with Executive Order 11990 (Protection of Wetlands).

CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code (2003). Activities that would disturb these waters are regulated by the CDFW via a Streambed Alteration Agreement. Such an agreement typically stipulates that certain measures will be implemented which protect the habitat values of the drainage in question.

### **3.3 POTENTIALLY SIGNIFICANT PROJECT IMPACTS/MITIGATION**

The 27-acre project site is proposed for subdivision into four separate parcels, all of which are expected to be used for residential development. The following subsections assume that all areas of the project site will be impacted by future development. It is assumed that removal of the few valley oaks on the project boundaries would occur as a result of residential development on individual lots. Potentially significant project impacts to biological resources and mitigations are discussed below.

### 3.3.1 Project-Related Mortality of San Joaquin Kit Fox

**Potential Impacts.** As discussed in Section 2.5.2, the San Joaquin kit fox is unlikely to occur within the project site. However, based on past occurrences of kit fox in the 10-mile vicinity of the project site, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the project site, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the project site would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.

**Mitigation.** Prior to project construction, the following measures adapted from the U.S. Fish and Wildlife Service 2011 *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (Appendix E) will be implemented.

***Mitigation Measure 3.3.1a (Pre-construction Surveys).*** Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance on each of the four separate parcels. These surveys will be conducted in accordance with the USFWS *Standardized Recommendations*. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately to determine the best course of action.

***Mitigation Measure 3.3.1b (Avoidance).*** Should a kit fox be found using the site during preconstruction surveys, the project will avoid the habitat occupied by the kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified.

***Mitigation Measure 3.3.1c (Minimization).*** Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads,



construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.

**Mitigation Measure 3.3.1d (Mortality Reporting).** The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.

Implementation of these measures will reduce potential impacts to the San Joaquin kit fox to a less than significant level and ensure that future development activities within the project site remain in compliance with state and federal laws protecting this species.

### **3.3.2 Project-Related Mortality/Disturbance of Nesting Raptors and Migratory Birds**

**Potential Impacts.** The project site contains habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Four special-status birds (Swainson's hawk, white-tailed kite (*Elanus leucurus*), northern harrier, and loggerhead shrike (*Lanius ludovicianus*)) also have the potential to nest within or adjacent to the project site. On-site valley oak trees, as well as mature trees bordering the site, could be used for nesting by the western kingbird, Bullock's orioles (*Icterus bullockii*), and various raptors. Ground-nesting species such as the western meadowlark (*Sturnella neglecta*), mourning dove, and northern harrier could potentially nest in the dense vegetation of the fallow field. Raptors and migratory birds nesting within the project site at the time of construction have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.

**Mitigation.** The following measures will be implemented prior to the start of ground disturbance on each of the four parcels of the project site.

***Mitigation Measure 3.3.2a (Avoidance).*** In order to avoid impacts to nesting raptors and migratory birds, ground disturbance on individual lots of the project will occur, where possible, outside the nesting season, or between September 1<sup>st</sup> and January 31<sup>st</sup>.

***Mitigation Measure 3.3.2b (Preconstruction Surveys).*** If ground disturbance must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. Should a 30-day window of no activity occur on any given parcel (within the breeding season), the surveys should be redone. The surveys will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save the Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.

***Mitigation Measure 3.3.2c (Establish Buffers).*** Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.

Implementation of the above measures will reduce potential project impacts to nesting raptors and migratory birds to a less than significant level, and will ensure that the project remains in compliance with state and federal laws protecting these species.



### 3.3.3 Project Impacts to Roosting Bats

**Potential Impact.** Valley oak trees within the study area provide potential roosting habitat for several species of bat. Development of the parcels on the project site could result in removal of mature valley oaks potentially serving as roosting habitat for both pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis* ssp. *californicus*). Impacts to mature valley oak trees with maternal roosts have the potential to result in the mortality of many juvenile bats and would be considered a significant impact of the project as defined by CEQA.

**Mitigation.** In order to minimize construction disturbance to maternal roosting bats in onsite trees, prior to the beginning of ground disturbance on each of the four separate parcels, the following measures will be implemented, as applicable:

***Mitigation Measure 3.3.3a (Temporal Avoidance).*** Tree removal (if necessary) should occur after September 30, and before April 1, outside the maternal roosting season.

***Mitigation Measure 3.3.3b (Preconstruction Surveys).*** If removal of trees must occur between April 1 and September 30 (general maternity bat roost season), a qualified biologist will survey affected trees for the presence of bats within 30 days prior to these activities. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.

***Mitigation Measure 3.3.3c (Minimization).*** If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted via partial dismantlement of trees prior to full removal under the direction of a qualified biologist to ensure that no adverse impact to any bats occurs as a result of construction activities.

***Mitigation Measure 3.3.3d (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 50 to 100 feet as determined by the biologist.

**Mitigation Measure 3.3.3e (Consultation if Maternity Roosts Cannot be Avoided).** If maternal roosts are determined to be present and must be removed, the bats will be excluded from the roosting site before the roost is removed. An exclusion plan, addressing exclusion methods, and roost removal procedures will be developed by a qualified biologist before implementation. Exclusion methods may include use of one-way doors at roost entrances or sealing roost entrances when a site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g. during hibernation or while females in maternity colonies are nursing young).

Implementation of these measures will reduce potentially significant project impacts to roosting bats to a “less than significant” level under CEQA.

### **3.4 LESS THAN SIGNIFICANT PROJECT IMPACTS**

#### **3.4.1 Loss of Habitat for Special Status Plants**

**Potential Impacts.** Fourteen special status vascular plant species are known to occur in the vicinity of the project site: Hoover’s spurge (*Euphorbia hooveri*), San Joaquin Valley orcutt grass (*Orcuttia inaequalis*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), heartscale (*Atriplex cordulata* var. *cordulata*), Earlimart orache (*Atriplex cordulata* var. *erecticaulis*), brittlescale (*Atriplex depressa*), lesser saltscale (*Atriplex minuscule*), vernal pool smallscale (*Atriplex persistens*), subtle orache (*Atriplex subtilis*), recurved larkspur (*Delphinium recurvatum*), spiny-sealed button-celery (*Eryngium spinosepalum*), Winter’s sunflower (*Helianthus winteri*), California satintail (*Imerata brevifolia*), and California alkali grass (*Puccinellia simplex*) (see Table 1). Past and ongoing disturbance of the project site and surrounding lands has eliminated habitat for these 14 plant species. Therefore, the proposed project would not affect regional populations of these species and impacts would be less than significant.

**Mitigation.** Mitigation measures are not warranted.



### 3.4.2 Loss of Habitat for Special Status Animals Absent or Unlikely to Occur in the Project Site

**Potential Impacts.** Of the 18 special status animal species potentially occurring in the region, twelve (12) species would be absent or unlikely to occur on the project site (see Table 1). These include the vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), California tiger salamander (*Ambystoma californiense*), Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), willow flycatcher (*Empidonax traillii*), San Joaquin kit fox, western spadefoot (*Spea hammondi*), western pond turtle (*Emys marmorata*), foothill yellow-legged frog (*Rana boylei*), burrowing owl, and American badger (*Taxidea taxus*). Loss of habitat as a result of future residential development of the project site would have no effect on these species because there is little or no likelihood that they are present.

**Mitigation.** Mitigation measures are not warranted.

### 3.4.3 Loss of Habitat for Special Status Animals that Could Breed and/or Forage in the Project Site

**Potential Impacts.** Of the 18 special status animal species potentially occurring in the region, six species have the potential to occur within the project site in association with breeding, foraging, or both. These species comprise the Swainson's hawk, northern harrier, white-tailed kite, loggerhead shrike, pallid bat, and western mastiff bat. The Swainson's hawk, white-tailed kite, and loggerhead shrike could theoretically nest in the on-site valley oaks, while the northern harrier could nest in the dense vegetation of the site's fallow field. All four birds could forage in the fallow field. However, the project site is situated within a matrix of residential development and orchard lands incompatible with the life history of these four avian species, all of which are associated with open country. Although the site may be used for nesting and foraging by these birds on occasion, it is unlikely to represent regionally important habitat for any of these species.

The pallid bat and western mastiff bat have the potential to roost in the on-site valley oaks, and to forage in or over the fallow field. Functionally similar roosting habitat is plentiful on

surrounding lands, and the loss of the oaks is not expected to adversely affect individuals or populations of these species. Similarly, considerable agricultural habitat suitable for foraging by these species will continue to be available on surrounding lands following development of the project site.

For the reasons given, loss of breeding and foraging habitat for the four avian species and two bat species considered in this section is not considered a significant impact of the project under CEQA.

**Mitigation.** Mitigation measures are not warranted.

#### **3.4.4 Disturbance to Waters of the United States**

**Potential Impacts.** As discussed in Section 2.6, no potential waters of the U.S. have been identified on the project site. Therefore, impacts from project implementation will have no measurable effect on the value or function of waters of the U.S. and are not considered significant under CEQA.

**Mitigation.** Mitigation measures are not warranted.

#### **3.4.4 Project Impacts to Wildlife Movement Corridors**

**Potential Impacts.** The project site consists of and is surrounded by developed and/or highly disturbed lands that do not contain important movement corridors for native wildlife. Birds using the Pacific flyway will continue to do so following project development. Future development of the project site will result in a less than significant effect on regional wildlife movements.

**Mitigation.** Mitigation measures are not warranted.

#### **3.4.5 Disturbance to Riparian Habitat or other Sensitive Habitats**

**Potential Impacts.** Riparian habitat is absent from the project site. The fallow field of the project site is not considered a sensitive habitat, and is not of significant importance to regional



wildlife populations. Because riparian and other sensitive habitats are absent, future development of the project site will have no impact on these habitats.

**Mitigation.** Mitigation measures are not warranted.

#### **3.4.6 Project Impacts to Designated Critical Habitat**

**Potential Impacts.** As discussed, designated critical habitat is absent from the project site. Although critical habitat for vernal pool fairy shrimp, vernal pool fairy shrimp, Hoovers's spurge and San Joaquin Valley orcutt grass occurs approximately 4.5 miles north of the site, suitable habitat for these vernal pool species is absent from the project site. Future development of the project site does not have the potential to impact designated critical habitat.

**Mitigation.** Mitigation measures are not warranted.

#### **3.4.7 Degradation of Water Quality in Seasonal Drainages, Stock Ponds, and Downstream Waters**

**Potential Impacts.** Extensive grading often leaves the soils of construction zones barren of vegetation and, therefore, vulnerable to erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek beds, canals, and adjacent wetlands. Furthermore, runoff is often polluted with grease, oil, pesticide and herbicide residues, heavy metals, etc. However, agricultural and industrial/residential lands in and around the project site are nearly level and are subjected to regular soil disturbance that exposes barren soils. The only hydrologic feature found in the immediate vicinity of the project site where grading could occur (residential pond) is highly maintained and isolated from all other hydrologic features. Therefore, impacts to water quality from project construction are considered less than significant.

It should be noted that projects involving the grading of more than one acre of land must be in compliance with provisions of a General Construction permit (a type of NPDES permit) available from the RWQCB.

**Mitigation.** No mitigation measures are warranted.

#### **3.4.8 Local Policies or Habitat Conservation Plans**

**Potential Impacts.** The project will be implemented in accordance with the goals and policies of the Tulare County General Plan. No known HCPs or NCCPs are in effect for the area. Therefore, the project is not expected to conflict with local policies or habitat conservation plans.

**Mitigation.** No mitigation is warranted.

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**APPENDIX A: VASCULAR PLANTS OF THE PROJECT SITE**

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## APPENDIX A: VASCULAR PLANTS OF THE PROJECT SITE

The plant species listed below were observed on or adjacent to the project site by LOA during a field survey conducted on March 20, 2017. The U.S. Fish and Wildlife Service wetland indicator status of each plant has been shown following its common name.

OBL - Obligate  
 FACW - Facultative Wetland  
 FAC - Facultative  
 FACU - Facultative Upland  
 UPL - Upland

### ASTERACEAE – Sunflower Family

<i>Erigeron bonariensis</i>	Asthmaweed	FACU
<i>Erigeron canadensis</i>	Canada Horseweed	FACU
<i>Lactuca serriola</i>	Prickly Lettuce	FACU
<i>Pseudognaphalium thermale</i>	Cudweed	UPL
<i>Senecio vulgaris</i>	Common Groundsel	FACU
<i>Sonchus oleraceus</i>	Common Sow Thistle	UPL
<i>Silybum marianum</i>	Milk Thistle	UPL
<i>Taraxacum californicum</i>	California Dandelion	FACW

### BORAGINACEAE – Forget-Me-Not Family

<i>Amsinckia menziesii</i>	Small-flowered Fiddleneck	UPL
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### BRASSICACEAE – Mustard Family

<i>Brassica nigra</i>	black mustard	UPL
<i>Capsella bursa-pastoris</i>	Shepherd's Purse	FACU
<i>Sisymbrium altissimum</i>	Tall Hedge Mustard	FACU

### CARYOPHYLLACEAE – Carnation Family

<i>Stellaria media</i>	Chickweed	FACU
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### CRASSULACEAE – Stonecrop Family

<i>Crassula tillaea</i>	Stonecrop	UPL
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### EUPHORBIACEAE – Spurge Family

<i>Euphorbia peplus</i>	Spurge	UPL
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### FABACEAE - Legume Family

<i>Trifolium</i> sp.	Clover	FAC
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### FAGACEAE – Oak Family

<i>Quercus lobata</i>	Valley Oak	FACU
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### GERANIACEAE - Geranium Family

<i>Erodium cicutarium</i>	Red-stem Filaree	UPL
<i>Erodium moschatum</i>	Whitestem Filaree	UPL

### LAMIACEAE – Mint Family

<i>Lamium amplexicaule</i>	Henbit	UPL
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### LYTHRACEAE – Loosestrife Family

<i>Lythrum hyssopifolium</i>	Hyssop Loosestrife	OBL
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### MALVACEAE – Mallow Family



<i>Malva parviflora</i>	Buttonweed	UPL
<b>MYRSINACEAE – Pimpernel Family</b>		
<i>Lysimachia arvensis</i>	Scarlet Pimpernel	UPL
<b>POACEAE – Grass Family</b>		
<i>Avena fatua</i>	Wild Oats	UPL
<i>Bromus diandrus</i>	Ripgut	UPL
<i>Bromus hordeaceus</i>	Soft Chess	FACU
<i>Hordeum murinum</i> ssp. <i>leporinum</i>	Foxtail Barley	FACU
<i>Hordeum vulgare</i>	Cultivated Barley	UPL
<i>Leptochloa fusca</i> ssp. <i>univervia</i>	Bearded Sprangletop	FACW*
<i>Poa annua</i>	Annual Bluegrass	FAC
<b>URTICACEAE – Nettle Family</b>		
<i>Urtica dioica</i> ssp. <i>holisericea</i>	Hoary Nettle	FAC

**APPENDIX B: TERRESTRIAL VERTEBRATE SPECIES THAT POTENTIALLY  
OCCUR ON THE PROJECT SITE**

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## **APPENDIX B: TERRESTRIAL VERTEBRATE SPECIES THAT POTENTIALLY OCCUR ON THE PROJECT SITE**

The species listed below are those that may reasonably be expected to use the habitats of the project site routinely or from time to time. The list was not intended to include birds that are vagrants or occasional transients. Terrestrial vertebrate species observed in or adjacent to the project site on March 20, 2017 have been noted with an asterisk.

### **CLASS: AMPHIBIA (Amphibians)**

#### **ORDER: SALIENTIA (Frogs and Toads)**

##### **FAMILY: BUFONIDAE (True Toads)**

Western Toad (*Bufo boreas*)

##### **FAMILY: HYLIDAE (Treefrogs and relatives)**

Pacific Chorus Frog (*Pseudacris regilla*)

##### **FAMILY: RANIDAE (True Frogs)**

Bullfrog (*Lithobates catesbeiana*)

### **CLASS: REPTILIA (Reptiles)**

#### **ORDER: SQAMATA (Lizards and Snakes)**

##### **SUBORDER: SAURIA (Lizards)**

##### **FAMILY: PHRYNOSOMATIDAE**

Western Fence Lizard (*Sceloporus occidentalis*)

Side-blotched Lizard (*Uta stansburiana*)

##### **FAMILY: TEIIDAE (Whiptails and relatives)**

Western Whiptail (*Cnemidophorus tigris*)

##### **SUBORDER: SERPENTES (Snakes)**

##### **FAMILY: COLUBRIDAE (Colubrids)**

Glossy Snake (*Arizona elegans*)

Gopher Snake (*Pituophis melanoleucus*)

Common Kingsnake (*Lampropeltis getulus*)

Long-nosed Snake (*Rhinocheilus lecontei*)

Common Garter Snake (*Thamnophis sirtalis*)

##### **FAMILY: VIPERIDAE (Vipers)**

Western Rattlesnake (*Crotalus viridis*)

### **CLASS: AVES (Birds)**

#### **ORDER: CICONIIFORMES (Herons, Storks, Ibises and Relatives)**

##### **FAMILY: ARDEIDAE (Herons and Bitterns)**

Great Blue Heron (*Ardea herodias*)

Cattle Egret (*Bubulcus ibis*)

Great Egret (*Ardea alba*)

Snowy Egret (*Egretta thula*)

##### **FAMILY: CATHARTIDAE (American Vultures)**

Turkey Vulture (*Cathartes aura*)

#### **ORDER: FALCONIFORMES (Vultures, Hawks, and Falcons)**

**FAMILY: ACCIPITRIDAE (Hawks, Old World Vultures, and Harriers)**

White-tailed Kite (*Elanus leucurus*)

Northern Harrier (*Circus cyaneus*)

Red-tailed Hawk (*Buteo jamaicensis*)

\*Red-shouldered Hawk (*Buteo lineatus*)

Ferruginous Hawk (*Buteo regalis*)

Sharp-Shinned Hawk (*Accipiter striatus*)

Cooper's Hawk (*Accipiter cooperii*)

Swainson's Hawk (*Buteo swainsoni*)

**FAMILY: FALCONIDAE (Caracaras and Falcons)**

American Kestrel (*Falco sparverius*)

**ORDER: CHARADRIIFORMES (Shorebirds, Gulls, and relatives)**

**FAMILY: CHARADRIIDAE (Plovers and relatives)**

Killdeer (*Charadrius vociferus*)

**ORDER: COLUMBIFORMES (Pigeons and Doves)**

**FAMILY: COLUMBIDAE (Pigeons and Doves)**

Rock Pigeon (*Columba livia*)

\*Mourning Dove (*Zenaida macroura*)

\*Eurasian Collared-Dove (*Streptopelia decaocto*)

**ORDER: STRIGIFORMES (Owls)**

**FAMILY: TYTONIDAE (Barn Owls)**

Barn Owl (*Tyto alba*)

**FAMILY: STRIGIDAE (Typical Owls)**

Great Horned Owl (*Bubo virginianus*)

Western Screech Owl (*Otus kennicottii*)

**ORDER: APODIFORMES (Swifts and Hummingbirds)**

**FAMILY: TROCHILIDAE (Hummingbirds)**

Black-chinned Hummingbird (*Archilochus alexandri*)

Anna's Hummingbird (*Calypte anna*)

Rufous Hummingbird (*Selasphorus rufus*)

**ORDER: PICIFORMES (Woodpeckers and relatives)**

**FAMILY: PICIDAE (Woodpecker and Wrynecks)**

Northern Flicker (*Colaptes chrysoides*)

**ORDER: PASSERIFORMES (Perching Birds)**

**FAMILY: TYRANNIDAE (Tyrant Flycatchers)**

Black Phoebe (*Sayornis nigricans*)

Say's Phoebe (*Sayornis saya*)

Western Kingbird (*Tyrannus verticalis*)

**FAMILY: LANIIDAE (Shrikes)**

Loggerhead Shrike (*Lanius ludovicianus*)

**FAMILY: CORVIDAE (Jays, Magpies, and Crows)**

Western Scrub Jay (*Aphelocoma coerulescens*)

\*American Crow (*Corvus brachyrhynchos*)

\*Common Raven (*Corvus corax*)

**FAMILY: ALAUDIDAE (Larks)**

Horned Lark (*Eremophila alpestris*)



**FAMILY: HIRUNDINIDAE (Swallows)**

Cliff Swallow (*Hirundo pyrrhonota*)

Barn Swallow (*Hirundo rustica*)

**FAMILY: TURDIDAE**

American Robin (*Turdus migratorius*)

**FAMILY: MIMIDAE (Mockingbirds and Thrashers)**

\*Northern Mockingbird (*Mimus polyglottos*)

**FAMILY: STURNIDAE (Starlings)**

\*European Starling (*Sturnus vulgaris*)

**FAMILY: MOTACILLIDAE (Wagtails and Pipits)**

American Pipit (*Anthus rubescens*)

**FAMILY: BOMBYCILLIDAE (Waxwings)**

Cedar Waxwing (*Bombycilla cedrorum*)

**FAMILY: PARULIDAE (Wood Warblers and Relatives)**

Yellow-rumped Warbler (*Dendroica coronata*)

**FAMILY: EMBERIZIDAE (Sparrows and Relatives)**

Savannah Sparrow (*Passerculus sandwichensis*)

\*White-crowned Sparrow (*Zonotrichia leucophrys*)

\*Golden-crowned Sparrow (*Zonotrichia atricapilla*)

**FAMILY: ICTERIDAE (Blackbirds, Orioles and Allies)**

\*Red-winged Blackbird (*Agelaius phoeniceus*)

Western Meadowlark (*Sturnella neglecta*)

\*Brewer's Blackbird (*Euphagus cyanocephalus*)

Brown-headed Cowbird (*Molothrus ater*)

Bullock's Oriole (*Icterus bullockii*)

Hooded Oriole (*Icterus cucullatus*)

**FAMILY: FRINGILLIDAE (Finches)**

\*House Finch (*Carpodacus mexicanus*)

Lesser Goldfinch (*Carduelis psaltria*)

**FAMILY: PASSERIDAE (Old World Sparrows)**

\*House Sparrow (*Passer domesticus*)

**CLASS: MAMMALIA (Mammals)**

**ORDER: DIDELPHIMORPHIA (Marsupials)**

**FAMILY: DIDELPHIDAE (Opossums)**

Virginia Opossum (*Didelphis virginiana*)

**ORDER: CHIROPTERA (Bats)**

**FAMILY: PHYLLOSTOMIDAE (Leaf-nosed Bats)**

Southern Long-nosed Bat (*Leptonycteris curasoae*)

**FAMILY: VESPERTILIONIDAE (Evening Bats)**

Yuma Myotis (*Myotis yumanensis*)

California Myotis (*Myotis californicus*)

Pale Big-eared Bat (*Corynorhinus townsendii pallescens*)

Western Pipistrelle (*Pipistrellus hesperus*)

Big Brown Bat (*Eptesicus fuscus*)

Pallid Bat (*Antrozous pallidus*)

**FAMILY: MOLOSSIDAE (Free-tailed Bat)**

Western Mastiff Bat (*Eumops perotis* ssp. *californicus*)

Brazilian Free-tailed Bat (*Tadarida brasiliensis*)

**ORDER: LAGOMORPHA (Rabbits, Hares, and Pikas)**

**FAMILY: LEPORIDAE (Rabbits and Hares)**

Audubon's Cottontail (*Sylvilagus audubonii*)

Black-tailed (Hare) Jackrabbit (*Lepus californicus*)

**ORDER: RODENTIA (Rodents)**

**FAMILY: SCIURIDAE (Squirrels, Chipmunks, and Marmots)**

California Ground Squirrel (*Spermophilus beecheyi*)

**FAMILY: GEOMYIDAE (Pocket Gophers)**

\*Botta's Pocket Gopher (*Thomomys bottae*)

**FAMILY: MURIDAE (Old World Rats and Mice)**

Western Harvest Mouse (*Reithrodontomys megalotis*)

Deer Mouse (*Peromyscus maniculatus*)

Norway Rat (*Rattus norvegicus*)

House Mouse (*Mus musculus*)

California Vole (*Microtus californicus*)

**ORDER: CARNIVORA (Carnivores)**

**FAMILY: CANIDAE (Foxes, Wolves, and relatives)**

\*Domesticated Dog (*Canis familiaris*)

Coyote (*Canis latrans*)

Red Fox (*Vulpes vulpes*)

**FAMILY: PROCYONIDAE (Raccoons and relatives)**

Raccoon (*Procyon lotor*)

**FAMILY: MEPHITIDAE (Skunks)**

Striped Skunk (*Mephitis mephitis*)

**FAMILY: FELIDAE (Cats)**

Bobcat (*Lynx rufus*)

\*Feral Cat (*Felis domesticus*)



**APPENDIX C: SELECTED PHOTOGRAPHS OF THE PROJECT SITE**

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Photographs #1 and #2. Valley oak trees on the site provide suitable habitat for nesting birds and roosting bats.







Photographs #3 and #4. Fallow field of the project site provides suitable foraging habitat for San Joaquin kit fox and many avian species, and suitable breeding habitat for ground nesting birds.



**APPENDIX D: U.S. FISH AND WILDLIFE SERVICE STANDARDIZED  
RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN  
KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE**



**U.S. FISH AND WILDLIFE SERVICE  
STANDARDIZED RECOMMENDATIONS  
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX  
PRIOR TO OR DURING GROUND DISTURBANCE**

Prepared by the Sacramento Fish and Wildlife Office  
January 2011

## INTRODUCTION

The following document includes many of the San Joaquin kit fox (*Vulpes macrotis mutica*) protection measures typically recommended by the U. S. Fish and Wildlife Service (Service), prior to and during ground disturbance activities. **However, incorporating relevant sections of these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended (Act) and does not preclude the need for section 7 consultation or a section 10 incidental take permit for the proposed project.** Project applicants should contact the Service in Sacramento to determine the full range of requirements that apply to your project; the address and telephone number are given at the end of this document. Implementation of the measures presented in this document may be necessary to avoid violating the provisions of the Act, including the prohibition against "take" (defined as killing, harming, or harassing a listed species, including actions that damage or destroy its habitat). These protection measures may also be required under the terms of a biological opinion pursuant to section 7 of the Act resulting in incidental take authorization (authorization), or an incidental take permit (permit) pursuant to section 10 of the Act. The specific measures implemented to protect kit fox for any given project shall be determined by the Service based upon the applicant's consultation with the Service.

The purpose of this document is to make information on kit fox protection strategies readily available and to help standardize the methods and definitions currently employed to achieve kit fox protection. The measures outlined in this document are subject to modification or revision at the discretion of the Service.

## IS A PERMIT NECESSARY?

**Certain acts need a permit from the Service which includes destruction of any known (occupied or unoccupied) or natal/pupping kit fox dens.** Determination of the presence or absence of kit foxes and /or their dens should be made during the environmental review process.

All surveys and monitoring described in this document must be conducted by a qualified biologist and these activities do not require a permit. A qualified biologist (biologist) means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox,



gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists should be submitted to the Service for review and approval prior to any survey or monitoring work occurring.

### **SMALL PROJECTS**

Small projects are considered to be those projects with small foot prints, of approximately one acre or less, such as an individual in-fill oil well, communication tower, or bridge repairs. These projects must stand alone and not be part of, or in any way connected to larger projects (i.e., bridge repair or improvement to serve a future urban development). The Service recommends that on these small projects, the biologist survey the proposed project boundary and a 200-foot area outside of the project footprint to identify habitat features and utilize this information as guidance to situate the project to minimize or avoid impacts. If habitat features cannot be completely avoided, then surveys should be conducted and the Service should be contacted for technical assistance to determine the extent of possible take.

Preconstruction/preactivity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox. Kit foxes change dens four or five times during the summer months, and change natal dens one or two times per month (Morrell 1972). Surveys should identify kit fox habitat features on the project site and evaluate use by kit fox and, if possible, assess the potential impacts to the kit fox by the proposed activity. The status of all dens should be determined and mapped (see Survey Protocol). Written results of preconstruction/preactivity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities.

**If a natal/pupping den is discovered within the project area or within 200-feet of the project boundary, the Service shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/preactivity survey reveals an active natal pupping or new information, the project applicant should contact the Service immediately to obtain the necessary take authorization/permit.**

If the take authorization/permit has already been issued, then the biologist may proceed with den destruction within the project boundary, except natal/pupping den which may not be destroyed while occupied. A take authorization/permit is required to destroy these dens even after they are vacated. Protective exclusion zones can be placed around all known and potential dens which occur outside the project footprint (conversely, the project boundary can be demarcated, see den destruction section).



## OTHER PROJECTS

It is likely that all other projects occurring within kit fox habitat will require a take authorization/permit from the Service. This determination would be made by the Service during the early evaluation process (see Survey Protocol). These other projects would include, but are not limited to: Linear projects; projects with large footprints such as urban development; and projects which in themselves may be small but have far reaching impacts (i.e., water storage or conveyance facilities that promote urban growth or agriculture, etc.).

The take authorization/permit issued by the Service may incorporate some or all of the protection measures presented in this document. The take authorization/permit may include measures specific to the needs of the project and those requirements supersede any requirements found in this document.

## EXCLUSION ZONES

In order to avoid impacts, construction activities must avoid their dens. The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances due to the length of dens underground. The following distances are **minimums**, and if they cannot be followed the Service must be contacted. Adult and pup kit foxes are known to sometimes rest and play near the den entrance in the afternoon, but most above-ground activities begin near sunset and continue sporadically throughout the night. Den definitions are attached as Exhibit A.

Potential den**	50 feet
Atypical den**	50 feet
Known den*	100 feet
Natal/pupping den (occupied <u>and</u> unoccupied)	Service must be contacted

\*Known den: To ensure protection, the exclusion zone should be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by kit foxes. Acceptable fencing includes untreated wood particle-board, silt fencing, orange construction fencing or other fencing as approved by the Service as long as it has openings for kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction related or operational disturbances have been terminated. At that time, all fencing shall be removed to avoid attracting subsequent attention to the dens.

**\*\*Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.

Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.

### **DESTRUCTION OF DENS**

Limited destruction of kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed. The value to kit foxes of potential, known, and natal/pupping dens differ and therefore, each den type needs a different level of protection.

**Destruction of any known or natal/pupping kit fox den requires take authorization/permit from the Service.**

Destruction of the den should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above should be resumed. Destruction of the den may be completed when in the judgment of the biologist, the animal has escaped, without further disturbance, from the partially destroyed den.

**Natal/pupping dens:** Natal or pupping dens which are occupied will not be destroyed until the pups and adults have vacated and then only after consultation with the Service. Therefore, project activities at some den sites may have to be postponed.

**Known Dens:** Known dens occurring within the footprint of the activity must be monitored for three days with tracking medium or an infra-red beam camera to determine the current use. If no kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use.

If kit fox activity is observed at the den during this period, the den should be monitored for at least five consecutive days from the time of the observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging its entrances(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den be excavated under the direction of the biologist. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant, for example during the animal's normal foraging activities.



**The Service encourages hand excavation, but realizes that soil conditions may necessitate the use of excavating equipment. However, extreme caution must be exercised.**

Potential Dens: If a take authorization/permit has been obtained from the Service, den destruction may proceed without monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential dens should be monitored as if they were known dens. If any den was considered to be a potential den, but is later determined during monitoring or destruction to be currently, or previously used by kit fox (e.g., if kit fox sign is found inside), then all construction activities shall cease and the Service shall be notified immediately.

## **CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS**

Habitat subject to permanent and temporary construction disturbances and other types of ongoing project-related disturbance activities should be minimized by adhering to the following activities. Project designs should limit or cluster permanent project features to the smallest area possible while still permitting achievement of project goals. To minimize temporary disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas should also be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts.

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is



discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.
9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be



re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Game (CDFG), and revegetation experts.

11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFG contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division  
2800 Cottage Way, Suite W2605  
Sacramento, California 95825-1846  
(916) 414-6620 or (916) 414-6600

**EXHIBIT "A" - DEFINITIONS**

"Take" - Section 9 of the Endangered Species Act of 1973, as amended (Act) prohibits the "take" of any federally listed endangered species by any person (an individual, corporation, partnership, trust, association, etc.) subject to the jurisdiction of the United States. As defined in the Act, take means " . . . to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct". Thus, not only is a listed animal protected from activities such as hunting, but also from actions that damage or destroy its habitat.

"Dens" - San Joaquin kit fox dens may be located in areas of low, moderate, or steep topography. Den characteristics are listed below, however, the specific characteristics of individual dens may vary and occupied dens may lack some or all of these features. Therefore, caution must be exercised in determining the status of any den. Typical dens may include the following: (1) one or more entrances that are approximately 5 to 8 inches in diameter; (2) dirt berms adjacent to the entrances; (3) kit fox tracks, scat, or prey remains in the vicinity of the den; (4) matted vegetation adjacent to the den entrances; and (5) manmade features such as culverts, pipes, and canal banks.

"Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. The Service discourages use of the terms "active" and "inactive" when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens often, with the result that the status of a given den may change frequently and abruptly.

"Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

"Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.



"Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

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**APPENDIX E: TULARE COUNTY GENERAL PLAN POLICIES**

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## 8. Environmental Resources Management

the assurance of rail transport for commodities such as grain, row crops, and fruit, a number of farming colonies soon appeared throughout the region.

The colonies grew to become cities such as Tulare, Visalia, Porterville, and Hanford. Visalia, the County seat, became the service, processing, and distribution center for the growing number of farms, dairies, and cattle ranches. By 1900, Tulare County boasted a population of about 18,000. New transportation links such as SR 99 (completed during the 1950s), affordable housing, light industry, and agricultural commerce brought steady growth to the valley. The U.S. Census Bureau estimated the 2003 Tulare County population to be 390,791.

### 8.1 Biological Resources

#### ERM-1

To preserve and protect sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.  
[New Goal]

#### ERM-1.1 Protection of Rare and Endangered Species

The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or federal government, through compatible land use development. [New Policy based on ERME IV-C; Biological Resources; Issue 12, and ERME; Pg 32]

#### ERM-1.2 Development in Environmentally Sensitive Areas

The County shall limit or modify proposed development within areas that contain sensitive habitat for special status species and direct development into less significant habitat areas. Development in natural habitats shall be controlled so as to minimize erosion and maximize beneficial vegetative growth. [New Policy based on EMRE; Water; Issue 3; Recommendation 3, ERME; Pg 28]

#### ERM-1.3 Encourage Cluster Development

When reviewing development proposals, the County shall encourage cluster development in

areas with moderate to high potential for sensitive habitat. [New Policy]

#### ERM-1.4 Protect Riparian Areas

The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls. [New Policy]

#### ERM-1.5 Riparian Management Plans and Mining Reclamation Plans

The County shall require mining reclamation plans and other management plans include measures to protect, maintain and restore riparian resources and habitats. [New Policy]

#### ERM-1.6 Management of Wetlands

The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats. [New Policy]

#### ERM-1.7 Planting of Native Vegetation

The County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained. [New Policy]

#### ERM-1.8 Open Space Buffers

The County shall require buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities. These buffers should be sufficient to assure the continued existence of the waterways and riparian habitat in their natural state. [New Policy based on EMRE policies]

#### ERM-1.9 Coordination of Management on Adjacent Lands

The County shall work with other government land management agencies (such as the Bureau of Land Management, US Forest Service, National Park Service) to preserve and protect biological resources while maintaining the ability to utilize and enjoy the natural resources in the County. [New Policy]



**ERM-1.10 Appropriate Access for Recreation**

The County shall encourage appropriate access to resource-managed lands. *[New Policy]*

**ERM-1.11 Hunting and Fishing**

The County shall provide opportunities for hunting and fishing activities within the County pursuant to appropriate regulations of the California Fish & Game Code. *[New Policy]*

**ERM-1.12 Management of Oak Woodland Communities**

The County shall support the conservation and management of oak woodland communities and their habitats. *[New Policy]*

**ERM-1.13 Pesticides**

The Tulare County Agricultural Commissioner/Sealer will cooperate with State and federal agencies in evaluating the side effects of new materials and techniques in pesticide controls to limit effects on natural resources. *[ERME IV-C; Pesticides; Recommendation 1] [ERME; Pg 131, Modified]*

**ERM-1.14, Mitigation and Conservation Banking Program**

The County shall support the establishment and administration of a mitigation banking program, including working cooperatively with TCAG, federal, State, not-for-profit and other agencies and groups to evaluate and identify appropriate lands for protection and recovery of threatened and endangered species impacted during the land development process. *[New Policy]*

## 8.2 Mineral Resources - Surface Mining

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**ERM-2**

To conserve protect and encourage the development of areas containing mineral deposits while considering values relating to water resources, air quality, agriculture, traffic, biotic, recreation, aesthetic enjoyment, and other public interest values. *[New Goal based on MRPAC June 28, 2006]*

**ERM-2.1 Conserve Mineral Deposits**

Emphasize the conservation of identified and/or potential mineral deposits, recognizing the need for identifying, permitting, and maintaining a 50 year supply of locally available PCC grade aggregate. *[MRPAC June 28, 2006]*

**ERM-2.2 Recognize Mineral Deposits**

Recognize as a part of the General Plan those areas which have identified and/or potential mineral deposits. *[MRPAC June 28, 2006]*

**ERM-2.3 Future Resource Development**

Provide for the conservation of identified and/or potential mineral deposits within Tulare County as areas for future resource development. Recognize that mineral deposits are significantly limited within Tulare County and that they play an important role in support of the economy of the County. *[MRPAC June 28, 2006]*

**ERM-2.4 Identify New Resources**

Encourage exploration, evaluation, identification, and development of previously unrecognized but potentially significant hard rock resources for production of crushed stone aggregate. *[MRPAC June 28, 2006]*

**ERM-2.5 Resources Development**

The County will promote the responsible development of identified and/or potential mineral deposits. *[MRPAC June 28, 2006]*

**ERM-2.6 Streamline Process**

Create a streamlined and timely permitting process for the mining industry, which will help encourage long-range planning and the reasonable amortization of investments. *[MRPAC June 28, 2006]*

**ERM-2.8 Minimize Adverse Impacts**

Minimize the adverse effects on environmental features such as water quality and quantity, air quality, flood plains, geophysical characteristics, biotic, archaeological and aesthetic factors. *[MRPAC June 28, 2006]*



## 8. Environmental Resources Management

### ERM-2.9 Minimize Hazards and Nuisances

Minimize the hazards and nuisances to persons and properties in the area during extraction, processing and reclamation operations. [MRPAC June 28, 2006]

### ERM-2.10 Compatibility

Develop mineral deposits in a manner compatible with surrounding land uses. [MRPAC June 28, 2006]

### ERM-2.11 Incompatible Development

Proposed incompatible land uses shall not be on lands containing, or adjacent to identified mineral deposits, or along key access roads, unless adequate mitigation measures are adopted or a statement of overriding considerations stating public benefits and overriding reasons for permitting the proposed use are adopted. [MRPAC June 28, 2006]

### ERM-2.12 Conditions of Approval

Procedures shall be established to ensure compliance with conditions of approval on all active and idle mines. [MRPAC June 28, 2006]

### ERM-2.13 Approved Limits

Procedures shall be established to ensure that vested interest mining operations remain within their approved area and/or production limits. [MRPAC June 28, 2006]

### ERM-2.14 SMARA Requirements

All surface mines, unless otherwise exempted, shall be subject to reclamation plans that meet SMARA requirements. Reclamation procedures shall restore the site for future beneficial use of the land. Mine reclamation costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures. [MRPAC June 28, 2006]

## 8.3 Mineral Resources

### ERM-3

To protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment. [ERME IV-B; Land; Issue 8] [ERME; Pg 30, Modified]

### ERM-3.1 Environmental Contamination

All mining operations shall be required to take precautions to avoid contamination from wastes or incidents related to the storage and disposal of hazardous materials, or general operating activity at the site. [New Policy]

### ERM-3.2 Limited In-City Mining

Within UDBs, new commercial mining operations should be limited due to environmental and compatibility concerns. [New Policy]

### ERM-3.3 Small-Scale Oil and Gas Extraction

The County shall permit by special use permit small-scale oil and gas extraction activities and facilities that can be demonstrated to not have a significant adverse effect on surrounding or adjacent land and are within an established oil and gas field outside of a UDB. [New Policy]

### ERM-3.4 Oil and Gas Extraction

Facilities related to oil and gas extraction and processing may be allowed in identified oil and gas fields subject to a special use permit. The extraction shall demonstrate that it will be compatible with surrounding land uses and land use designations. [New Policy]

### ERM-3.5 Reclamation of Oil and Gas Sites

The County shall require the timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the land to its primary land use as designated by the General Plan. Reclamation costs shall be born by the mine operator, and guaranteed by financial assurances set aside for restoration procedures. [New Policy, MRPAC Goals, Policies, Implementation Measures, and Development Standards, Goal F and associated policies]

## 8.4 Energy Resources

### ERM-4

To encourage energy conservation in new and existing developments throughout the County. [New Goal]

### ERM-4.1 Energy Conservation and Efficiency Measures

The County shall encourage the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new

# **ATTACHMENT “B”**

## **Cultural Resources Assessment**

DRAFT





**CULTURAL RESOURCES ASSESSMENT, 27-ACRE PARCEL  
(APN 079-190-017), 13401 AVENUE 328 AT BEN MADDOX WAY,  
TULARE COUNTY, CALIFORNIA**

Prepared for:

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Sierra Valley Cultural Planning  
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2 May 2017

Topographic Quadrangle: Monson, 7.5' (1969)  
Area: 27 acres (11 hectares)

(Keywords: Tulare, Township 18S, Range 25E, Wólase Yokuts)

## TABLE OF CONTENTS

	<i>Page</i>
MANAGEMENT SUMMARY.....	3
INTRODUCTION.....	4
PROJECT LOCATION AND DESCRIPTION.....	4
SOURCES CONSULTED .....	4
SETTING.....	6
NATURAL ENVIRONMENT.....	10
PREHISTORIC PERIOD SUMMARY.....	10
ETHNOGRAPHIC SUMMARY.....	12
HISTORIC PERIOD SUMMARY.....	12
METHODS AND FINDING.....	13
SUMMARY OF FINDINGS.....	13
REFERENCES CITED.....	14
PREPARER'S QUALIFICATIONS.....	16



## MANAGEMENT SUMMARY

On 23 March 2017, a cultural resources survey was performed of approximately 27 acres (11 hectares) of land located south of Avenue 328 and west of Road 132, northeast of the City of Visalia in Tulare County, California. The study area is located in Township 18S, Range 25E, Section 9, MDB&M; see Maps 1 and 2.

The cultural resources survey was performed at the request of Mr. Fred Weber on behalf of the property owners. The results of this study will supplement environmental studies performed in support of a tentative parcel map which will divide the 27 acres into three equal parcels of 2.515 acres with a remainder of 20.12 acres. Provisions and implementing guidelines of the California Environmental Quality Act (CEQA), as amended March 18, 2010, state that identification and evaluation of historical resources is required for any action that may result in a potential adverse effect on the significance of such resources, which include archaeological resources.

No archaeological or other cultural resources were identified as a result of this study. Therefore, it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended. In the unlikely event that buried archaeological deposits are encountered within the project area, the finds must be evaluated by a qualified archaeologist. Should human remains be encountered, the County Coroner must be contacted immediately; if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well.

## **INTRODUCTION**

This report presents the findings of a pedestrian archaeological survey of a 27-acre (11-hectare) parcel of land located south of Avenue 328 and west of Road 132, northeast of the City of Visalia in Tulare County, California. The study area is located in Township 18S, Range 25E, Section 9, MDB&M; see Maps 1 and 2. The survey was completed by SVCP on 23 March 2017.

The cultural resources survey was performed at the request of Mr. Fred Weber on behalf of the property owners. The results of this study will supplement environmental studies performed in support of a tentative parcel map which will divide the 27 acres into three equal parcels of 2.515 acres with a remainder of 20.12 acres. Provisions and implementing guidelines of the California Environmental Quality Act (CEQA), as amended March 18, 2010, state that identification and evaluation of historical resources is required for any action that may result in a potential adverse effect on the significance of such resources, which include archaeological resources.

SVCP archaeologist Douglas S. McIntosh completed a cultural resource survey of the project Area of Potential Effect (APE). This report was completed by SVCP Principal Investigator C. Kristina Roper.

## **PROJECT LOCATION AND DESCRIPTION**

The subject 27-acre parcel is located south of Avenue 328 and west of Road 132, northeast of the City of Visalia in Tulare County, California. The parcel is situated in a semi-rural setting, surrounded by single family homes on large parcels, open fields and walnut orchards. To the north of the project area are single family homes along the edge of a private road, to the south there is a walnut orchard, to the east are open parcels and private residences, and to the west is an irrigation ditch and low density residential housing.

The project area encompasses Assessor's Parcel Number (APN) 079-190-017. The project study area lies within Township 18S, Range 25E, Section 9, MDB&M (see Maps 1-2). The project Area of Potential Effect (APE) is depicted on Map 3.

## **SOURCES CONSULTED**

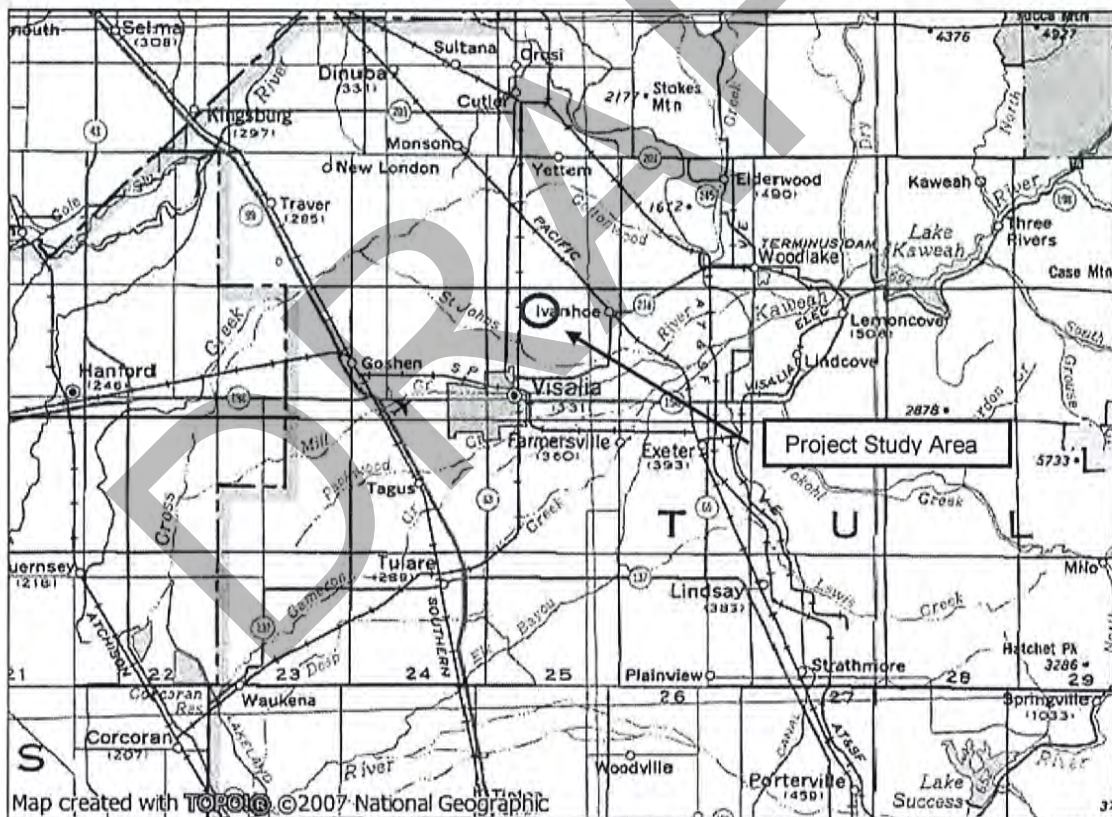
Prior to field inspection, a records search was completed by the Southern San Joaquin Valley Information Center (SSJV) of the California Historical Resources Information System staff to identify areas previously investigated and to identify known cultural resources present within or in close proximity to the Project APE. According to the Information Center records, there are no prehistoric or historic-period sites or structures identified within the project APE, and no prehistoric or historic-period sites or structures are identified within a ¼-mile radius of the study area. There have been no previous investigations within the APE or within ¼-mile radius. No cultural resource sites listed on the National Register of Historic Places, the California Register of Historic Resources, California Points of Historical Interest, State Historic Landmarks, or the California Inventory of Historic Resources have been documented within ¼-mile radius of the project APE.





## MAP 1. PROJECT VICINITY

CULTURAL RESOURCES ASSESSMENT  
27-ACRE PARCEL (APN 079-190-017),  
13401 AVE. 328, TULARE COUNTY, CA.

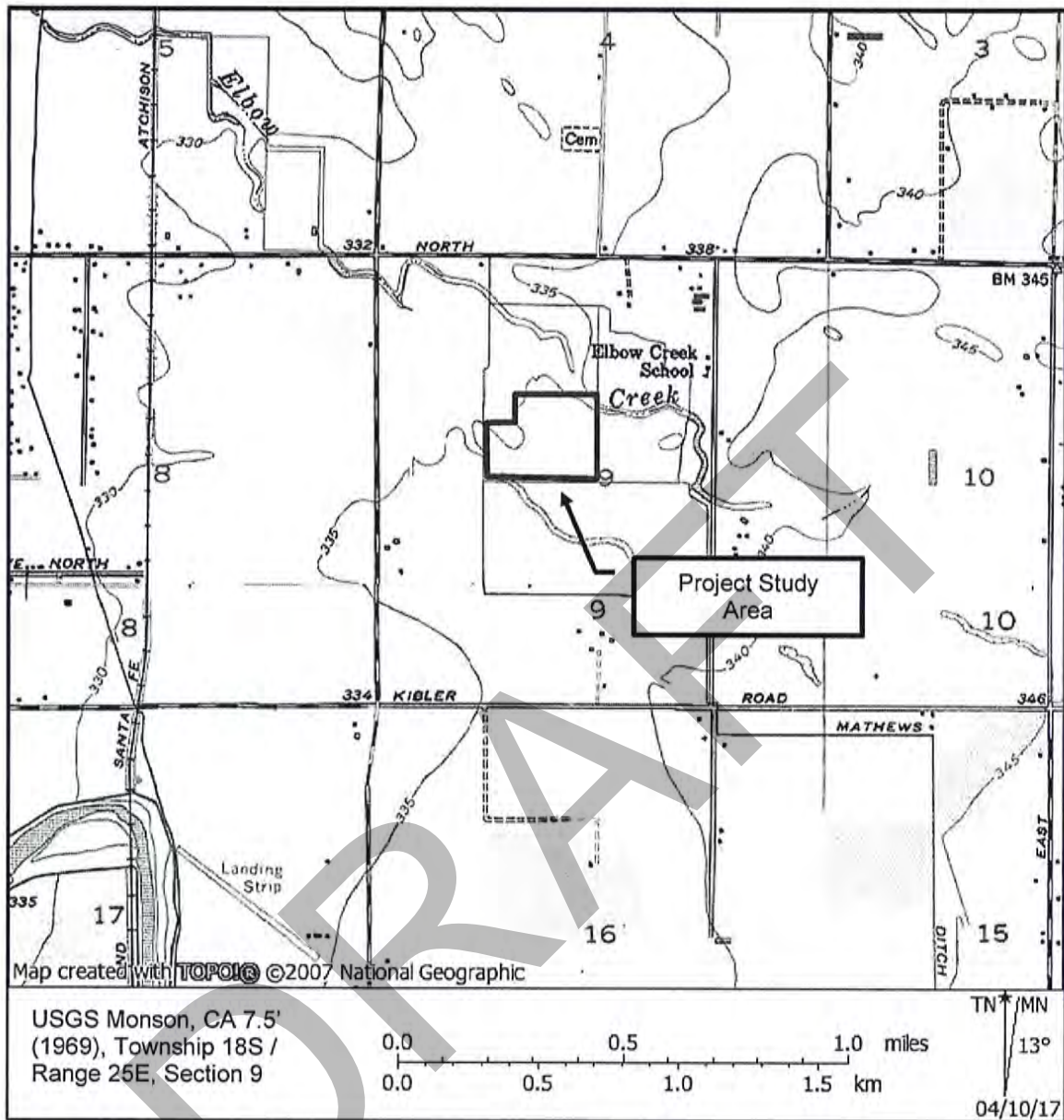


Map created with TOPOIG ©2007 National Geographic

USGS Monson (1969),  
Calif., 7.5', T18S / R 25E,  
Section 9.

0 5 10 15 20 25 miles  
0 5 10 15 20 25 30 35 40 km

TN / MN  
13°  
05/02/17



**Map 2. Project Area Location**

## SETTING

The Project Study Area is located on valley bottom lands approximately one mile north of the St. John's River and two miles west of the community of Ivanhoe in north-central Tulare County, California. The parcel is situated in a semi-rural setting, surrounded by single family homes on large parcels, open fields and walnut orchards. To the north of the subject are single family homes along the edge of a private road, to the south there is a walnut orchard, to the east are open parcels and private residences, and to the west is an irrigation ditch and low density residential housing. Figures 1 through 4 provide a pictorial overview of the Project APE.





**Map 3. Area of Potential Effect.**



**Figure 1.** View from the southeast corner of project area, facing north.



**Figure 2.** View from the southeast corner of project area, facing west.





**Figure 3.** Valley oak tree located in southeast corner of project area, facing south.



**Figure 4.** View from the southwest corner of the project area, facing north.



## **Natural Environment**

The Project Study Area is located along Elbow Creek in the Kaweah River drainage in the lower elevations of the western south-central Sierra Nevada foothills of eastern Tulare County, at an elevation of 335 ft (102 m) above mean sea level. The Kaweah River flows west from Terminus Dam which forms Lake Kaweah in the lower foothills to the east. A few miles below the dam the river breaks into numerous channelized offshoots, ultimately draining into numerous canals and ditches that provide irrigation water to agricultural parcels within the former Tulare lakebed. Soils within the study area include well-drained sandy loam. Current land use is a mix of single family homes and agricultural land. Vegetation within the parcel includes non-native grasses.

Prior to EuroAmerican exploration and settlement in the region, the central San Joaquin Valley was extensive grassland covered with spring-flowering herbs. Stands of trees -- sycamore, cottonwoods, box elders and willows -- lined the stream and river courses with groves of valley oaks in well-watered localities with rich soil. Rivers yielded fish, mussels, and pond turtles; migratory waterfowl nested in the dense tules along the river sloughs downstream. When the Spanish first set foot in the area, they found the deer and tule elk trails to be so broad and extensive that they first supposed that the area was occupied by cattle. Grizzly bears occupied the open grassland and riparian corridors on the valley floor and adjacent foothills. Smaller mammals and birds, including jackrabbits, ground squirrels, and quail were abundant. Native Americans occupants of the region describe abundant sedge beds, along with rich areas of deer grass, plants that figure prominently in the construction of Native American basketry items.

## **Prehistoric Period Summary**

The San Joaquin Valley and adjacent Sierran foothills and Coast Range have a long and complex cultural history with distinct regional patterns that extend back more than 11,000 years (McGuire 1995). The first generally agreed-upon evidence for the presence of prehistoric peoples in the region is represented by the distinctive basally-thinned and fluted projectile points, found on the margins of extinct lakes in the San Joaquin Valley. These projectiles, often compared to Clovis points, have been found at three localities in the San Joaquin Valley including along the Pleistocene shorelines of former Tulare Lake. Based on evidence from these sites and other well-dated contexts elsewhere, these Paleo-Indian hunters who used these spear points existed during a narrow time range of 11550 cal B.C. to 8550 cal B.C. (Rosenthal et al. 2007).

As a result of climate change at the end of the Pleistocene, a period of extensive deposition occurred throughout the lowlands of central California, burying many older landforms and providing a distinct break between Pleistocene and subsequent occupations during the Holocene. Another period of deposition, also a product of climate change, had similar results around 7550 cal B.C., burying some of the oldest archaeological deposits discovered in California (Rosenthal and Meyer 2004).

The Lower Archaic (8550-5550 cal B.C.) is characterized by an apparent contrast in economies, although it is possible they may be seasonal expressions of the same economy. Archaeological deposits which date to this period on the valley floor frequently include only large stemmed spear points, suggesting an emphasis on large game such as artiodactyls (Wallace 1991). Recent discoveries in the adjacent Sierra Nevada have yielded distinct milling assemblages which clearly indicate a reliance on plant foods. Investigations at Copperopolis (LaJeunesse and Pryor 1996) argue that nut crops were the primary target of seasonal plant exploitation. Assemblages at these foothill sites include dense accumulations of handstones, millingslabs, and various cobble-core tools, representing "frequently visited camps in a seasonally structured settlement system" (Rosenthal et al. 2007:152). During the Lower Archaic, regional interaction spheres were well established. Marine shell from the central California coast



has been found in early Holocene contexts in the Great Basin east of the Sierra Nevada, and eastern Sierra obsidian comprises a large percentage of flaked stone debitage and tools recovered from sites on both sides of the Sierra (Rosenthal et al. 2007:152).

About 8,000 years ago, many California cultures shifted the main focus of their subsistence strategies from hunting to nut and seed gathering, as evidenced by the increase in food-grinding implements found in archeological sites dating to this period. This cultural pattern is best known for southern California, where it has been termed the Milling Stone Horizon (Wallace 1954, 1978a), but recent studies suggest that the horizon may be more widespread than originally described and is found throughout the central region during the Middle Archaic Period. Dates associated with this period vary between 9,000 and 2,000 cal BP, although most cluster in the 6,800 to 4,500 cal BP range (Basgall and True 1985).

On the valley floor, early Middle Archaic sites are relatively rare; this changes significantly toward the end of the Middle Archaic. In central California late Middle Archaic settlement focused on river courses on the valley floor. "Extended residential settlement at these sites is indicated by refined and specialized tool assemblages and features, a wide range of nonutilitarian artifacts, abundant trade objects, and plant and animal remains indicative of year-round occupation" (Rosenthal et al. 2007:154). Again, climate change apparently influence this shift, with warmer, drier conditions prevailing throughout California. The shorelines of many lakes including Tulare Lake, contracted substantially, while at the same time rising sea levels favored the expansion of the San Joaquin/Sacramento Delta region, with newly formed wetlands extending eastward from the San Francisco Bay.

In contrast with rare early Middle Archaic sites on the valley floor, early Middle Archaic sites are relatively common in the Sierran foothills, and their recovered, mainly utilitarian assemblages show relatively little change from the preceding period with a continued emphasis on acorns and pine nuts. Few bone or shell artifacts, beads, or ornaments have been recovered from these localities. Projectile points from this period reflect a high degree of regional morphological variability, with an emphasis on local toolstone material supplemented with a small amount of obsidian from eastern sources. In contrast with the more elaborate mortuary assemblages and extended burial mode documented at Valley sites, burials sites documented at some foothill sites such as CA-FRE-61 on Wahtoke Creek are reminiscent of "re-burial" features reported from Milling Stone Horizon sites in southern California. These re-burials are characterized by re-interment of incomplete skeletons often capped with inverted millingstones (McGuire 1995:57).

A return to colder and wetter conditions marked the Upper Archaic in Central California (550 cal B.C. to cal A.D. 1100). Previously desiccated lakes returned to spill levels and increased freshwater flowed in the San Joaquin and Sacramento watershed. Cultural patterns as reflected in the archeological record, particularly specialized subsistence practices, emerged during this period. The archeological record becomes more complex, as specialized adaptations to locally available resources were developed and valley populations expanded into the lower Sierran foothills. New and specialized technologies expanded and distinct shell bead types occurred across the region. The range of subsistence resources utilized and exchange systems expanded significantly from the previous period. In the Central Valley, archaeological evidence of social stratification and craft specialization is indicated by well-made artifacts such as charmstones and beads, often found as mortuary items.

The period between approximately cal A.D. 1000 and Euro-American contact is referred to as the Emergent Period. The Emergent Period is marked by the introduction of bow and arrow technology which replaced the dart and atlatl at about cal A.D. 1000 and 1300. In the San Joaquin region, villages and small residential sites developed along the many stream courses in the lower



foothills and along the river channels and sloughs of the valley floor. A local form of pottery was developed in the southern Sierran foothills along the Kaweah River. Archaeological excavations at habitation sites in Merced and Fresno counties have revealed an artifact assemblage belonging to the Yokuts groups who inhabited the valley floor and adjacent foothills into historic times (Olsen and Payen 1968, 1969; Pritchard 1970).

### Ethnographic Summary

Prior to EuroAmerican settlement, speakers of Yokutsan languages occupied most of the San Joaquin Valley and the bordering foothills of the Sierra Nevada and Diablo Range. Most of the Valley Yokuts lived on the eastern side of the San Joaquin River. The Project Study Area falls within territory probably occupied by the *Wólase* Yokut. The *Wólase*'s principal village was *Dawau Nawshid*, located five miles east of Visalia on Cameron Creek and occupied a very large mound. The mound was leveled in 1930 and over 800 burials were uncovered. The village is also referred to as *He-ahm-e-tau* (The Old Time Placed). The *Wólase* are credited with being the pioneer settlers of the San Joaquin Valley (Latta 1999:190).

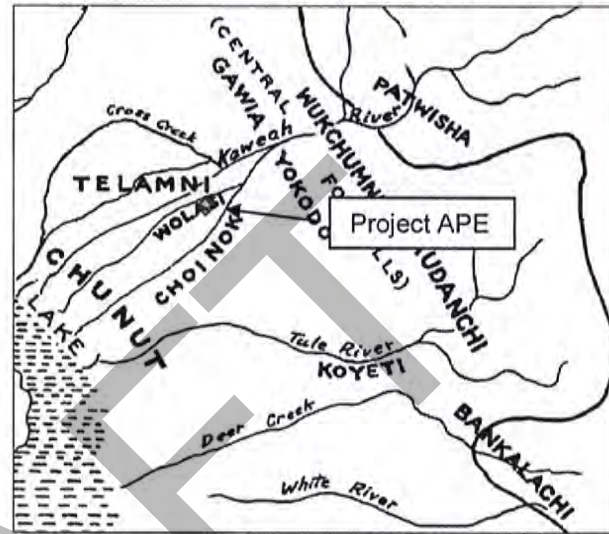


Figure 5. Southern Valley Yokuts Tribelet Locations (from Latta 1999).

Due to the abundance and diversity of wildlife habitats and plant communities within the Sierran foothills and nearby San Joaquin Valley and higher elevations of the Sierra Nevada, Native American population densities in the region were quite high (Baumhoff 1963). While the acorn was the dietary staple, the diversity of accessible natural resources provided an omnivorous diet. The reader is referred to Gayton (1948), Kroeber (1925), Latta (1999), and Wallace 1978b for additional information on pre-contact Yokuts subsistence and culture. Figure 7 depicts the territory of the location of *Wólase* Yokut relative to the Project APE.

### Historic Period Summary

The San Joaquin Valley was visited in the early 1800s by Spanish expeditions exploring the interior in search of potential mission sites. The Moraga (1806) expedition may have passed through *Wólase* territory (Cook 1960; Smith 1939). One of the earliest Americans to explore the Tulare area was Jedediah Strong Smith in 1826-27. In 1832-33 Colonel Jose J. Warner, a member of the Ewing-Young trapping expedition, passed through the San Joaquin Valley. Warner described Native villages densely packed along the valley waterways, from the foothills down into the slough area. The next year he revisited the area following a devastating malaria epidemic. Whereas the previous year the region had been densely occupied by Native peoples, during this trip not more than five Indians were observed between the head of the Sacramento Valley and the Kings River (Cook 1955).

EuroAmerican appreciation for the land did not include acceptance of its indigenous human populations, and pressure was exerted upon the US military to remove the Native population from the region, leaving the region open for American settlement and resource development. EuroAmerican settlement of the region began in 1851 with the establishment of Fort Miller on the San Joaquin River. Hostilities between Native inhabitants and American settlers initially prevented widespread settlement of the region; however, by 1860 such threats had been reduced and settlers began taking up large tracts in the region.



In late 1849 or early 1850, a party under the leadership of John Wood settled on the south bank of the Kaweah River, about seven miles east of the present city of Visalia (Hoover et al. 1990:508). In April, 1852, Tulare County was created, with the county seat initially located at Woodsville. In 1853 the county seat was removed to Fort Visalia, located in the area bounded by Oak, Center, Garden and Bridge streets.

## **METHODS AND FINDING**

On March 23, 2017, Sierra Valley Cultural Planning archaeologist Douglas S. McIntosh, under the direction of Kristina Roper, conducted a cursory archaeological survey of parcel number 079-190-017.

The subject 27-acre parcel is located south of Avenue 328 and west of Road 132, northeast of the City of Visalia in Tulare County, California. The parcel is situated in a semi-rural setting, surrounded by single family homes on large parcels, open fields and walnut orchards. To the north of the subject are single family homes along the edge of a private road, to the south there is a walnut orchard, to the east are open parcels and private residences, and to the west is an irrigation ditch and low density residential housing.

The survey sought to identify any archaeological sites, features and artifacts which might be present on the ground surface. Items such as chipped stone tools, grinding implements, hearths and midden deposits are indicators of prehistoric activities. In addition, the survey also sought to identify and historic artifacts, features and structures over fifty years old.

Survey methods involved walking the perimeters of the parcel and attempting to walk several east to west transects within the 27-acre parcel. A Panasonic DMC-TS20 digital camera was used to photo document the project setting and any items of note within the study area. All photo information was recorded in the field on a photo-log.

Ground visibility across the entire project area was extremely poor (0 to 2 percent). Dense non-native grasses two to four feet tall completely obscured all of the ground surfaces. Along the edges of the parcel vegetation had been mowed in the recent past. In these areas grasses were ten to twelve inches tall. Soils across the parcel are a fine grain silty sandy loam with clay. Inspected soils have a general Munsell color value of 10YR 3/2, dark grayish brown (wet).

### **Summary of Findings**

Two items were documented as a result of this survey. Along the western edge of the parcel is a north- to south-trending irrigation ditch. This unlined ditch measures approximately ten feet wide by four feet deep. The banks of the ditch area are level and free of any vegetation. No associated ditch gates or concrete features were observed along the inspected portion of the ditch.

At the southeast corner of the study area is a Fairbanks-Morse Pomona turbine pump (Figures 6-7). The above ground portion of the pump motor is four feet tall. The electrical source for the pump is a nearby wooden utility pole. On September 02, 1944, the Fairbanks-Morse and Company purchased the Pomona Pump Company. After the acquisition, Pomona pumps were labeled "Fairbanks-Morse Pomona" (The Log of West Coast Maritime Industries, July 1944, Volume 39, No.7, page 126. Source accessed via Google Books March 24, 2017).

No archaeological or other cultural resources were identified as a result of this study. Therefore, it is unlikely that the proposed action will have an effect on important archaeological,



historical, or other cultural resources. No further cultural resources investigation is therefore recommended. In the unlikely event that buried archaeological deposits are encountered within the project area, the finds must be evaluated by a qualified archaeologist. Should human remains be encountered, the County Coroner must be contacted immediately; if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well.



**Figure 6.** Fairbanks-Morse Pomona Turbine Pump at SE corner of project area.



**Figure 7.** I.D. tag of Fairbanks-Morse Pomona Turbine Pump.

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## PREPARER'S QUALIFICATIONS

C. Kristina Roper conducted the historical resources inventory and background research, and assisted in the preparation of this Historic Resource Evaluation Report. Ms. Roper has over 30 years of professional experience in the field of archaeology, historical research and architectural evaluation, specifically in the investigation and management of cultural resources within the context of local, state and federal regulatory compliance for projects in the Far West. Ms. Roper holds a Master's degree in Cultural Resources Management awarded in 1993 from Sonoma State University, and is certified as a Registered Professional Archaeologist. She has completed graduate-level coursework in historical architectural evaluation and historic research. Her experience in cultural resources management includes both government and private sector employment and contracting for archaeological field services and historic research, documentation of resource assessments for Initial Studies (IS), Environmental Assessments (EA), Environmental Impact Reports (EIR), and Environmental Impact Statements (EIS). Ms. Roper is a registered archaeologist with the California Historic Resources Information System.

Ms. Roper has participated in planning efforts with numerous governmental entities in the San Joaquin Valley. She has prepared heritage preservation ordinances for the City of Chowchilla, serves as advisory staff to the Chowchilla Heritage Preservation Commission, and has recently completed a multi-year survey and assessment of Chowchilla's built environment. Ms. Roper has prepared a cultural resources records search and sensitivity analysis to be used in the development of a revised General Plan for the City of Coalinga, Fresno County. Ms. Roper has consulted with Native American tribes in the San Joaquin Valley and Sierra foothills under Senate Bill 18 (SB 18), which applies to General Plans, Specific Plans, and amendments proposed on or after March 1, 2005. SB 18 expands CEQA for the protection of California's traditional tribal cultural places by requiring consultation with Native American Groups during these planning efforts to define resources and sacred areas and incorporate protection of these important resources into the planning process.

Ms. Roper has served as a Lecturer in Anthropology at California State University Fresno from 1995 to the present. Among her many courses taught is an upper division course in Cultural Resources Management which provides an overview of state and federal historic preservation law and the identification and evaluation of cultural resources. From 2002 through June of 2009, Ms. Roper served as Project Director for a services contract with the California Department of Transportation, District 6, Cultural Resources Branch, administered by the California State University Foundation. Ms. Roper supervised a team of cultural resources technicians who performed professional and technical services required by Caltrans for cultural resource studies. These included archaeological survey, title search for historic structures and properties, prehistoric and historic background research, excavation of archaeological sites, electronic data entry, and maintenance of confidential archaeological records and files.



**ATTACHMENT A**  
**RECORDS SEARCH RESULTS**  
**(SSJCIC Records Search No. 17-225)**

DRAFT

California  
Historical  
Resources  
Information  
System



Fresno  
Kern  
Kings  
Madera  
Tulare

Southern San Joaquin Valley Information Center  
California State University, Bakersfield  
Mail Stop: 72 DOB  
9001 Stockdale Highway  
Bakersfield, California 93311-1022  
(661) 654-2289  
E-mail: ssjvic@csub.edu  
Website: www.csub.edu/ssjvic

4/13/2017

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Sierra Valley Cultural Planning  
40854 Oak Ridge Drive  
Three Rivers, CA 93271

Re: Tentative Parcel Map, APN 079-190-017  
Records Search File No.: 17-225

The Southern San Joaquin Valley Information Center received your record search request for the project area referenced above, located on the Monson USGS 7.5' quad. The following reflects the results of the records search for the project area and the 0.25 mile radius:

As indicated on the data request form, the locations of resources and reports are provided in the following format: ☐ custom GIS maps ☐ shapefiles ☐ hand-drawn maps

Resources within project area:	None
Resources within 0.25 mile radius:	None
Reports within project area:	None
Reports within 0.25 mile radius:	None

**Resource Database Printout (list):** ☐ enclosed ☐ not requested ☒ nothing listed

**Resource Database Printout (details):** ☐ enclosed ☐ not requested ☒ nothing listed

**Resource Digital Database Records:** ☐ enclosed ☒ not requested ☐ nothing listed

**Report Database Printout (list):** ☐ enclosed ☐ not requested ☒ nothing listed

**Report Database Printout (details):** ☐ enclosed ☐ not requested ☒ nothing listed

**Report Digital Database Records:** ☐ enclosed ☒ not requested ☐ nothing listed

**Resource Record Copies:** ☐ enclosed ☐ not requested ☒ nothing listed

**Report Copies:** ☐ enclosed ☐ not requested ☒ nothing listed

**OHP Historic Properties Directory:** ☐ enclosed ☐ not requested ☒ nothing listed

**Archaeological Determinations of Eligibility:** ☐ enclosed ☐ not requested ☒ nothing listed

**CA Inventory of Historic Resources (1976):** ☐ enclosed ☐ not requested ☒ nothing listed



**Caltrans Bridge Survey:** Not available at SSJVIC; please see  
<http://www.dot.ca.gov/hq/structur/strmaint/historic.htm>

**Ethnographic Information:** Not available at SSJVIC

**Historical Literature:** Not available at SSJVIC

**Historical Maps:** Not available at SSJVIC; please see  
<http://historicalmaps.arcgis.com/usgs/>

**Local Inventories:** Not available at SSJVIC

**GLO and/or Rancho Plat Maps:** Not available at SSJVIC

**Shipwreck Inventory:** Not available at SSJVIC; please see  
[http://shipwrecks.slc.ca.gov/ShipwrecksDatabase/Shipwrecks\\_Database.asp](http://shipwrecks.slc.ca.gov/ShipwrecksDatabase/Shipwrecks_Database.asp)

**Soil Survey Maps:** Not available at SSJVIC; please see  
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

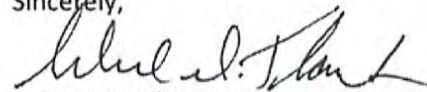
The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,



Celeste M. Thomson  
Coordinator

# **ATTACHMENT “C”**

## **Groundwater Report**

DRAFT



KENNETH D. SCHMIDT AND ASSOCIATES

GROUNDWATER QUALITY CONSULTANTS

600 WEST SHAW, SUITE 250

FRESNO, CALIFORNIA 93704

TELEPHONE (559) 224-4412

August 8, 2017

Ms. Paula Simon  
844 N. High Road  
Palm Springs, CA 92262

Re: Property North of Avenue 324  
Between Roads 134 and 136

Dear Paula:

Pursuant to your request, following is my report on groundwater conditions and expected well yields for domestic wells on the subject property. The property is located in Section 9, T18S/R25E, west of Ivanhoe. I understand that three 2.5-acre parcels would be developed and the remaining lot would be about 20 acres in size.

Subsurface Geologic Conditions

We obtained drillers logs and well completion reports for wells in Section 9 and adjoining sections from the California Department of Water Resources. Logs are also available for three deep oil or gas exploration holes, about a mile and a half south of the property which are about 1,700 feet deep. Water-productive alluvial deposits are present to a depth of about 1,400 feet deep in the vicinity of the project site. Brackish groundwater (connate water) is indicated to be about 1,450 feet deep, which is thus the base of the fresh groundwater. The coarsest water producing deposits in the vicinity are generally above a depth ranging from about 280 to 350 feet.

Water Wells

A test hole was drilled for a new irrigation well at the Elbow Creek School in 2011. Inter-layered productive sands were indicated to the total depth of 360 feet. The completed well is indicated to be one of the deepest water supply wells in the vicinity, as productive deposits to provide adequate yields for irrigation wells are normally present above a depth of about 300 feet. Thus deeper drilling hasn't been necessary.



Drillers logs are available for a number of older domestic wells in and near Section 9. Some of these were less than about 140 feet deep and are likely no longer active. Logs for eight deeper domestic wells in Section 9 are provided in Attachment A. All but one of these wells tap strata below a depth of 195 feet, and total depths of these wells range from 220 to 280 feet. These are indicated to be wells that are expected to be usable for many decades into the future. The pumping rates of these wells ranged from about 30 to 250 gpm, and all but one of them produced at least 50 gpm. Many of these are open-bottomed wells, drilled by cable-tool or casing hammer drillers.

#### Water Levels

Water-level elevation maps prepared by the California Department of Water Resources indicate a northwesterly direction of groundwater flow. Attachment B contains long-term water-level measurements and hydrographs for six wells in Sections 4, 5, 15, and 16. They are the closest wells with such records to the subject property. Depth to water (static levels) in most of these wells has ranged from about 30 to 90 feet. The average rate of static water-level decline has been about 0.8 foot per year for the past several decades. Tabs are attached on each hydrograph documenting the water-level declines. It is expected that with the implementation of the Sustainable Groundwater Management Act (SGMA), water levels should be stabilized within several decades due to groundwater management activities. Even if the water levels continued to decline at 0.8 foot per year, in 30 years they would only be about 24 feet deeper. Productive water producing strata would still be present below a depth of about 150 feet.

#### Water Use

I understand that ditch water has been used for irrigation in the vicinity. I understand that hay and cotton were grown on the 27 acres. The consumptive use of applied water for cotton is about 2.4 acre-feet per acre per year and for hay is about 2.9 acre-feet per acre per year (from California Department of Water Resources Bulletin 113-3). Thus on a 2.5-acre parcel, the consumptive use of applied water would range from 6.0 to 7.3 acre-feet per year. For a rural residential lot of 2.5 acres, if 1.5 acres was irrigated, the consumptive use would be about 4.5 acre-feet per year, or less than for the pre-existing situation.

#### Recharge



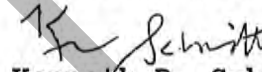
Recharge to groundwater in the area is from seepage of stream flow from Elbow Creek and the St. Johns River, and deep percolation of lands irrigated with canal water.

Summary and Conclusions

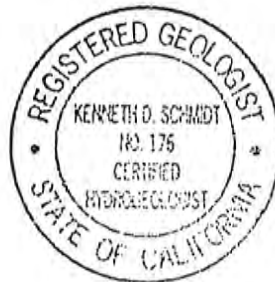
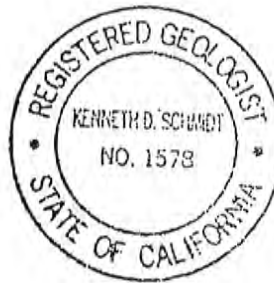
Pumping rates of at least 50 to 100 gpm can be obtained from properly constructed and developed domestic wells ranging in depth from about 220 to 280 feet on the subject property. These yields will be sustainable for many decades into the future. Water levels in the area have been falling at an average rate of about 0.8 foot per year. Even in 30 years from now, if the levels continue to fall at this rate, there will be sufficient groundwater for such wells. Implementation of the SGMA regulations should stabilize groundwater levels in the area within several decades.

Please call me if you have any questions.

Sincerely yours,

  
Kenneth D. Schmidt  
Geologist No. 1578  
Certified Hydrogeologist  
No. 176

KDS/ms



ATTACHMENT A

DRILLERS LOGS FOR  
DEEPER DOMESTIC WELLS



ORIGINAL  
File with DWR

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES  
WATER WELL DRILLERS REPORT

185/256-9A

Do Not Fill In

No 68039

State Well No. \_\_\_\_\_

Other Well No. \_\_\_\_\_

(2) LOCATION OF WELL:

County Tulare Owner's number, if any \_\_\_\_\_

Township, Range, and Section T18s R25e Sec. 9

Distance from cities, roads, railroads, etc. 3 miles north of Visalia

on Rd. 132, 3/4 mi. east on Ave 328, 1/4 south

(3) TYPE OF WORK (check): Rd. 138, 200' west side of rd.

New Well ☒ Deepening ☐ Reconditioning ☐ Destroying ☐

If destruction, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐

Irrigation ☐ Test Well ☐ Other ☐

(5) EQUIPMENT:

Rotary ☐

Cable ☒

Other ☐

(6) CASING INSTALLED:

STEEL: ☒

OTHER: \_\_\_\_\_

SINGLE ☒ DOUBLE ☐

If gravel packed

From ft.	To ft.	Diam. in.	Gage or Wall	Diameter of Bore	From ft.	To ft.
0	228	8	12			

Size of shoe or well ring: Sp. Band

Size of gravel: \_\_\_\_\_

Describe joint Plain End

(7) PERFORATIONS OR SCREEN:

Type of perforation or name of screen None

From ft.	To ft.	Perf. per row	Rows per ft.	Size in. x in.

CONFIDENTIAL

Water Code Sec. 13752

(8) CONSTRUCTION:

Was a surface sanitary seal provided? Yes ☐ No ☒ To what depth \_\_\_\_\_ ft.

Were any struts sealed against pollution? Yes ☐ No ☒ If yes, note depth of struts \_\_\_\_\_

From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Method of sealing \_\_\_\_\_

(9) WATER LEVELS:

Depth at which water was first found, if known 49 ft.

Standing level before perforating, if known 49 ft.

Standing level after perforating and developing 49 ft.

(10) WELL TESTS: Blowing (Air)

Was pump test made? Yes ☒ No ☐ If yes, by whom? Nation

Yield: 150 gal./min. with 25 ft. drawdown after 11 hrs.

Temperature of water \_\_\_\_\_ Was a chemical analysis made? Yes ☐ No ☒

Was electric log made of well? Yes ☐ No ☒ If yes, attach copy \_\_\_\_\_

(11) WELL LOG:

Total depth 230 ft. Depth of completed well 230 ft.

Formation: Describe by color, character, size of material, and structure

ft. to \_\_\_\_\_ ft.

0 - 8 Red Clay

8 - 29 Med Sand

29 - 64 Soft Sandy Clay

64 - 76 L.B. Clay

76 - 84 Coarse Sand

84 - 96 L.B. Clay

96 - 108 Coarse Sand

108 - 134 L.B. Clay

134 - 145 Very Fine Sand

145 - 150 Coarse Sand & Sm. Rocks

150 - 156 Soft L.B. Clay

156 - 172 L.B. Clay

172 - 176 Fine Sand

176 - 182 Very Soft Sandy Clay

182 - 186 Dark Tight Sand

186 - 189 L.B. Clay

189 - 193 Dark Tight Sand

193 - 198 L.B. Clay

198 - 202 Dark Tight Sand

202 - 212 Flakely Clay

212 - 216 Dark Tight Sand (No Good)

216 - 230 Sandy Clay

230 - Coarse Sand

Work started 9/15 19 71 Completed 9/25 19 71

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME ROGER L. NATION

(Person, firm, or corporation) (Typed or printed)

Address 26521 South Mooney

VISALIA, CALIFORNIA

[SIGNED] Roger L. Nation

(Well Driller)

License No. 259884

Dated 10/13, 19 71

SKETCH LOCATION OF WELL ON REVERSE SIDE



ORIGINAL  
File with DWR

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES  
WATER WELL DRILLERS REPORT

Do not fill in

Notice of Intent No. 235199  
Local Permit No. or Date 8-6-87

No. 251049  
State Well No. 18/25-9  
Other Well No. \_\_\_\_\_

(2) LOCATION OF WELL (See instructions):

County Tulare Owner's Well Number \_\_\_\_\_  
Well address if different from above \_\_\_\_\_  
Township 18-S Range 25-E Section 9  
Distance from cities, roads, railroads, fences, etc. \_\_\_\_\_  
APN 079-040-20-000-50 15 Acres  
On Road 138 Between Avenues 320 & 328

(12) WELL LOG: Total depth 206 ft. Completed depth 180 ft.  
from ft. to ft. Formation (Describe by color, character, size or material)

0'-58' sandy loam  
58'-60' clay  
60'-63' sand  
63'-66' clay  
66'-120' sandy loam  
120'-126' coarse sand  
126'-140' silt  
140'-146' coarse sand  
146'-150' sand  
150'-155' cemented sands w/clay  
155'-166' silty clay  
166'-206' tight sand

(3) TYPE OF WORK:

New Well ☒ Deepening ☐  
Reconstruction ☐  
Reconditioning ☐  
Horizontal Well ☐  
Destruction ☐ (Describe  
destruction materials and pro-  
cedures in Item 12)

(4) PROPOSED USE:

Domestic ☒  
Irrigation ☒  
Industrial ☐  
Test Well ☐  
Municipal ☐  
Other ☐ (Describe)

WELL LOCATION SKETCH

(5) EQUIPMENT:

Rotary ☐ Reverse ☐  
Cable ☐ Air ☐  
Other ☒ Bucket ☐

(6) GRAVEL PACK:

Yes ☐ No ☒ Size \_\_\_\_\_  
Diameter of bore \_\_\_\_\_  
Packed from \_\_\_\_\_ to \_\_\_\_\_

(7) CASING INSTALLED:

Steel ☒ Plastic ☐ Concrete ☐

(8) PERFORATIONS:

Type of perforation or size of screen

From ft.	To ft.	Dia. in.	Gage or Wall	From ft.	To ft.	Slot size
0	153	12-3/4"	.188"			
0	20	16"	.188"			

(9) WELL SEAL:

Was surface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 20 ft.  
Were strata sealed against pollution? Yes ☐ No ☐ Interval \_\_\_\_\_ ft.  
Method of sealing driven conductor

(10) WATER LEVELS:

Depth of first water, if known \_\_\_\_\_ ft.  
Standing level after well completion \_\_\_\_\_ ft.

(11) WELL TESTS: Approx. 500+ GPM Air Test During Drilling

Was well test made? Yes ☐ No ☐ If yes, by whom? \_\_\_\_\_  
Type of test \_\_\_\_\_ Pump ☐ Air lift ☐  
Depth to water at start of test \_\_\_\_\_ ft. At end of test \_\_\_\_\_ ft.  
Discharge \_\_\_\_\_ gal/min after \_\_\_\_\_ hours Water temperature \_\_\_\_\_  
Chemical analysis made? Yes ☐ No ☒ If yes, by whom? \_\_\_\_\_  
Was electric log made? Yes ☐ No ☒ If yes, attach copy to this report

Work started 8-10 19 87 Completed 8-11 19 87

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Signed \_\_\_\_\_ (Well Driller)  
NAME Johnson Drilling Co.  
(Person, firm, or corporation) (Typed or printed)  
Address 23489 E. Kings Canyon  
City Reedley, Ca. ZIP 93654  
License No. 245802 Date of this report 8-14-87



ORIGINAL  
File with DWR

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES  
WATER WELL DRILLERS REPORT

Do not fill in

No. 287173  
18/25-9  
State Well No. \_\_\_\_\_  
Other Well No. \_\_\_\_\_

Notice of Intent No. \_\_\_\_\_  
Local Permit No. or Date \_\_\_\_\_

(12) WELL LOG: Total depth 270 ft. Completed depth 270 ft.  
from ft. to ft. Formation (Describe by color, character, size or material)

0'-170' existing well

170'-186' clay

186'-192' sand

192'-210' clay

210'-211' sand

211'-218' clay

218'-221' sand

221'-230' clay

230'-231' sand

231'-255' clay

255'-268' light sand

268'-270' clay

(2) LOCATION OF WELL (See instructions):

County Tulare Owner's Well Number \_\_\_\_\_  
Well address if different from above \_\_\_\_\_  
Township 18-S Range 25-E Section 9  
Distance from cities, roads, railroads, fences, etc. \_\_\_\_\_  
South & East of Avenue 328 & Road 132

(3) TYPE OF WORK:

New Well ☐ Deepening ☒

Reconstruction ☐

Reconditioning ☐

Horizontal Well ☐

Destruction ☐ (Describe  
destruction materials and pro-  
cedures in Item 12)

(4) PROPOSED USE:

Domestic ☒

Irrigation ☒

Industrial ☐

Test Well ☐

Municipal ☐

Other ☒

(Describe)

WELL LOCATION SKETCH

(5) EQUIPMENT:

Rotary ☒

Reverse ☐

Cable ☐

Air ☒

Other ☐

Bucket ☐

(6) GRAVEL PACK:

Yes ☐ No ☒

Size \_\_\_\_\_

Placed from \_\_\_\_\_

(7) CASING INSTALLED:

Steel ☐

Plastic ☐

Concrete ☐

(8) PERFORATIONS:

Type of perforation or size of screen

From ft.	To ft.	Dia. in.	Gage or Wall	From ft.	To ft.	Slot size
Existing	14"	Casing				

(9) WELL SEAL:

Was surface sanitary seal provided? Yes ☐ No ☐ If yes, to depth \_\_\_\_\_ ft.

Were strata sealed against pollution? Yes ☐ No ☐ Interval \_\_\_\_\_ ft.

Method of sealing \_\_\_\_\_

(10) WATER LEVELS:

Depth of first water, if known \_\_\_\_\_ ft.

Standing level after well completion \_\_\_\_\_ ft.

(11) WELL TESTS:

Was well test made? Yes ☐ No ☐ If yes, by whom? \_\_\_\_\_

Type of test \_\_\_\_\_ Pump ☐ Air lift ☒ Bailor ☐

Depth to water at start of test 51.1 ft. At end of test 68.1 ft.

Discharge 300± gal/min after 4 hours Water temperature \_\_\_\_\_

Chemical analysis made? Yes ☐ No ☒ If yes, by whom? \_\_\_\_\_

Was electric log made? Yes ☐ No ☒ If yes, attach copy to this report

Work started 3-14 19 89 Completed 3-17 19 89

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Signed \_\_\_\_\_ (Well Driller)

NAME Johnson Drilling Co.

(Person, firm, or corporation) (Typed or printed)

Address 23489 E. Kings Canyon

City Reedley, Ca. ZIP 93654

License No. 245802 Date of this report 3-21-89



ORIGINAL

File with DWR

Page 1 of 1

Owner's Well No.

Date Work Began 6-28-91

Local Permit Agency Tulare County Environmental Health

Permit No. Permit Date 6-21-91

STATE OF CALIFORNIA

## WELL COMPLETION REPORT

Refer to Instruction Pamphlet

No. 480911

DWR USE ONLY - DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE

LONGITUDE

APN/TRS/OTHER

## GEOLOGIC LOG

ORIENTATION ( $\angle$ ) ☒ VERTICAL ☐ HORIZONTAL ☐ ANGLE ☐ (SPECIFY)

DEPTH TO FIRST WATER (FL) BELOW SURFACE

## DESCRIPTION

Describe material, grain size, color, etc.

DEPTH FROM SURFACE

Ft. to Ft.

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## WELL LOCATION

Address 32638 Ray Court Road

City Visalia

County Tulare

APN Book 079 Page 200 Parcel 13

Township 18 Range 25 Section 9

Latitude Longitude

DEG. MIN. SEC.

DEG. MIN. SEC.

NORTH

WEST

NORTH

2.5 Acres at the end of Ray Court Road off Avenue 328

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SOUTH  
Illustrate or Describe Distance of Well from Landmarks such as Roads, Buildings, Fences, Rivers, etc. PLEASE BE ACCURATE & COMPLETE.

DRILLING METHOD casing driven

FLUID

WATER LEVEL &amp; YIELD OF COMPLETED WELL

DEPTH OF STATIC

WATER LEVEL

(Ft.) &amp; DATE MEASURED

ESTIMATED YIELD 100 (GPM) &amp; TEST TYPE air lift

TEST LENGTH (Hrs.) TOTAL DRAWDOWN (Ft.)

\* May not be representative of a well's long-term yield.

TOTAL DEPTH OF BORING 200 (Feet)

TOTAL DEPTH OF COMPLETED WELL 180 (Feet)

DEPTH FROM SURFACE			BORE-HOLE DIA. (Inches)	CASING(S)						DEPTH FROM SURFACE		ANNULAR MATERIAL					
				TYPE (✓)				MATERIAL/ GRADE	INTERNAL DIAMETER (Inches)			GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	TYPE			
Ft.	to	Ft.	BLANK	SCREEN	CON- DUCTOR	FILL PIPE									Ft.	to	Ft.
1½	153	6-5/8	x				steel	6-5/800	.188"		0	50			x	env	roplug
0	52	10-3/4			x		steel	10-3/400	.188"								

ATTACHMENTS ( $\angle$ )

- Geologic Log
- Well Construction Diagram
- Geophysical Log(s)
- Soil/Water Chemical Analyses
- Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

## CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Johnson Drilling Co.

(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

ADDRESS 23489 E. Kings Canyon, Reedley, Ca. 93654

CITY

STATE

ZIP

Signed Patrick A. Rhodes

WELL DRILLER/AUTHORIZED REPRESENTATIVE

8-8-91

DATE SIGNED

245802

C-57 LICENSE NUMBER















ORIGINAL  
File with DWR

Page 1 of 1

Owner's Well No. 1

Date Work Began 8/5/2010, Ended 8/6/2010

Local Permit Agency Tulare Co. Environmental Health

Permit No. 10-0275

Permit Date 7/26/2010

STATE OF CALIFORNIA  
**WELL COMPLETION REPORT**

Refer to Instruction Pamphlet

No. **e0113814**

DWR USE ONLY — DO NOT FILL IN	
19/51/25E-109	
STATE WELL NO./STATION NO.	
LATITUDE	LONGITUDE
APN/TRS/OTHER	

**GEOLOGIC LOG**

ORIENTATION (✓) <input checked="" type="checkbox"/> VERTICAL <input type="checkbox"/> HORIZONTAL <input type="checkbox"/> ANGLE <input type="checkbox"/> (SPECIFY)		
DEPTH FROM SURFACE		
FL.	to FL.	
0	5	Top soil
5	45	Sandy clay
45	50	Sand
50	60	Clay
60	110	Sandy clay
110	115	Sand, water
115	160	Sandy clay
160	180	Sand, water
180	220	Sandy clay
220	260	Clay
260	280	Sand and gravel, Incoming water
280		Clay

Describe material, grain, size, color, etc.

Bit Size: 6"

Location: On south side of Ave. 328, west of Rd. 138.

TOTAL DEPTH OF BORING 280' (Feet)

TOTAL DEPTH OF COMPLETED WELL 280' (Feet)

**WELL LOCATION**

Address 13747 Avenue 328  
City Visalia CA 93292  
County Tulare  
APN Book 079 Page 200 Parcel 006  
Township 18 S Range 25 E Section 9  
Latitude

**LOCATION SKETCH**

DEG. MIN. SEC. NORTH  
WEST  
SOUTH  
Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. PLEASE BE ACCURATE & COMPLETE.

**ACTIVITY (✓)**

☒ NEW WELL  
MODIFICATION/REPAIR  
— Deepen  
— Other (Specify)  
DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")  
PLANNED USES (✓)  
WATER SUPPLY  
— Domestic — Public  
— Irrigation — Industrial  
MONITORING  
TEST WELL  
CATHODIC PROTECTION  
HEAT EXCHANGE  
DIRECT PUSH  
INJECTION  
VAPOR EXTRACTION  
SPARGING  
REMEDIATION  
OTHER (SPECIFY)

**WATER LEVEL & YIELD OF COMPLETED WELL**

DEPTH TO FIRST WATER 1 (FL) BELOW SURFACE  
DEPTH OF STATIC  
WATER LEVEL 1 (FL) & DATE MEASURED  
ESTIMATED YIELD 75 (GPM) & TEST TYPE AIR LIFT  
TEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN 1 (FL.)  
May not be representative of a well's long-term yield.

DEPTH FROM SURFACE		BORE-HOLE DIA. (Inches)	CASING (S)				INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	ANNULAR MATERIAL			
FL.	to FL.		TYPE (✓)	MATERIAL / GRADE	SCREEN	CONDUIT				CEMENT (✓)	BENTONITE (✓)	FILL (✓)	FILTER PACK (TYPE/SIZE)
0	55	12-3/4"	✓	STEEL	✓		6.249	.188					
55	250	6-5/8"	✓	STEEL	✓		6.249	.188					

**ATTACHMENTS (✓)**

- Geologic Log
- Well Construction Diagram
- Geophysical Log(s)
- Soil/Water Chemical Analysis
- Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

**CERTIFICATION STATEMENT**

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME JOHNSON DRILLING COMPANY

(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

Address 23489 East Kings Canyon

Signed Tammy Johnson

WELL DRILLER/AUTHORIZED REPRESENTATIVE

City Reedley

State CA

DATE SIGNED 08/09/10

ZIP 93654-9760

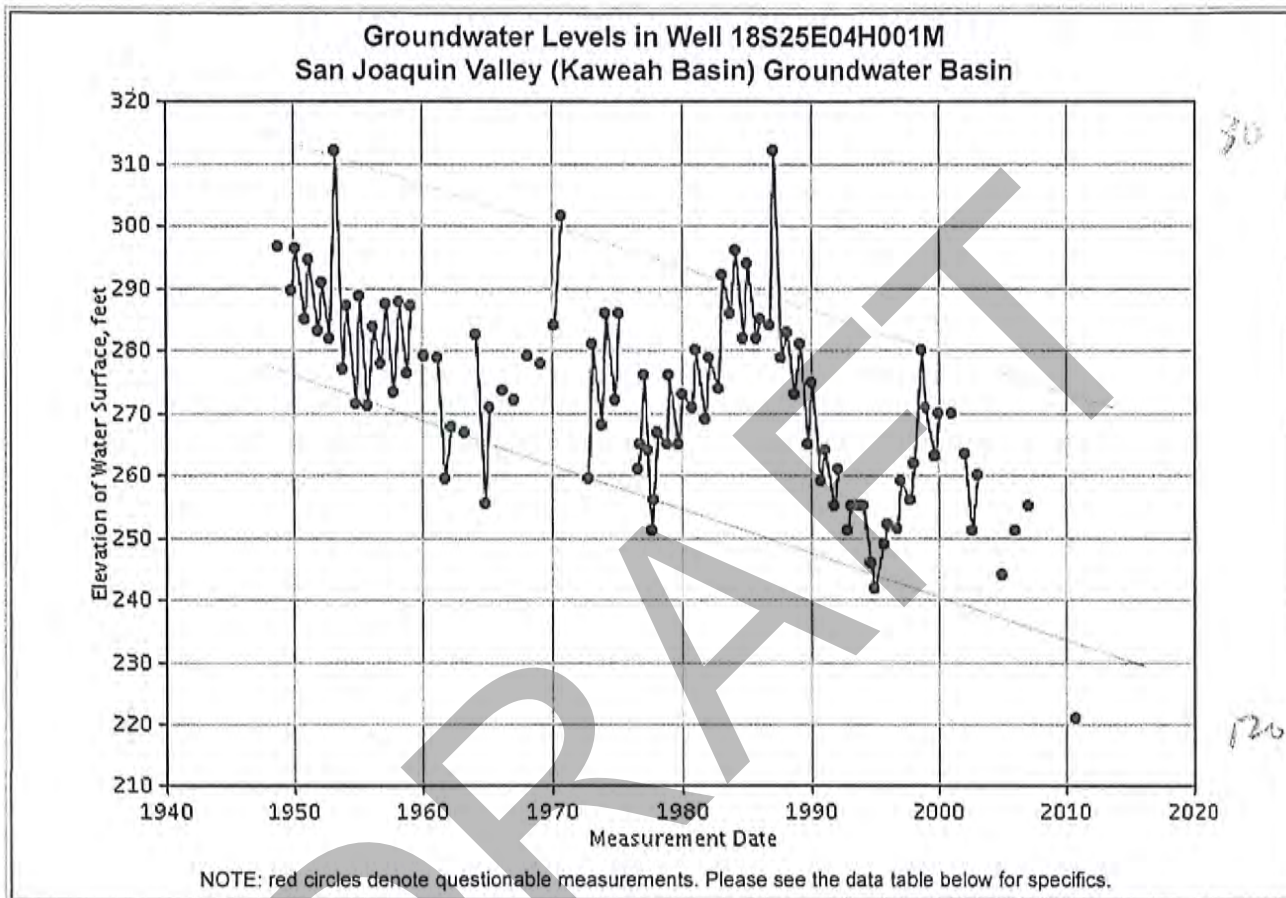
C-57 LICENSE NUMBER 245802



**ATTACHMENT B**  
**LONG-TERM WATER-LEVEL**  
**MEASUREMENTS & HYDROGRAPHS**

## Groundwater Level Data for Well 18S25E04H001M

Your selection returned a total of **106** records. Wells in the Department of Water Resources monitoring network are identified by a State Well Number, which is based on the Public Land Grid System. The table headings and records contain several codes and abbreviations. Press the **New Search** or **Nearby Search** buttons or at the bottom of the page to begin a new data retrieval. Data for this well can also be downloaded in MS Excel or text delimited format.



### Summary Statistics of Depth to Water below Ground Surface by Month (displays to internal users only)

	50th %ile	75th %ile	90th %ile	Highest Level	Number of Values	Number of Years
313' 1950	69.5	59.3	51.0	28.0	26	31
213' 2010	58.3	52.3	44.9	28.0	28	56
	---	---	---	---	0	---
	---	---	---	---	0	---
	---	---	---	---	0	---
40' / 60 yrs	76.0	---	---	76.0	1	---
6.7 ft / yr	79.0	---	---	79.0	1	---
	89.0	---	---	89.0	1	---
	68.7	60.3	55.0	38.4	16	47
	75.0	61.0	56.1	43.4	27	61



NOV								0	
DEC								0	
Most Recent Measurement			119.0 feet on 10/04/2010						
Lowest Water Level			119.0 feet on 10/04/2010						
Highest Water Level			28.0 feet on 02/11/1953						
NOTE: The statistical summary shown above is based on an inverse distribution function that assumes a continuous distribution model. Nulls and questionable measurements are ignored in the calculation. The statistical summary is shown only if 10 or more measurements were taken in a given month. <b>Bold values</b> in the table above indicate the closest statistic to the most recent measurement. A measurement must have been taken in the last two years to be considered recent.									

#### Groundwater Level Readings

Meas. Date	R.P. Elev.	G.S. Elev.	RPWS	WSE	GSWS	QM Code	NM Code	Agency	Comment
10-30-1948	341.0	340.0	44.4	296.6	43.4			5603	
10-10-1949	341.0	340.0	51.4	289.6	50.4			5603	
02-15-1950	341.0	340.0	44.6	296.4	43.6			5603	
10-11-1950	341.0	340.0	56.0	285.0	55.0			5603	
02-06-1951	341.0	340.0	46.3	294.7	45.3			5603	
10-18-1951	341.0	340.0	57.9	283.1	56.9			5603	
02-27-1952	341.0	340.0	50.0	291.0	49.0			5603	
10-13-1952	341.0	340.0	58.9	282.1	57.9			5603	
02-11-1953	341.0	340.0	29.0	312.0	28.0			5603	
10-03-1953	341.0	340.0	64.0	277.0	63.0			5603	
02-16-1954	341.0	340.0	53.8	287.2	52.8			5603	
09-29-1954	341.0	340.0	69.6	271.4	68.6			5603	
02-21-1955	341.0	340.0	52.4	288.6	51.4			5603	
09-29-1955	341.0	340.0	69.7	271.3	68.7			5603	
02-16-1956	341.0	340.0	57.2	283.8	56.2			5603	
10-12-1956	341.0	340.0	63.0	278.0	62.0			5603	
02-14-1957	341.0	340.0	53.4	287.6	52.4			5603	
10-22-1957	341.0	340.0	67.7	273.3	66.7			5603	
02-27-1958	341.0	340.0	53.1	287.9	52.1			5603	
10-07-1958	341.0	340.0	64.7	276.3	63.7			5603	
02-20-1959	341.0	340.0	53.7	287.3	52.7			5603	
10-01-1959	341.0	340.0					1	5603	
02-10-1960	341.0	340.0	61.8	279.2	60.8			5603	
10-31-1960	341.0	340.0					1	5603	
02-21-1961	341.0	340.0	62.1	278.9	61.1			5603	
10-18-1961	341.0	340.0	81.5	259.5	80.5			5603	
02-07-1962	341.0	340.0	73.2	267.8	72.2			5603	
02-25-1963	341.0	340.0	74.2	266.8	73.2			5603	
02-03-1964	341.0	340.0	58.5	282.5	57.5			5603	
10-08-1964	341.0	340.0	85.4	255.6	84.4			5603	
02-05-1965	341.0	340.0	70.1	270.9	69.1			5603	
02-07-1966	341.0	340.0	67.4	273.6	66.4			5603	
02-06-1967	341.0	340.0	68.8	272.2	67.8			5603	
02-06-1968	341.0	340.0	61.9	279.1	60.9			5603	



02-03-1969	341.0	340.0	63.2	277.8	62.2			5603	
02-04-1970	341.0	340.0	56.8	284.2	55.8			5603	
09-28-1970	341.0	340.0	39.4	301.6	38.4			5603	
09-30-1971	341.0	340.0					<u>1</u>	5603	
01-27-1972	341.0	340.0					<u>9</u>	5603	
09-25-1972	341.0	340.0	81.5	259.5	80.5			5603	
02-12-1973	341.0	340.0	60.0	281.0	59.0			5603	
10-02-1973	341.0	340.0	73.0	268.0	72.0			5603	
01-28-1974	341.0	340.0	55.0	286.0	54.0			5603	
10-12-1974	341.0	340.0	69.0	272.0	68.0			5603	
02-12-1975	341.0	340.0	55.0	286.0	54.0			5603	
09-29-1975	341.0	340.0					<u>1</u>	5603	
01-22-1976	341.0	340.0					<u>1</u>	5603	
07-19-1976	341.0	340.0	80.0	261.0	79.0			5603	
10-06-1976	341.0	340.0	76.0	265.0	75.0			5603	
01-18-1977	341.0	340.0	65.0	276.0	64.0			5603	
06-01-1977	341.0	340.0	77.0	264.0	76.0			5603	
08-05-1977	341.0	340.0	90.0	251.0	89.0			5603	
10-03-1977	341.0	340.0	85.0	256.0	84.0			5603	
01-25-1978	341.0	340.0	74.0	267.0	73.0			5603	
10-10-1978	341.0	340.0	76.0	265.0	75.0			5603	
01-11-1979	341.0	340.0	65.0	276.0	64.0			5603	
09-17-1979	341.0	340.0	76.0	265.0	75.0			5603	
01-25-1980	341.0	340.0	68.0	273.0	67.0			5603	
09-22-1980	341.0	340.0	70.0	271.0	69.0			5603	
01-26-1981	341.0	340.0	61.0	280.0	60.0			5603	
09-21-1981	341.0	340.0	72.0	269.0	71.0			5001	
02-01-1982	341.0	340.0	62.0	279.0	61.0			5001	
09-22-1982	341.0	340.0	67.0	274.0	66.0			5603	
01-24-1983	341.0	340.0	49.0	292.0	48.0			5603	
09-29-1983	341.0	340.0	55.0	286.0	54.0			5001	
02-03-1984	341.0	340.0	45.0	296.0	44.0			5001	
10-01-1984	341.0	340.0	59.0	282.0	58.0			5001	
01-29-1985	341.0	340.0	47.0	294.0	46.0			5001	
09-30-1985	341.0	340.0	59.0	282.0	58.0			5001	
01-28-1986	341.0	340.0	56.0	285.0	55.0			5001	
09-26-1986	341.0	340.0	57.0	284.0	56.0			5001	
01-21-1987	341.0	340.0	29.0	312.0	28.0			5603	
09-17-1987	341.0	340.0	62.0	279.0	61.0			5603	
01-29-1988	341.0	340.0	58.0	283.0	57.0			5603	
09-27-1988	341.0	340.0	68.0	273.0	67.0			5603	
01-23-1989	341.0	340.0	60.0	281.0	59.0			5603	
10-02-1989	341.0	340.0	76.0	265.0	75.0			5603	
01-25-1990	341.0	340.0	66.0	275.0	65.0			5603	
10-05-1990	341.0	340.0	82.0	259.0	81.0			5603	
01-30-1991	341.0	340.0	77.0	264.0	76.0			5603	
10-11-1991	341.0	340.0	86.0	255.0	85.0			5603	
01-22-1992	341.0	340.0	80.0	261.0	79.0			5603	



10-22-1992	341.0	340.0	90.0	251.0	89.0			5603	
02-02-1993	341.0	340.0	86.0	255.0	85.0			5603	
10-07-1993	341.0	340.0	86.0	255.0	85.0			5603	
01-27-1994	341.0	340.0	86.0	255.0	85.0			5603	
10-07-1994	341.0	340.0	95.0	246.0	94.0			5603	
02-01-1995	341.0	340.0	99.0	242.0	98.0			5603	
09-26-1995	341.0	340.0	92.0	249.0	91.0			5603	
01-17-1996	341.0	340.0	89.0	252.0	88.0			5603	
09-30-1996	341.0	340.0	89.5	251.5	88.5			5603	
01-21-1997	341.0	340.0	82.0	259.0	81.0			5603	
10-10-1997	341.0	340.0	85.0	256.0	84.0			5603	
01-27-1998	341.0	340.0	79.0	262.0	78.0			5603	
10-12-1998	341.0	340.0	61.0	280.0	60.0			5603	
01-28-1999	341.0	340.0	70.0	271.0	69.0			5603	
10-07-1999	341.0	340.0	78.0	263.0	77.0			5603	
01-28-2000	341.0	340.0	71.0	270.0	70.0			5603	
01-25-2001	341.0	340.0	71.0	270.0	70.0			5603	
01-21-2002	341.0	340.0	77.5	263.5	76.5			5001	
09-18-2002	341.0	340.0	90.0	251.0	89.0			5001	
01-24-2003	341.0	340.0	81.0	260.0	80.0			5603	
01-27-2005	341.0	340.0	97.0	244.0	96.0			5603	
01-25-2006	341.0	340.0	90.0	251.0	89.0			5603	
02-02-2007	341.0	340.0	86.0	255.0	85.0			5603	
10-04-2010	341.0	340.0	120.0	221.0	119.0			5603	

#### Well Coordinates

Projection	Datum	Easting	Northing	Units	Zone
UTM	NAD27	297253	4029745	metres	11
LL	NAD27	119.2606	36.3933	decimal degrees	
LL	NAD83	119.2615	36.3933	decimal degrees	

Well Use: Undetermined

#### For more information contact:

Department of Water Resources, San Joaquin District  
Water Management Section  
3374 East Shields Avenue  
Fresno, CA 93726

Phone: 559-230-3326

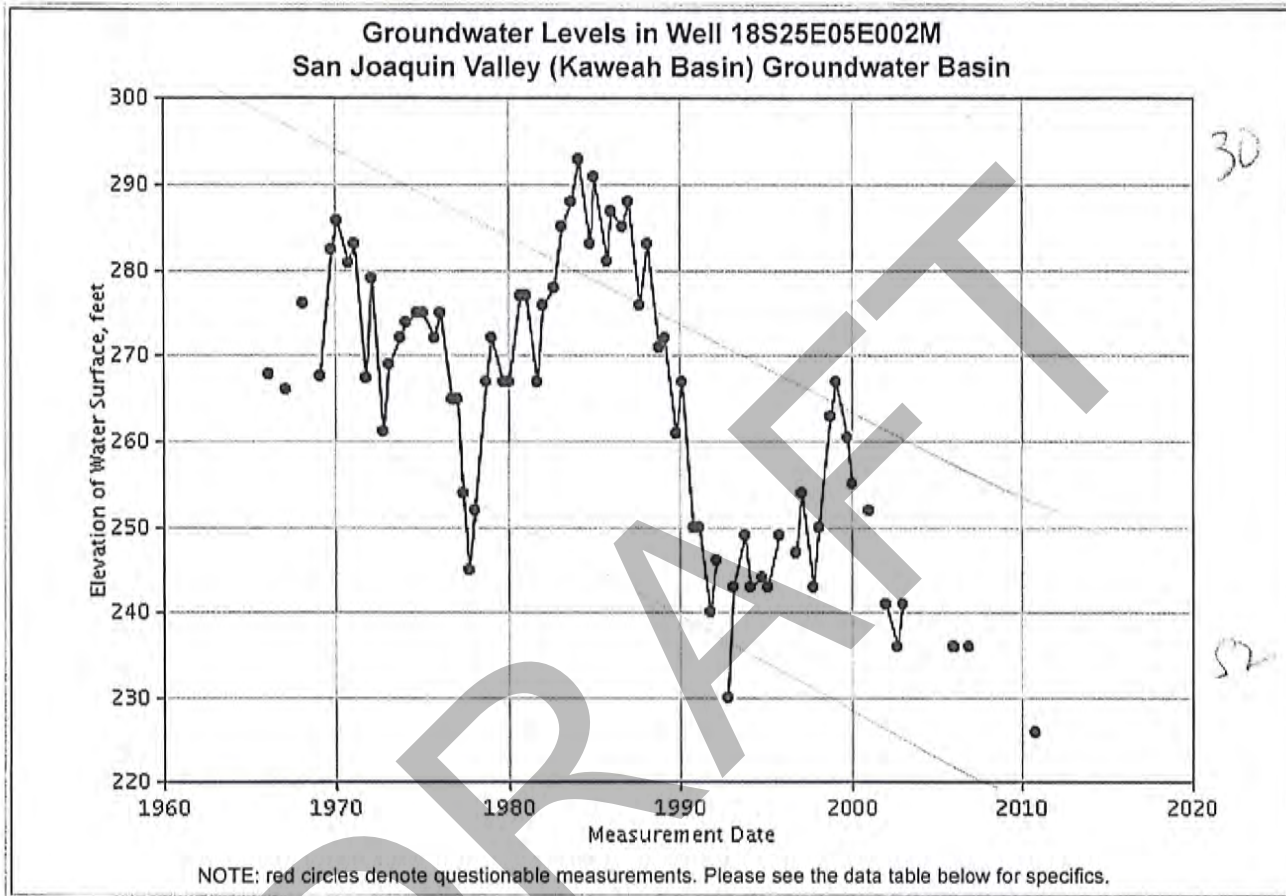
Fax: 559-230-3301

#### New Search

Search for wells within  mile radius. [Nearby Search](#)

## Groundwater Level Data for Well 18S25E05E002M

Your selection returned a total of **75** records. Wells in the Department of Water Resources monitoring network are identified by a State Well Number, which is based on the Public Land Grid System. The table headings and records contain several codes and abbreviations. Press the **New Search** or **Nearby Search** buttons or at the bottom of the page to begin a new data retrieval. Data for this well can also be downloaded in MS Excel or text delimited format.



### Summary Statistics of Depth to Water below Ground Surface by Month (displays to internal users only)

	0th %ile	75th %ile	90th %ile	Highest Level	Number of Values	Number of Years
254 1950	58.0	48.5	40.4	34.0	27	34
253 2010	56.0	44.5	39.3	32.0	11	28
	---	---	---	---	0	---
	---	---	---	---	0	---
	---	---	---	---	0	---
71' / 40 yrs = 1.04 ft/yr	71.0	---	---	71.0	1	---
	---	---	---	---	0	---
	---	---	---	---	0	---
	54.0	47.0	42.4	37.0	17	31
	64.3	56.8	46.4	42.0	16	41



NOV	89.0	---	---	89.0	---	---	89.0	1	---
DEC	---	---	---	---	---	---	---	0	---
Most Recent Measurement			99.0 feet on 10/04/2010						
Lowest Water Level			99.0 feet on 10/04/2010						
Highest Water Level			32.0 feet on 02/03/1984						
NOTE: The statistical summary shown above is based on an inverse distribution function that assumes a continuous distribution model. Nulls and questionable measurements are ignored in the calculation. The statistical summary is shown only if 10 or more measurements were taken in a given month. <b>Bold values</b> in the table above indicate the closest statistic to the most recent measurement. A measurement must have been taken in the last two years to be considered recent.									

Groundwater Level Readings									
Meas. Date	R.P. Elev.	G.S. Elev.	RPWS	WSE	GSWS	QM Code	NM Code	Agency	Comment
02-02-1966	326.0	325.0	58.2	267.8	57.2			5603	
02-06-1967	326.0	325.0	60.0	266.0	59.0			5603	
02-06-1968	326.0	325.0	49.9	276.1	48.9			5603	
02-03-1969	326.0	325.0	58.4	267.6	57.4			5603	
10-01-1969	326.0	325.0	43.7	282.3	42.7			5001	
02-04-1970	326.0	325.0	40.3	285.7	39.3			5603	
09-28-1970	326.0	325.0	45.1	280.9	44.1			5603	
01-29-1971	326.0	325.0	43.0	283.0	42.0			5603	
09-30-1971	326.0	325.0	58.5	267.5	57.5			5603	
01-27-1972	326.0	325.0	47.0	279.0	46.0			5603	
09-25-1972	326.0	325.0	64.8	261.2	63.8			5603	
02-12-1973	326.0	325.0	57.0	269.0	56.0			5603	
10-02-1973	326.0	325.0	54.0	272.0	53.0			5603	
01-30-1974	326.0	325.0	52.0	274.0	51.0			5603	
10-11-1974	326.0	325.0	51.0	275.0	50.0			5603	
02-12-1975	326.0	325.0	51.0	275.0	50.0			5603	
09-29-1975	326.0	325.0	54.0	272.0	53.0			5603	
01-20-1976	326.0	325.0	51.0	275.0	50.0			5603	
10-05-1976	326.0	325.0	61.0	265.0	60.0			5603	
01-18-1977	326.0	325.0	61.0	265.0	60.0			5603	
06-01-1977	326.0	325.0	72.0	254.0	71.0			5603	
10-03-1977	326.0	325.0	81.0	245.0	80.0			5603	
01-25-1978	326.0	325.0	74.0	252.0	73.0			5603	
10-10-1978	326.0	325.0	59.0	267.0	58.0			5603	
01-10-1979	326.0	325.0	54.0	272.0	53.0			5603	
09-17-1979	326.0	325.0	59.0	267.0	58.0			5603	
01-25-1980	326.0	325.0	59.0	267.0	58.0			5603	
09-22-1980	326.0	325.0	49.0	277.0	48.0			5603	
01-26-1981	326.0	325.0	49.0	277.0	48.0			5603	
09-21-1981	326.0	325.0	59.0	267.0	58.0			5001	
01-25-1982	326.0	325.0	50.0	276.0	49.0			5001	
09-22-1982	326.0	325.0	48.0	278.0	47.0			5603	
02-17-1983	326.0	325.0	41.0	285.0	40.0			5603	
09-29-1983	326.0	325.0	38.0	288.0	37.0			5001	



02-03-1984	326.0	325.0	33.0	293.0	32.0			5001	
10-01-1984	326.0	325.0	43.0	283.0	42.0			5001	
01-29-1985	326.0	325.0	35.0	291.0	34.0			5001	
09-30-1985	326.0	325.0	45.0	281.0	44.0			5001	
01-27-1986	326.0	325.0	39.0	287.0	38.0			5001	
09-26-1986	326.0	325.0	41.0	285.0	40.0			5001	
01-21-1987	326.0	325.0	38.0	288.0	37.0			5603	
09-17-1987	326.0	325.0	50.0	276.0	49.0			5603	
01-29-1988	326.0	325.0	43.0	283.0	42.0			5603	
09-27-1988	326.0	325.0	55.0	271.0	54.0			5603	
01-23-1989	326.0	325.0	54.0	272.0	53.0			5603	
10-02-1989	326.0	325.0	65.0	261.0	64.0			5603	
01-25-1990	326.0	325.0	59.0	267.0	58.0			5603	
10-05-1990	326.0	325.0	76.0	250.0	75.0			5603	
01-30-1991	326.0	325.0	76.0	250.0	75.0			5603	
10-14-1991	326.0	325.0	86.0	240.0	85.0			5603	
01-22-1992	326.0	325.0	80.0	246.0	79.0			5603	
10-22-1992	326.0	325.0	96.0	230.0	95.0			5603	
02-01-1993	326.0	325.0	83.0	243.0	82.0			5603	
10-07-1993	326.0	325.0	77.0	249.0	76.0			5603	
01-27-1994	326.0	325.0	83.0	243.0	82.0			5603	
09-29-1994	326.0	325.0	82.0	244.0	81.0			5603	
02-01-1995	326.0	325.0	83.0	243.0	82.0			5603	
09-26-1995	326.0	325.0	77.0	249.0	76.0			5603	
01-16-1996	326.0	325.0					<u>4</u>	5603	
09-30-1996	326.0	325.0	79.0	247.0	78.0			5603	
01-21-1997	326.0	325.0	72.0	254.0	71.0			5603	
10-13-1997	326.0	325.0	83.0	243.0	82.0			5603	
01-27-1998	326.0	325.0	76.0	250.0	75.0			5603	
10-12-1998	326.0	325.0	63.0	263.0	62.0			5603	
01-28-1999	326.0	325.0	59.0	267.0	58.0			5603	
10-07-1999	326.0	325.0	65.5	260.5	64.5			5603	
01-28-2000	326.0	325.0	71.0	255.0	70.0			5603	
01-25-2001	326.0	325.0	74.0	252.0	73.0			5603	
01-21-2002	326.0	325.0	85.0	241.0	84.0			5001	
09-18-2002	326.0	325.0	90.0	236.0	89.0			5001	
01-24-2003	326.0	325.0	85.0	241.0	84.0			5603	
01-27-2005	326.0	325.0					<u>7</u>	5603	
01-25-2006	326.0	325.0	90.0	236.0	89.0			5603	
11-14-2006	326.0	325.0	90.0	236.0	89.0			5603	
10-04-2010	326.0	325.0	100.0	226.0	99.0			5603	

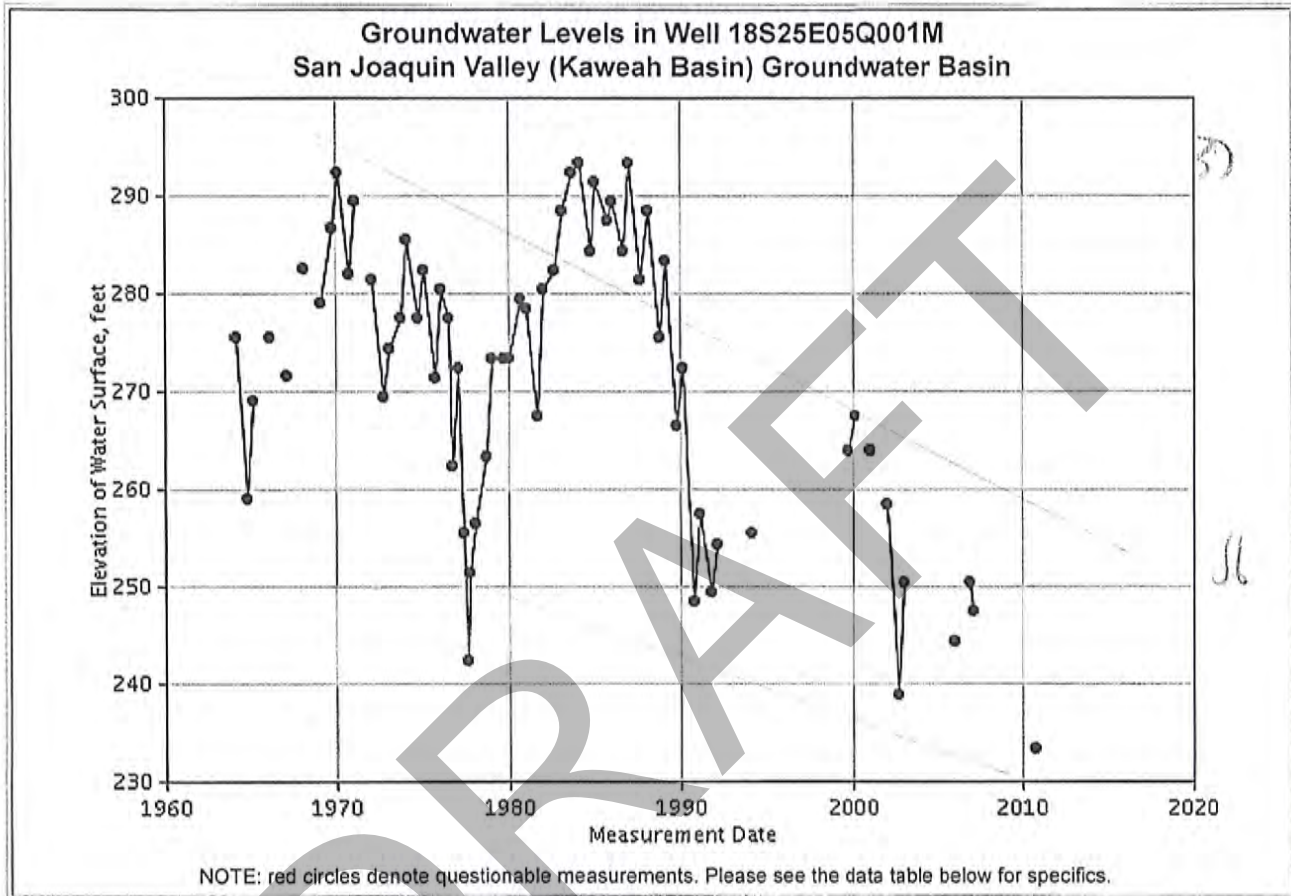
#### Well Coordinates

Projection	Datum	Easting	Northing	Units	Zone
UTM	NAD27	294470	4029938	metres	11
LL	NAD27	119.2917	36.3944	decimal degrees	
LL	NAD83	119.2926	36.3944	decimal degrees	



## Groundwater Level Data for Well 18S25E05Q001M

Your selection returned a total of 81 records. Wells in the Department of Water Resources monitoring network are identified by a State Well Number, which is based on the Public Land Grid System. The table headings and records contain several codes and abbreviations. Press the **New Search** or **Nearby Search** buttons or at the bottom of the page to begin a new data retrieval. Data for this well can also be downloaded in MS Excel or text delimited format.



### Summary Statistics of Depth to Water below Ground Surface by Month (displays to internal users only)

	Lowest	10th	25th	50th %ile	75th %ile	90th %ile	Highest Level	Number of Values	Number of Years
296 1970				54.5	45.5	41.0	37.0	22	34
269 2010				55.0	47.9	39.2	37.0	14	42
				---	---	---	---	0	---
				---	---	---	---	0	---
				---	---	---	---	0	---
				75.0	---	---	75.0	1	---
				53.0	---	---	53.0	1	---
				88.0	---	---	88.0	1	---
				51.0	48.0	43.6	38.0	13	31
				67.0	53.0	47.4	43.7	13	46

296 1970  
269 2010  
---  
39' Aug 11  
= 2.0 ft/yr



NOV	80.0	---	---	80.0	---	---	80.0	1	---
DEC	---	---	---	---	---	---	---	0	---
Most Recent Measurement			97.0 feet on 10/04/2010						
Lowest Water Level			97.0 feet on 10/04/2010						
Highest Water Level			37.0 feet on 02/03/1984						
NOTE: The statistical summary shown above is based on an inverse distribution function that assumes a continuous distribution model. Nulls and questionable measurements are ignored in the calculation. The statistical summary is shown only if 10 or more measurements were taken in a given month. <b>Bold values</b> in the table above indicate the closest statistic to the most recent measurement. A measurement must have been taken in the last two years to be considered recent.									

#### Groundwater Level Readings

Meas. Date	R.P. Elev.	G.S. Elev.	RPWS	WSE	GSWS	QM Code	NM Code	Agency	Comment
02-03-1964	332.5	330.5	57.0	275.5	55.0			5603	
10-01-1964	332.5	330.5	73.3	259.2	71.3			5603	
02-05-1965	332.5	330.5	63.3	269.2	61.3			5603	
02-07-1966	332.5	330.5	57.0	275.5	55.0			5603	
02-06-1967	332.5	330.5	60.9	271.6	58.9			5603	
02-06-1968	332.5	330.5	49.9	282.6	47.9			5603	
02-03-1969	332.5	330.5	53.3	279.2	51.3			5603	
10-01-1969	332.5	330.5	45.7	286.8	43.7			5001	
02-04-1970	332.5	330.5	40.0	292.5	38.0			5603	
09-28-1970	332.5	330.5	50.4	282.1	48.4			5603	
01-29-1971	332.5	330.5	43.0	289.5	41.0			5603	
09-30-1971	332.5	330.5					1	5603	
01-27-1972	332.5	330.5	51.0	281.5	49.0			5603	
09-25-1972	332.5	330.5	63.0	269.5	61.0			5603	
02-12-1973	332.5	330.5	58.0	274.5	56.0			5603	
10-02-1973	332.5	330.5	55.0	277.5	53.0			5603	
01-28-1974	332.5	330.5	47.0	285.5	45.0			5603	
10-01-1974	332.5	330.5	55.0	277.5	53.0			5603	
02-13-1975	332.5	330.5	50.0	282.5	48.0			5603	
09-29-1975	332.5	330.5	61.0	271.5	59.0			5603	
01-21-1976	332.5	330.5	52.0	280.5	50.0			5603	
07-19-1976	332.5	330.5	55.0	277.5	53.0			5603	
10-06-1976	332.5	330.5	70.0	262.5	68.0			5603	
01-18-1977	332.5	330.5	60.0	272.5	58.0			5603	
06-01-1977	332.5	330.5	77.0	255.5	75.0			5603	
08-05-1977	332.5	330.5	90.0	242.5	88.0			5603	
10-03-1977	332.5	330.5	81.0	251.5	79.0			5603	
01-25-1978	332.5	330.5	76.0	256.5	74.0			5603	
10-10-1978	332.5	330.5	69.0	263.5	67.0			5603	
01-10-1979	332.5	330.5	59.0	273.5	57.0			5603	
09-17-1979	332.5	330.5	59.0	273.5	57.0			5603	
01-25-1980	332.5	330.5	59.0	273.5	57.0			5603	
09-22-1980	332.5	330.5	53.0	279.5	51.0			5603	
01-26-1981	332.5	330.5	54.0	278.5	52.0			5603	



09-21-1981	332.5	330.5	65.0	267.5	63.0			5001	
01-25-1982	332.5	330.5	52.0	280.5	50.0			5001	
09-22-1982	332.5	330.5	50.0	282.5	48.0			5603	
02-17-1983	332.5	330.5	44.0	288.5	42.0			5603	
09-29-1983	332.5	330.5	40.0	292.5	38.0			5001	
02-03-1984	332.5	330.5	39.0	293.5	37.0			5001	
10-01-1984	332.5	330.5	48.0	284.5	46.0			5001	
01-29-1985	332.5	330.5	41.0	291.5	39.0			5001	
09-30-1985	332.5	330.5	45.0	287.5	43.0			5001	
01-27-1986	332.5	330.5	43.0	289.5	41.0			5001	
09-26-1986	332.5	330.5	48.0	284.5	46.0			5001	
01-21-1987	332.5	330.5	39.0	293.5	37.0			5603	
09-17-1987	332.5	330.5	51.0	281.5	49.0			5603	
01-29-1988	332.5	330.5	44.0	288.5	42.0			5603	
09-27-1988	332.5	330.5	57.0	275.5	55.0			5603	
01-23-1989	332.5	330.5	49.0	283.5	47.0			5603	
10-02-1989	332.5	330.5	66.0	266.5	64.0			5603	
01-25-1990	332.5	330.5	60.0	272.5	58.0			5603	
10-05-1990	332.5	330.5	84.0	248.5	82.0			5603	
02-08-1991	332.5	330.5	75.0	257.5	73.0			5603	
10-04-1991	332.5	330.5	83.0	249.5	81.0			5603	
01-22-1992	332.5	330.5	78.0	254.5	76.0			5603	
10-19-1992	332.5	330.5					<u>4</u>	5603	
02-02-1993	332.5	330.5					<u>4</u>	5603	
10-07-1993	332.5	330.5					<u>4</u>	5603	
01-27-1994	332.5	330.5	77.0	255.5	75.0			5603	
10-07-1994	332.5	330.5					<u>4</u>	5603	
02-01-1995	332.5	330.5					<u>4</u>	5603	
09-26-1995	332.5	330.5					<u>4</u>	5603	
01-16-1996	332.5	330.5					<u>4</u>	5603	
09-30-1996	332.5	330.5					<u>9</u>	5603	
01-21-1997	332.5	330.5					<u>9</u>	5603	
10-10-1997	332.5	330.5					<u>4</u>	5603	
01-27-1998	332.5	330.5					<u>0</u>	5603	
10-12-1998	332.5	330.5					<u>9</u>	5603	
01-25-1999	332.5	330.5					<u>9</u>	5603	
10-07-1999	332.5	330.5	68.5	264.0	66.5			5603	
02-10-2000	332.5	330.5	65.0	267.5	63.0			5603	
01-25-2001	332.5	330.5	68.5	264.0	66.5			5603	
01-21-2002	332.5	330.5	74.0	258.5	72.0			5001	
09-18-2002	332.5	330.5	93.5	239.0	91.5			5001	
01-24-2003	332.5	330.5	82.0	250.5	80.0			5603	
01-27-2005	332.5	330.5					<u>7</u>	5603	
01-25-2006	332.5	330.5	88.0	244.5	86.0			5603	
11-14-2006	332.5	330.5	82.0	250.5	80.0			5603	
02-02-2007	332.5	330.5	85.0	247.5	83.0			5603	
10-04-2010	332.5	330.5	99.0	233.5	97.0			5603	



# CASGEM

## Online System

Welcome: Michael Scott

## Public: Well Details

[View Well Data](#)

### Identification

Local Well Designation 18S25E05Q001M  
 Is Local Designation the same as State Well #? Yes  
 State Well Number 18S25E05Q001M  
 Master Site Code 363864N1192834W001  
 CASGEM Well Id 34223  
 Data submittals for this well are under CASGEM

### Geography

Latitude 36.3864 North  
 Longitude -119.2834 West  
[View on Map](#)

Method GPS  
 Accuracy 10 ft.  
 Physical Basin 5-022.11 Kaweah  
 County Tulare

### Reference and Ground Surface

RP Elevation 334.80 ft.  
 Description None Provided  
 GS Elevation 333.30 ft.  
 Method USGS quad  
 Accuracy 5 ft.  
 Distance from RP 1.50

### Well Associations

#### Organization

Kaweah Delta Water Conservation District

Please contact your local regional office to dissociate your organization from a CASGEM well.

Primary Well Org Kaweah Delta Water Conservation District  
 Notification Basin/Portion 5-022.11 - Kaweah / Kaweah (less TID)

### Well Use

Well Use Irrigation  
 Well Status Active

### Well Construction

Completion Type Single Well  
 Total Depth 278 ft.  
 Do you have well construction data? No  
 Well completion report available? No

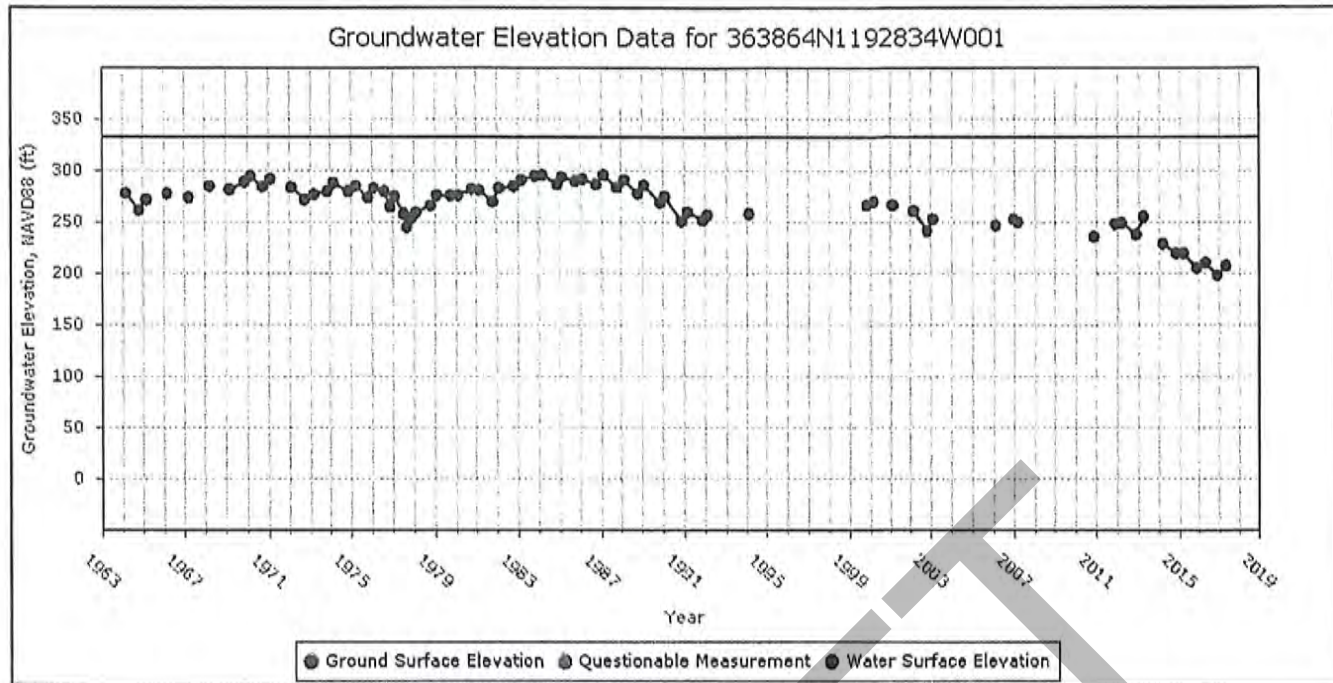
### Additional Information

Written description of location of well

Any additional comments

[View Hydrograph](#)



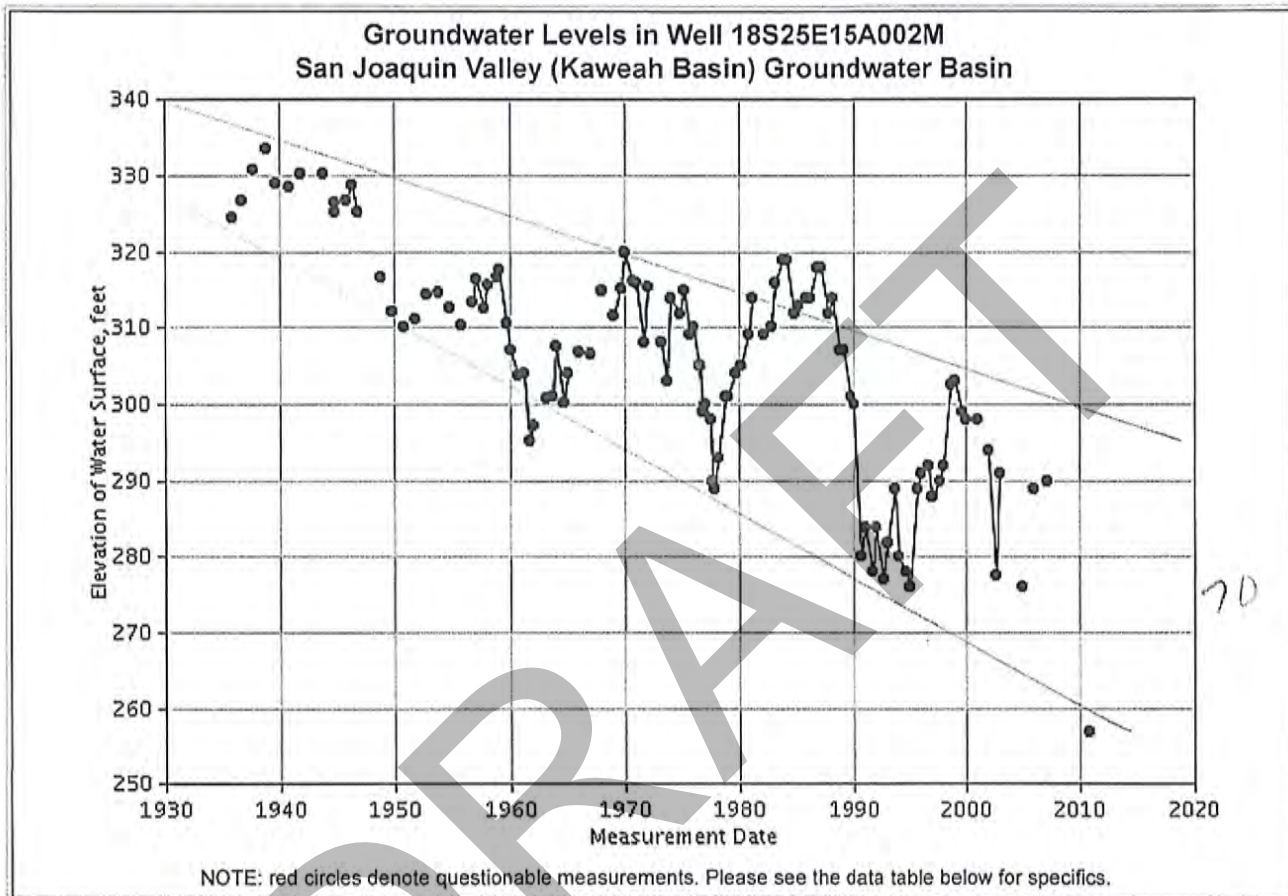


## View Elevation Data

Date	Military Time (PST)	NM	QM	Reading @RP	Reading @WS	RP to WS	RP Elev	GS Elev	WSE	GS to WS	Measurement Method	Measurement Accuracy	Co
03/17/2017	00:00			126.700	0.000	126.700	334.800	333.300	208.100	125.200	ES	0.1 Ft	Kav Cor
10/16/2016	00:00			136.000	0.000	136.000	334.800	333.300	198.800	134.500	ES	0.1 Ft	Kav Cor
03/10/2016	00:00			124.200	0.000	124.200	335.200	333.200	211.000	122.200	ES	0.1 Ft	Kav Cor
10/14/2015	00:00			129.500	0.000	129.500	335.200	333.200	205.700	127.500	ES	0.1 Ft	Kav Cor
02/27/2015	00:00			115.000	0.000	115.000	335.200	333.200	220.200	113.000	ES	0.1 Ft	Kav Cor
10/16/2014	00:00			115.000	0.000	115.000	335.200	333.200	220.200	113.000	ES	0.1 Ft	Kav Cor
02/14/2014	00:00			106.000	0.000	106.000	335.200	333.200	229.200	104.000	ES	0.1 Ft	Kav Cor
10/15/2013	00:00	1					335.200	333.200					Kav Cor
03/05/2013	00:00			77.000	0.000	77.000	332.500	330.500	255.500	75.000	ES	0.1 Ft	Kav Cor
10/10/2012	00:00			94.000	0.000	94.000	332.500	330.500	238.500	92.000	ES	0.1 Ft	Kav Cor
02/08/2012	00:00			83.000	0.000	83.000	332.500	330.500	249.500	81.000	ES	0.1 Ft	Kav Cor
10/17/2011	00:00			84.000	0.000	84.000	332.500	330.500	248.500	82.000	ES	0.1 Ft	Kav Cor
10/04/2010	00:00			99.000	0.000	99.000	335.190	333.190	236.190	97.000	UNK	Unknown	Kav Cor
02/02/2007	00:00			85.000	0.000	85.000	335.190	333.190	250.190	83.000	UNK	Unknown	Kav Cor
11/14/2006	00:00			82.000	0.000	82.000	335.190	333.190	253.190	80.000	UNK	Unknown	Kav Cor
01/25/2006	00:00			88.000	0.000	88.000	335.190	333.190	247.190	86.000	UNK	Unknown	Kav Cor

## Groundwater Level Data for Well 18S25E15A002M

Your selection returned a total of 117 records. Wells in the Department of Water Resources monitoring network are identified by a State Well Number, which is based on the Public Land Grid System. The table headings and records contain several codes and abbreviations. Press the **New Search** or **Nearby Search** buttons or at the bottom of the page to begin a new data retrieval. Data for this well can also be downloaded in MS Excel or text delimited format.



### Summary Statistics of Depth to Water below Ground Surface by Month (displays to internal users only)

50th %ile	75th %ile	90th %ile	Highest Level	Number of Values	Number of Years
49.0	35.0	33.4	31.0	29	34
41.2	33.8	31.2	29.0	20	49
44.8	---	---	44.8	1	---
---	---	---	---	0	---
20.3	---	---	20.3	1	---
51.0	---	---	51.0	1	---
---	---	---	---	0	---
---	---	---	---	0	---
41.0	38.5	34.1	30.0	17	46
37.4	31.9	21.1	15.4	36	73

1940 335

2010 300

35' / 70yr = 0.5 ft/yr



NOV	34.3	---	---	24.2	---	---	18.8	6	23
DEC	---	---	---	---	---	---	---	0	---
Most Recent Measurement			92.0 feet on 10/01/2010						
Lowest Water Level			92.0 feet on 10/01/2010						
Highest Water Level			15.4 feet on 10/19/1938						
NOTE: The statistical summary shown above is based on an inverse distribution function that assumes a continuous distribution model. Nulls and questionable measurements are ignored in the calculation. The statistical summary is shown only if 10 or more measurements were taken in a given month. <b>Bold values</b> in the table above indicate the closest statistic to the most recent measurement. A measurement must have been taken in the last two years to be considered recent.									

#### Groundwater Level Readings

Meas. Date	R.P. Elev.	G.S. Elev.	RPWS	WSE	GSWS	QM Code	NM Code	Agency	Comment
11-09-1935	350.0	349.0	25.5	324.5	24.5			5050	
10-13-1936	350.0	349.0	23.2	326.8	22.2			5050	
10-13-1937	350.0	349.0	19.1	330.9	18.1			5050	
10-19-1938	350.0	349.0	16.4	333.6	15.4			5050	
10-11-1939	350.0	349.0	21.0	329.0	20.0			5050	
11-05-1940	350.0	349.0	21.4	328.6	20.4			5050	
11-01-1941	350.0	349.0	19.8	330.2	18.8			5050	
10-19-1943	350.0	349.0	19.8	330.2	18.8			5050	
10-25-1944	350.0	349.0	23.5	326.5	22.5			5050	
11-17-1944	350.0	349.0	24.8	325.2	23.8			5050	
10-19-1945	350.0	349.0	23.3	326.7	22.3			5050	
05-23-1946	350.0	349.0	21.3	328.7	20.3			5050	
10-14-1946	350.0	349.0	24.7	325.3	23.7			5050	
10-30-1948	350.0	349.0	33.2	316.8	32.2			5050	
10-05-1949	350.0	349.0	37.8	312.2	36.8			5050	
10-22-1950	350.0	349.0	39.8	310.2	38.8			5050	
10-16-1951	350.0	349.0	38.8	311.2	37.8			5050	
10-14-1952	350.0	349.0	35.6	314.4	34.6			5050	
11-04-1953	350.0	349.0	35.3	314.7	34.3			5050	
10-08-1954	350.0	349.0	37.3	312.7	36.3			5050	
09-26-1955	350.0	349.0	39.5	310.5	38.5			5050	
03-06-1956	350.0	349.0					1	5050	
10-22-1956	350.0	349.0	36.6	313.4	35.6			5050	
02-19-1957	350.0	349.0	33.5	316.5	32.5			5050	
10-23-1957	350.0	349.0	37.3	312.7	36.3			5050	
02-26-1958	350.0	349.0	34.3	315.7	33.3			5050	
11-12-1958	350.0	349.0	33.2	316.8	32.2			5050	
02-24-1959	350.0	349.0	32.3	317.7	31.3			5050	
10-16-1959	350.0	349.0	39.4	310.6	38.4			5603	
02-20-1960	350.0	349.0	43.0	307.0	42.0			5603	
10-25-1960	350.0	349.0	46.2	303.8	45.2			5603	
03-01-1961	350.0	349.0	45.8	304.2	44.8			5603	
10-18-1961	350.0	349.0	54.8	295.2	53.8			5603	
02-07-1962	350.0	349.0	52.8	297.2	51.8			5603	



02-25-1963	350.0	349.0	49.3	300.7	48.3			5603	
09-25-1963	350.0	349.0	48.9	301.1	47.9			5603	
02-03-1964	350.0	349.0	42.4	307.6	41.4			5603	
10-01-1964	350.0	349.0	49.8	300.2	48.8			5603	
02-05-1965	350.0	349.0	45.8	304.2	44.8			5603	
02-07-1966	350.0	349.0	43.2	306.8	42.2			5603	
02-06-1967	350.0	349.0	43.3	306.7	42.3			5603	
02-06-1968	350.0	349.0	35.0	315.0	34.0			5603	
02-03-1969	350.0	349.0	38.4	311.6	37.4			5603	
10-01-1969	350.0	349.0	34.9	315.1	33.9			5001	
02-04-1970	350.0	349.0	30.0	320.0	29.0			5603	
09-28-1970	350.0	349.0	33.8	316.2	32.8			5603	
01-29-1971	350.0	349.0	34.0	316.0	33.0			5603	
09-30-1971	350.0	349.0	42.0	308.0	41.0			5603	
01-27-1972	350.0	349.0	34.5	315.5	33.5			5603	
09-25-1972	350.0	349.0					<u>1</u>	5603	
02-12-1973	350.0	349.0	42.0	308.0	41.0			5603	
10-02-1973	350.0	349.0	47.0	303.0	46.0			5603	
01-28-1974	350.0	349.0	36.0	314.0	35.0			5603	
10-02-1974	350.0	349.0	38.0	312.0	37.0			5603	
02-13-1975	350.0	349.0	35.0	315.0	34.0			5603	
09-29-1975	350.0	349.0	41.0	309.0	40.0			5603	
01-21-1976	350.0	349.0	40.0	310.0	39.0			5603	
07-19-1976	350.0	349.0	45.0	305.0	44.0	<u>4</u>		5603	
10-06-1976	350.0	349.0	51.0	299.0	50.0			5603	
01-17-1977	350.0	349.0	50.0	300.0	49.0			5603	
06-01-1977	350.0	349.0	52.0	298.0	51.0			5603	
08-05-1977	350.0	349.0	60.0	290.0	59.0	<u>4</u>		5603	
10-03-1977	350.0	349.0	61.0	289.0	60.0			5603	
01-26-1978	350.0	349.0	57.0	293.0	56.0			5603	
09-25-1978	350.0	349.0	49.0	301.0	48.0			5603	
01-11-1979	350.0	349.0	49.0	301.0	48.0			5603	
09-17-1979	350.0	349.0	46.0	304.0	45.0			5603	
01-25-1980	350.0	349.0	45.0	305.0	44.0			5603	
09-22-1980	350.0	349.0	41.0	309.0	40.0			5603	
01-26-1981	350.0	349.0	36.0	314.0	35.0			5603	
09-21-1981	350.0	349.0					<u>1</u>	5001	
02-01-1982	350.0	349.0	41.0	309.0	40.0			5001	
09-22-1982	350.0	349.0	40.0	310.0	39.0			5603	
01-24-1983	350.0	349.0	34.0	316.0	33.0			5603	
09-29-1983	350.0	349.0	31.0	319.0	30.0			5001	
02-03-1984	350.0	349.0	31.0	319.0	30.0			5001	
10-01-1984	350.0	349.0	38.0	312.0	37.0			5001	
01-29-1985	350.0	349.0	37.0	313.0	36.0			5001	
09-27-1985	350.0	349.0	36.0	314.0	35.0			5001	
01-28-1986	350.0	349.0	36.0	314.0	35.0			5001	
10-02-1986	350.0	349.0	32.0	318.0	31.0			5001	
01-21-1987	350.0	349.0	32.0	318.0	31.0			5603	



09-17-1987	350.0	349.0	38.0	312.0	37.0			5603	
01-29-1988	350.0	349.0	36.0	314.0	35.0			5603	
09-27-1988	350.0	349.0	43.0	307.0	42.0			5603	
01-23-1989	350.0	349.0	43.0	307.0	42.0			5603	
10-02-1989	350.0	349.0	49.0	301.0	48.0			5603	
01-25-1990	350.0	349.0	50.0	300.0	49.0			5603	
10-05-1990	350.0	349.0	70.0	280.0	69.0			5603	
01-30-1991	350.0	349.0	66.0	284.0	65.0			5603	
10-01-1991	350.0	349.0	72.0	278.0	71.0			5603	
01-22-1992	350.0	349.0	66.0	284.0	65.0			5603	
10-20-1992	350.0	349.0	73.0	277.0	72.0			5603	
02-02-1993	350.0	349.0	68.0	282.0	67.0			5603	
10-07-1993	350.0	349.0	61.0	289.0	60.0			5603	
01-27-1994	350.0	349.0	70.0	280.0	69.0			5603	
09-29-1994	350.0	349.0	72.0	278.0	71.0			5603	
02-01-1995	350.0	349.0	74.0	276.0	73.0			5603	
09-26-1995	350.0	349.0	61.0	289.0	60.0			5603	
01-17-1996	350.0	349.0	59.0	291.0	58.0			5603	
09-30-1996	350.0	349.0	58.0	292.0	57.0			5603	
01-21-1997	350.0	349.0	62.0	288.0	61.0			5603	
10-10-1997	350.0	349.0	60.0	290.0	59.0			5603	
01-23-1998	350.0	349.0	58.0	292.0	57.0			5603	
10-12-1998	350.0	349.0	47.5	302.5	46.5			5603	
01-28-1999	350.0	349.0	47.0	303.0	46.0			5603	
10-07-1999	350.0	349.0	51.0	299.0	50.0			5603	
01-28-2000	350.0	349.0	52.0	298.0	51.0			5603	
01-25-2001	350.0	349.0	52.0	298.0	51.0			5603	
01-21-2002	350.0	349.0	56.0	294.0	55.0			5001	
09-18-2002	350.0	349.0	72.5	277.5	71.5			5001	
01-24-2003	350.0	349.0	59.0	291.0	58.0			5603	
01-27-2005	350.0	349.0	74.0	276.0	73.0			5603	
01-25-2006	350.0	349.0	61.0	289.0	60.0			5603	
11-14-2006	350.0	349.0					<u>1</u>	5603	<u>2</u>
02-02-2007	350.0	349.0	60.0	290.0	59.0			5603	
10-01-2010	350.0	349.0	93.0	257.0	92.0			5603	

#### Well Coordinates

Projection	Datum	Easting	Northing	Units	Zone
UTM	NAD27	298818	4027153	metres	11
LL	NAD27	119.2425	36.3703	decimal degrees	
LL	NAD83	119.2434	36.3703	decimal degrees	

Well Use: Undetermined

#### For more information contact:

Department of Water Resources, San Joaquin District  
Water Management Section  
3374 East Shields Avenue  
Fresno, CA 93726

Phone: 559-230-3326  
Fax: 559-230-3301

New Search

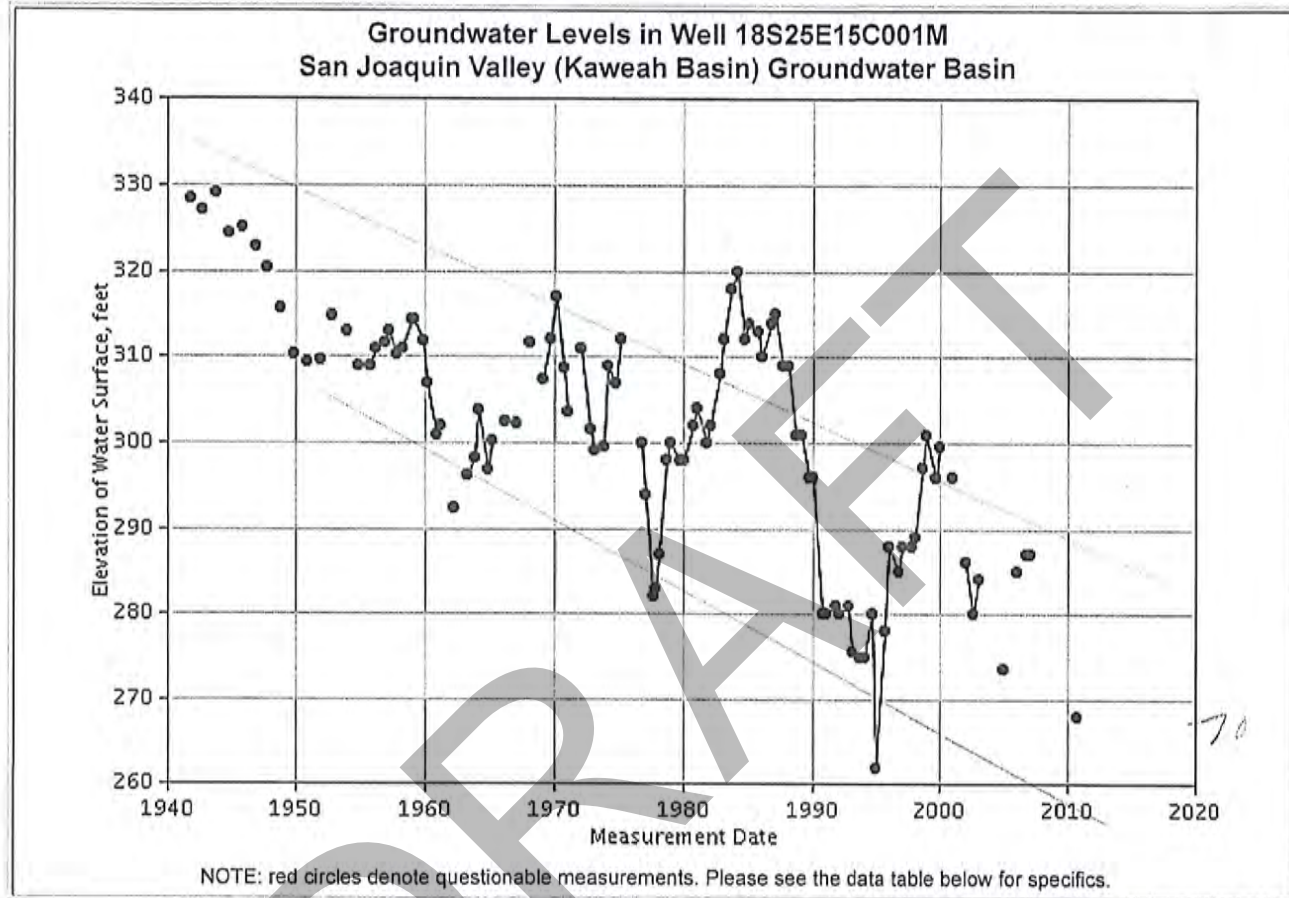
Search for wells within  mile radius. Nearby Search

DRAFT



## Groundwater Level Data for Well 18S25E15C001M

Your selection returned a total of **109** records. Wells in the Department of Water Resources monitoring network are identified by a State Well Number, which is based on the Public Land Grid System. The table headings and records contain several codes and abbreviations. Press the **New Search** or **Nearby Search** buttons or at the bottom of the page to begin a new data retrieval. Data for this well can also be downloaded in MS Excel or text delimited format.



### Summary Statistics of Depth to Water below Ground Surface by Month (displays to internal users only)

50th %ile	75th %ile	90th %ile	Highest Level	Number of Values	Number of Years
49.0	40.8	34.7	31.0	28	34
43.5	34.3	31.6	26.0	21	49
35.0	---	---	35.0	1	---
---	---	---	---	0	---
---	---	---	---	0	---
---	---	---	---	0	---
---	---	---	---	0	---
64.0	---	---	64.0	1	---
45.0	37.3	35.4	28.0	17	46
36.4	31.4	21.2	16.8	34	68

330 1950

287 2010

41' / 60 yrs

= 0.75 ft/yr



NOV	59.0	---	---	32.9	---	---	31.7	3	53
DEC	---	---	---	---	---	---	---	0	---
Most Recent Measurement			78.0 feet on 10/01/2010						
Lowest Water Level			84.0 feet on 02/01/1995						
Highest Water Level			16.8 feet on 10/15/1943						
NOTE: The statistical summary shown above is based on an inverse distribution function that assumes a continuous distribution model. Nulls and questionable measurements are ignored in the calculation. The statistical summary is shown only if 10 or more measurements were taken in a given month. <b>Bold values</b> in the table above indicate the closest statistic to the most recent measurement. A measurement must have been taken in the last two years to be considered recent.									

Groundwater Level Readings									
Meas. Date	R.P. Elev.	G.S. Elev.	RPWS	WSE	GSWS	QM Code	NM Code	Agency	Comment
10-24-1941	347.0	346.0	18.5	328.5	17.5			5050	
10-17-1942	347.0	346.0	19.8	327.2	18.8			5050	
10-15-1943	347.0	346.0	17.8	329.2	16.8			5050	
10-14-1944	347.0	346.0	22.6	324.4	21.6			5050	
10-12-1945	347.0	346.0	22.0	325.0	21.0			5050	
10-21-1946	347.0	346.0	24.1	322.9	23.1			5050	
10-22-1947	347.0	346.0	26.6	320.4	25.6			5050	
10-30-1948	347.0	346.0	31.4	315.6	30.4			5050	
10-04-1949	347.0	346.0	36.7	310.3	35.7			5050	
10-21-1950	347.0	346.0	37.5	309.5	36.5			5050	
10-16-1951	347.0	346.0	37.3	309.7	36.3			5050	
10-13-1952	347.0	346.0	32.2	314.8	31.2			5050	
11-13-1953	347.0	346.0	33.9	313.1	32.9			5050	
10-08-1954	347.0	346.0	38.0	309.0	37.0			5050	
09-26-1955	347.0	346.0	38.0	309.0	37.0			5050	
03-06-1956	347.0	346.0	36.0	311.0	35.0			5050	
10-22-1956	347.0	346.0	35.4	311.6	34.4			5050	
02-19-1957	347.0	346.0	34.0	313.0	33.0			5050	
10-23-1957	347.0	346.0	36.7	310.3	35.7			5050	
02-26-1958	347.0	346.0	36.1	310.9	35.1			5050	
11-12-1958	347.0	346.0	32.7	314.3	31.7			5050	
02-24-1959	347.0	346.0	32.6	314.4	31.6			5050	
10-16-1959	347.0	346.0	35.2	311.8	34.2			5603	
02-20-1960	347.0	346.0	40.0	307.0	39.0			5603	
10-25-1960	347.0	346.0	46.0	301.0	45.0			5603	
02-21-1961	347.0	346.0	44.9	302.1	43.9			5603	
10-18-1961	347.0	346.0					1	5603	
02-07-1962	347.0	346.0	54.7	292.3	53.7			5603	
02-25-1963	347.0	346.0	50.8	296.2	49.8			5603	
09-25-1963	347.0	346.0	48.8	298.2	47.8			5603	
02-03-1964	347.0	346.0	43.2	303.8	42.2			5603	
10-01-1964	347.0	346.0	50.1	296.9	49.1			5603	
02-05-1965	347.0	346.0	46.7	300.3	45.7			5603	
02-07-1966	347.0	346.0	44.5	302.5	43.5			5603	



02-06-1967	347.0	346.0	44.8	302.2	43.8			5603	
02-06-1968	347.0	346.0	35.3	311.7	34.3			5603	
02-03-1969	347.0	346.0	39.5	307.5	38.5			5603	
10-01-1969	347.0	346.0	34.8	312.2	33.8			5001	
02-04-1970	347.0	346.0	30.0	317.0	29.0			5603	
09-28-1970	347.0	346.0	38.3	308.7	37.3			5603	
01-29-1971	347.0	346.0	43.5	303.5	42.5			5603	
09-30-1971	347.0	346.0					1	5603	
01-27-1972	347.0	346.0	36.0	311.0	35.0			5603	
09-25-1972	347.0	346.0	45.5	301.5	44.5			5603	
02-12-1973	347.0	346.0	48.0	299.0	47.0			5603	
10-02-1973	347.0	346.0	47.5	299.5	46.5			5603	
01-28-1974	347.0	346.0	38.0	309.0	37.0			5603	
10-02-1974	347.0	346.0	40.0	307.0	39.0			5603	
02-13-1975	347.0	346.0	35.0	312.0	34.0			5603	
09-29-1975	347.0	346.0					1	5603	
01-21-1976	347.0	346.0					1	5603	
10-06-1976	347.0	346.0	47.0	300.0	46.0			5603	
01-18-1977	347.0	346.0	53.0	294.0	52.0			5603	
08-05-1977	347.0	346.0	65.0	282.0	64.0			5603	
10-03-1977	347.0	346.0	64.0	283.0	63.0			5603	
01-26-1978	347.0	346.0	60.0	287.0	59.0			5603	
09-25-1978	347.0	346.0	49.0	298.0	48.0			5603	
01-11-1979	347.0	346.0	47.0	300.0	46.0			5603	
09-17-1979	347.0	346.0	49.0	298.0	48.0			5603	
01-25-1980	347.0	346.0	49.0	298.0	48.0			5603	
09-22-1980	347.0	346.0	45.0	302.0	44.0			5603	
01-26-1981	347.0	346.0	43.0	304.0	42.0			5603	
09-21-1981	347.0	346.0	47.0	300.0	46.0			5001	
02-01-1982	347.0	346.0	45.0	302.0	44.0			5001	
09-22-1982	347.0	346.0	39.0	308.0	38.0			5603	
01-24-1983	347.0	346.0	35.0	312.0	34.0			5603	
09-29-1983	347.0	346.0	29.0	318.0	28.0			5001	
02-03-1984	347.0	346.0	27.0	320.0	26.0			5001	
10-01-1984	347.0	346.0	35.0	312.0	34.0			5001	
01-29-1985	347.0	346.0	33.0	314.0	32.0			5001	
09-27-1985	347.0	346.0	34.0	313.0	33.0			5001	
01-28-1986	347.0	346.0	37.0	310.0	36.0			5001	
10-02-1986	347.0	346.0	33.0	314.0	32.0			5001	
01-21-1987	347.0	346.0	32.0	315.0	31.0			5603	
09-17-1987	347.0	346.0	38.0	309.0	37.0			5603	
01-29-1988	347.0	346.0	38.0	309.0	37.0			5603	
09-27-1988	347.0	346.0	46.0	301.0	45.0			5603	
01-23-1989	347.0	346.0	46.0	301.0	45.0			5603	
10-02-1989	347.0	346.0	51.0	296.0	50.0			5603	
01-25-1990	347.0	346.0	51.0	296.0	50.0			5603	
10-05-1990	347.0	346.0	67.0	280.0	66.0			5603	
01-30-1991	347.0	346.0	67.0	280.0	66.0			5603	



10-01-1991	347.0	346.0	66.0	281.0	65.0			5603	
01-22-1992	347.0	346.0	67.0	280.0	66.0			5603	
10-20-1992	347.0	346.0	66.0	281.0	65.0			5603	
02-02-1993	347.0	346.0	71.5	275.5	70.5			5603	
10-07-1993	347.0	346.0	72.0	275.0	71.0			5603	
01-27-1994	347.0	346.0	72.0	275.0	71.0			5603	
09-29-1994	347.0	346.0	67.0	280.0	66.0			5603	
02-01-1995	347.0	346.0	85.0	262.0	84.0			5603	
09-26-1995	347.0	346.0	69.0	278.0	68.0			5603	
01-17-1996	347.0	346.0	59.0	288.0	58.0			5603	
09-30-1996	347.0	346.0	62.0	285.0	61.0			5603	
01-27-1997	347.0	346.0	59.0	288.0	58.0			5603	
10-10-1997	347.0	346.0	59.0	288.0	58.0			5603	
01-23-1998	347.0	346.0	58.0	289.0	57.0			5603	
10-12-1998	347.0	346.0	50.0	297.0	49.0			5603	
01-28-1999	347.0	346.0	46.0	301.0	45.0			5603	
10-07-1999	347.0	346.0	51.0	296.0	50.0			5603	
01-28-2000	347.0	346.0	47.5	299.5	46.5			5603	
01-25-2001	347.0	346.0	51.0	296.0	50.0			5603	
01-21-2002	347.0	346.0	61.0	286.0	60.0			5001	
09-18-2002	347.0	346.0	67.0	280.0	66.0			5001	
01-24-2003	347.0	346.0	63.0	284.0	62.0			5603	
01-27-2005	347.0	346.0	73.5	273.5	72.5			5603	
01-25-2006	347.0	346.0	62.0	285.0	61.0			5603	
11-14-2006	347.0	346.0	60.0	287.0	59.0			5603	
02-02-2007	347.0	346.0	60.0	287.0	59.0			5603	
10-01-2010	347.0	346.0	79.0	268.0	78.0			5603	

Well Coordinates					
Projection	Datum	Easting	Northing	Units	Zone
UTM	NAD27	298042	4027048	metres	11
LL	NAD27	119.2511	36.3692	decimal degrees	
LL	NAD83	119.2520	36.3692	decimal degrees	

**Well Use:** Undetermined

**For more information contact:**

Department of Water Resources, San Joaquin District  
Water Management Section  
3374 East Shields Avenue  
Fresno, CA 93726

Phone: 559-230-3326  
Fax: 559-230-3301

[New Search](#)

Search for wells within  mile radius. [Nearby Search](#)





# CASGEM

## Online System

Welcome: Michael Scott

## Public: Well Details

[View Well Data](#)**Identification**

Local Well Designation 18S25E15C001M  
Is Local Designation the same as State Well #? Yes  
State Well Number 18S25E15C001M  
Master Site Code 363692N1192520W001  
CASGEM Well Id 20922  
Data submittals for this well are under CASGEM

**Geography**

Latitude 36.3692 North  
Longitude -119.2520 West  
[View on Map](#)  
Method GPS  
Accuracy 10 ft.  
Physical Basin 5-022.11 Kaweah  
County Tulare

**Reference and Ground Surface**

RP Elevation ? 348.10 ft.  
Description ? None Provided  
GS Elevation ? 348.10 ft.  
Method USGS quad  
Accuracy 5 ft.  
Distance from RP 0.00

**Well Associations****Organization**

Kaweah Delta Water Conservation District

Please contact your local regional office to dissociate your organization from a CASGEM well.

Primary Well Org Kaweah Delta Water Conservation District  
Notification Basin/Portion 5-022.11 - Kaweah / Kaweah (less TID)

**Well Use**

Well Use Residential  
Well Status Inactive

**Well Construction**

Completion Type Single Well  
Total Depth 90 ft.  
Do you have well construction data? No  
Well completion report available? No

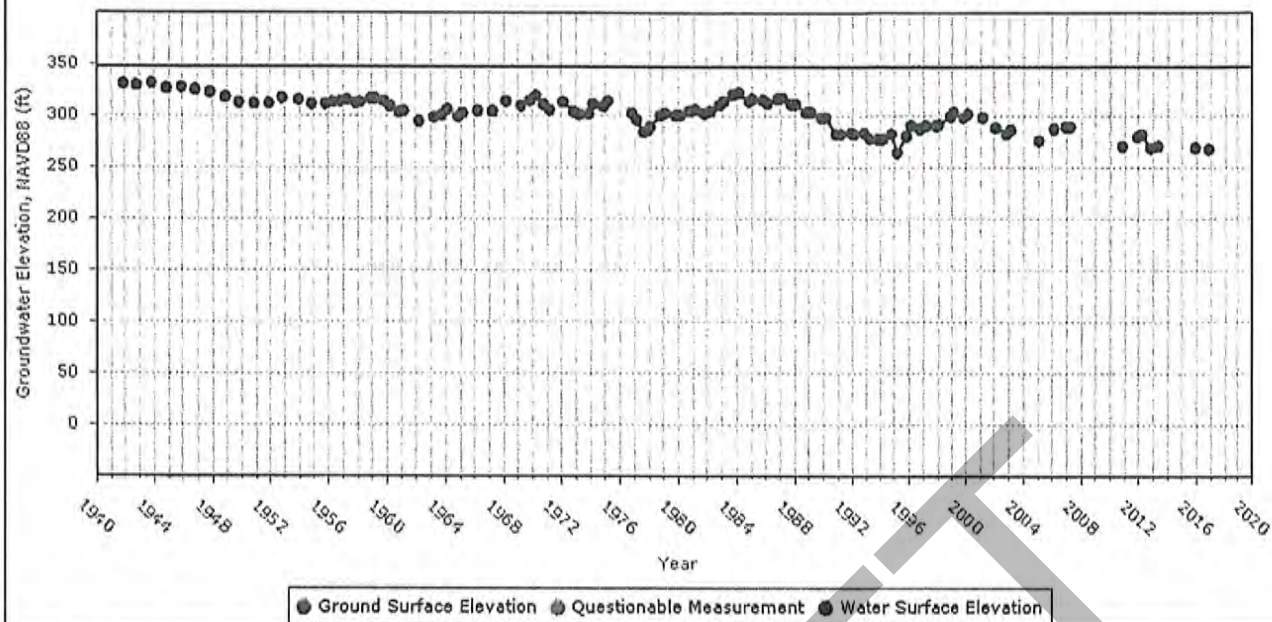
**Additional Information**

Written description of location of well

Any additional comments

[View Hydrograph](#)

## Groundwater Elevation Data for 363692N1192520W001



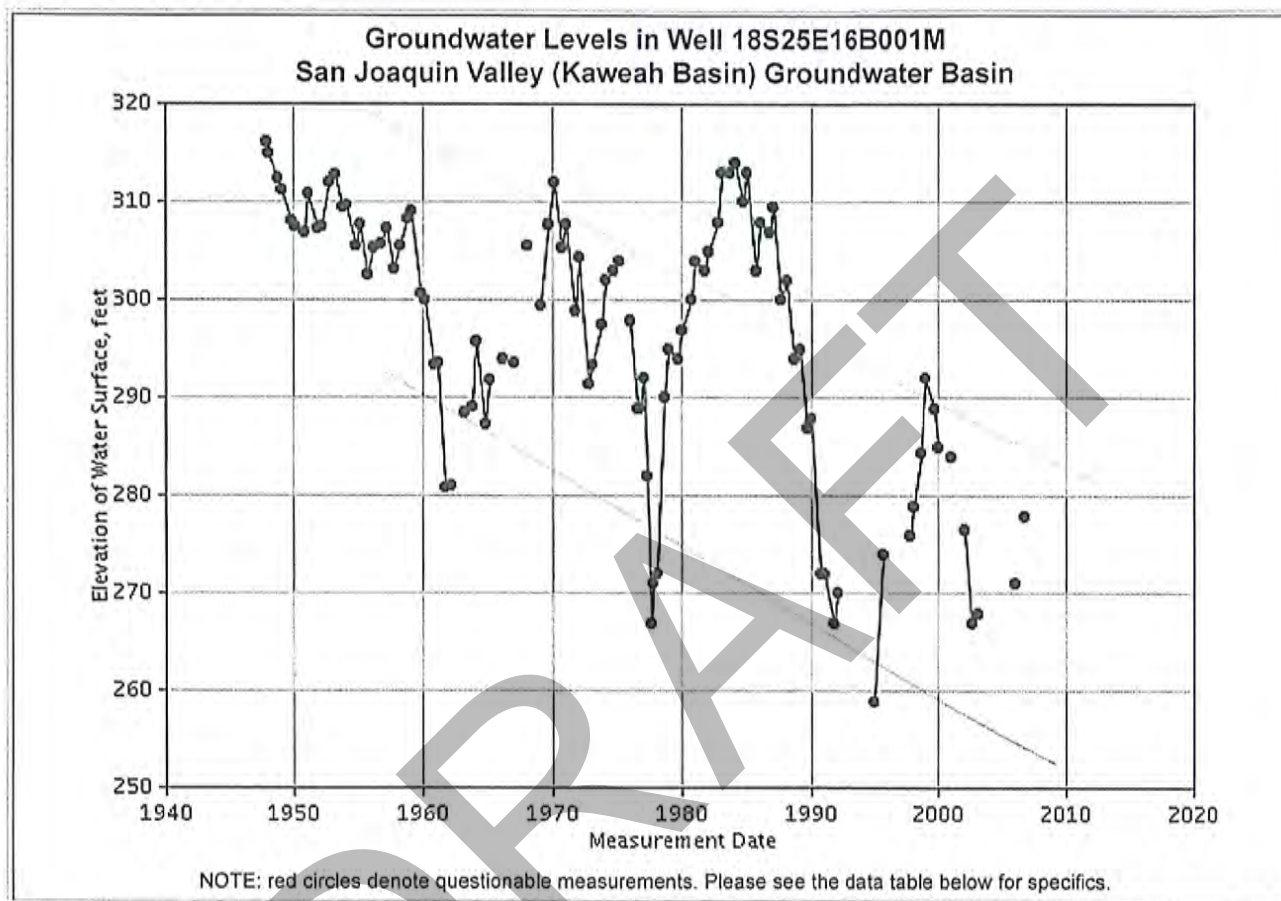
## View Elevation Data

Date	Military Time (PST)	NM	QM	Reading @ RP	Reading @ WS	RP to WS	RP Elev	GS Elev	WSE	GS to WS	Measurement Method	Measurement Accuracy	Co
03/17/2017	00:00	D					348.100	348.100					Kav Cor
10/16/2016	00:00			80.100	0.000	80.100	348.100	348.100	268.000	80.100	ES	0.1 Ft	Kav Cor
03/10/2016	00:00	D					348.700	348.700					Kav Cor
10/14/2015	00:00			80.300	0.000	80.300	349.700	348.700	269.400	79.300	ES	0.1 Ft	Kav Cor
02/27/2015	00:00	D					349.700	348.700					Kav Cor
10/20/2014	00:00	D					349.700	348.700					Kav Cor
02/14/2014	00:00	D					349.700	348.700					Kav Cor
10/15/2013	00:00	D					349.700	348.700					Kav Cor
03/05/2013	00:00			76.000	0.000	76.000	347.000	346.000	271.000	75.000	ES	0.1 Ft	Kav Cor
10/10/2012	00:00			78.000	0.000	78.000	347.000	346.000	269.000	77.000	ES	0.1 Ft	Kav Cor
02/09/2012	00:00			65.000	0.000	65.000	347.000	346.000	282.000	64.000	ES	0.1 Ft	Kav Cor
10/17/2011	00:00			67.000	0.000	67.000	347.000	346.000	280.000	66.000	ES	0.1 Ft	Kav Cor
10/01/2010	00:00			79.000	0.000	79.000	349.690	348.690	270.690	78.000	UNK	Unknown	Kav Cor
02/02/2007	00:00			60.000	0.000	60.000	349.690	348.690	289.690	59.000	UNK	Unknown	Kav Cor
11/14/2006	00:00			60.000	0.000	60.000	349.690	348.690	289.690	59.000	UNK	Unknown	Kav Cor
01/25/2006	00:00			62.000	0.000	62.000	349.690	348.690	287.690	61.000	UNK	Unknown	Kav Cor



## Groundwater Level Data for Well 18S25E16B001M

Your selection returned a total of **112** records. Wells in the Department of Water Resources monitoring network are identified by a State Well Number, which is based on the Public Land Grid System. The table headings and records contain several codes and abbreviations. Press the **New Search** or **Nearby Search** buttons or at the bottom of the page to begin a new data retrieval. Data for this well can also be downloaded in MS Excel or text delimited format.



### Summary Statistics of Depth to Water below Ground Surface by Month (displays to internal users only)

Month	Lowest Level	10th %ile	25th %ile	50th %ile	75th %ile	90th %ile	Highest Level	Number of Values	Number of Years
J				6.0	37.0	32.1	28.0	25	34
F				5.6	31.7	28.8	26.0	28	46
M				---	---	---	---	0	---
A				---	---	---	---	0	---
M				---	---	---	---	0	---
J				9.0	---	---	59.0	1	---
J				2.0	---	---	52.0	1	---
A				4.0	---	---	74.0	1	---
S				1.0	36.3	31.7	28.0	18	53
O				0.4	33.6	31.9	29.0	25	50

311' 1960

283' 2010

33' / 50 yrs

= 4.726/yr



NOV	63.0	---	---	44.0	---	---	24.9	2	58
DEC	---	---	---	---	---	---	---	0	---
Most Recent Measurement			63.0 feet on 11/14/2006						
Lowest Water Level			82.0 feet on 02/01/1995						
Highest Water Level			24.9 feet on 11/24/1947						
NOTE: The statistical summary shown above is based on an inverse distribution function that assumes a continuous distribution model. Nulls and questionable measurements are ignored in the calculation. The statistical summary is shown only if 10 or more measurements were taken in a given month. <b>Bold values</b> in the table above indicate the closest statistic to the most recent measurement. A measurement must have been taken in the last two years to be considered recent.									

#### Groundwater Level Readings

Meas. Date	R.P. Elev.	G.S. Elev.	RPWS	WSE	GSWS	QM Code	NM Code	Agency	Comment
11-24-1947	342.0	341.0	25.9	316.1	24.9			5603	
02-05-1948	342.0	341.0	27.0	315.0	26.0			5603	
09-26-1948	342.0	341.0	29.5	312.5	28.5			5603	
02-18-1949	342.0	341.0	30.8	311.2	29.8			5603	
10-07-1949	342.0	341.0	33.9	308.1	32.9			5603	
02-15-1950	342.0	341.0	34.4	307.6	33.4			5603	
10-11-1950	342.0	341.0	35.1	306.9	34.1			5603	
02-06-1951	342.0	341.0	31.1	310.9	30.1			5603	
10-18-1951	342.0	341.0	34.6	307.4	33.6			5603	
02-27-1952	342.0	341.0	34.4	307.6	33.4			5603	
10-13-1952	342.0	341.0	30.0	312.0	29.0			5603	
02-11-1953	342.0	341.0	29.2	312.8	28.2			5603	
10-03-1953	342.0	341.0	32.5	309.5	31.5			5603	
02-16-1954	342.0	341.0	32.2	309.8	31.2			5603	
09-29-1954	342.0	341.0	36.4	305.6	35.4			5603	
02-21-1955	342.0	341.0	34.2	307.8	33.2			5603	
09-29-1955	342.0	341.0	39.4	302.6	38.4			5603	
02-17-1956	342.0	341.0	36.6	305.4	35.6			5603	
10-12-1956	342.0	341.0	36.3	305.7	35.3			5603	
02-13-1957	342.0	341.0	34.7	307.3	33.7			5603	
10-22-1957	342.0	341.0	38.7	303.3	37.7			5603	
02-27-1958	342.0	341.0	36.5	305.5	35.5			5603	
10-07-1958	342.0	341.0	33.6	308.4	32.6			5603	
02-20-1959	342.0	341.0	32.9	309.1	31.9			5603	
10-01-1959	342.0	341.0	41.4	300.6	40.4			5603	
02-19-1960	342.0	341.0	42.0	300.0	41.0			5603	
10-10-1960	342.0	341.0	48.5	293.5	47.5			5603	
02-21-1961	342.0	341.0	48.4	293.6	47.4			5603	
10-18-1961	342.0	341.0	61.1	280.9	60.1			5603	
02-07-1962	342.0	341.0	60.9	281.1	59.9			5603	
02-25-1963	342.0	341.0	53.5	288.5	52.5			5603	
09-25-1963	342.0	341.0	52.9	289.1	51.9			5603	
02-03-1964	342.0	341.0	46.2	295.8	45.2			5603	
10-01-1964	342.0	341.0	54.6	287.4	53.6			5603	



02-05-1965	342.0	341.0	50.2	291.8	49.2			5603	
02-07-1966	342.0	341.0	48.0	294.0	47.0			5603	
02-06-1967	342.0	341.0	48.4	293.6	47.4			5603	
02-06-1968	342.0	341.0	36.4	305.6	35.4			5603	
02-03-1969	342.0	341.0	42.5	299.5	41.5			5603	
10-01-1969	342.0	341.0	34.2	307.8	33.2			5001	
02-04-1970	342.0	341.0	30.0	312.0	29.0			5603	
09-28-1970	342.0	341.0	36.7	305.3	35.7			5603	
01-29-1971	342.0	341.0	34.2	307.8	33.2			5603	
09-30-1971	342.0	341.0	43.0	299.0	42.0			5603	
01-27-1972	342.0	341.0	37.5	304.5	36.5			5603	
09-25-1972	342.0	341.0	50.5	291.5	49.5			5603	
02-12-1973	342.0	341.0	48.5	293.5	47.5			5603	
10-02-1973	342.0	341.0	44.5	297.5	43.5			5603	
01-28-1974	342.0	341.0	40.0	302.0	39.0			5603	
10-02-1974	342.0	341.0	39.0	303.0	38.0			5603	
02-13-1975	342.0	341.0	38.0	304.0	37.0			5603	
09-29-1975	342.0	341.0				1		5603	
01-21-1976	342.0	341.0	44.0	298.0	43.0			5603	
07-19-1976	342.0	341.0	53.0	289.0	52.0			5603	
10-01-1976	342.0	341.0	53.0	289.0	52.0			5603	
01-18-1977	342.0	341.0	50.0	292.0	49.0			5603	
06-01-1977	342.0	341.0	60.0	282.0	59.0			5603	
08-05-1977	342.0	341.0	75.0	267.0	74.0			5603	
10-03-1977	342.0	341.0	71.0	271.0	70.0			5603	
01-26-1978	342.0	341.0	70.0	272.0	69.0			5603	
09-25-1978	342.0	341.0	52.0	290.0	51.0			5603	
01-11-1979	342.0	341.0	47.0	295.0	46.0			5603	
09-17-1979	342.0	341.0	48.0	294.0	47.0			5603	
01-25-1980	342.0	341.0	45.0	297.0	44.0			5603	
09-22-1980	342.0	341.0	42.0	300.0	41.0			5603	
01-26-1981	342.0	341.0	38.0	304.0	37.0			5603	
09-21-1981	342.0	341.0	39.0	303.0	38.0			5001	
02-01-1982	342.0	341.0	37.0	305.0	36.0			5001	
09-22-1982	342.0	341.0	34.0	308.0	33.0			5603	
01-24-1983	342.0	341.0	29.0	313.0	28.0			5603	
09-29-1983	342.0	341.0	29.0	313.0	28.0			5001	
02-03-1984	342.0	341.0	28.0	314.0	27.0			5001	
10-01-1984	342.0	341.0	32.0	310.0	31.0			5001	
01-29-1985	342.0	341.0	29.0	313.0	28.0			5001	
09-27-1985	342.0	341.0	39.0	303.0	38.0			5001	
01-28-1986	342.0	341.0	34.0	308.0	33.0			5001	
10-02-1986	342.0	341.0	35.0	307.0	34.0			5001	
01-21-1987	342.0	341.0	32.5	309.5	31.5			5603	
09-17-1987	342.0	341.0	42.0	300.0	41.0			5603	
01-29-1988	342.0	341.0	40.0	302.0	39.0			5603	
09-27-1988	342.0	341.0	48.0	294.0	47.0			5603	
01-23-1989	342.0	341.0	47.0	295.0	46.0			5603	





# CASGEM

## Online System

Welcome: Michael Scott

## Public: Well Details

## ▼View Well Data

## Identification

Local Well Designation 18S25E16B001M  
 Is Local Designation the same as State Well #? Yes  
 State Well Number 18S25E16B001M  
 Master Site Code 363706N1192665W001  
 CASGEM Well Id 39336  
 Data submittals for this well are under CASGEM

## Geography

Latitude 36.3706 North  
 Longitude -119.2665 West  
[View on Map](#)  
 Method GPS  
 Accuracy 10 ft.  
 Physical Basin 5-022.11 Kaweah  
 County Tulare

## Reference and Ground Surface

RP Elevation 343.60 ft.  
 Description None Provided  
 GS Elevation 343.10 ft.  
 Method USGS quad  
 Accuracy 5 ft.  
 Distance from RP 0.50

## Well Associations

## Organization

Kaweah Delta Water Conservation District

Please contact your local regional office to dissociate your organization from a CASGEM well.

Primary Well Org Kaweah Delta Water Conservation District  
 Notification Basin/Portion 5-022.11 - Kaweah / Kaweah (less TID)

## Well Use

Well Use Irrigation  
 Well Status Active

## Well Construction

Completion Type Single Well  
 Total Depth 110 ft.  
 Do you have well construction data? Yes

## Depth of screened interval(s)

	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10
Top										
Bottom										

Well completion report available? Yes  
 Well Completion Report # 077163

## Additional Information

Written description of location of well

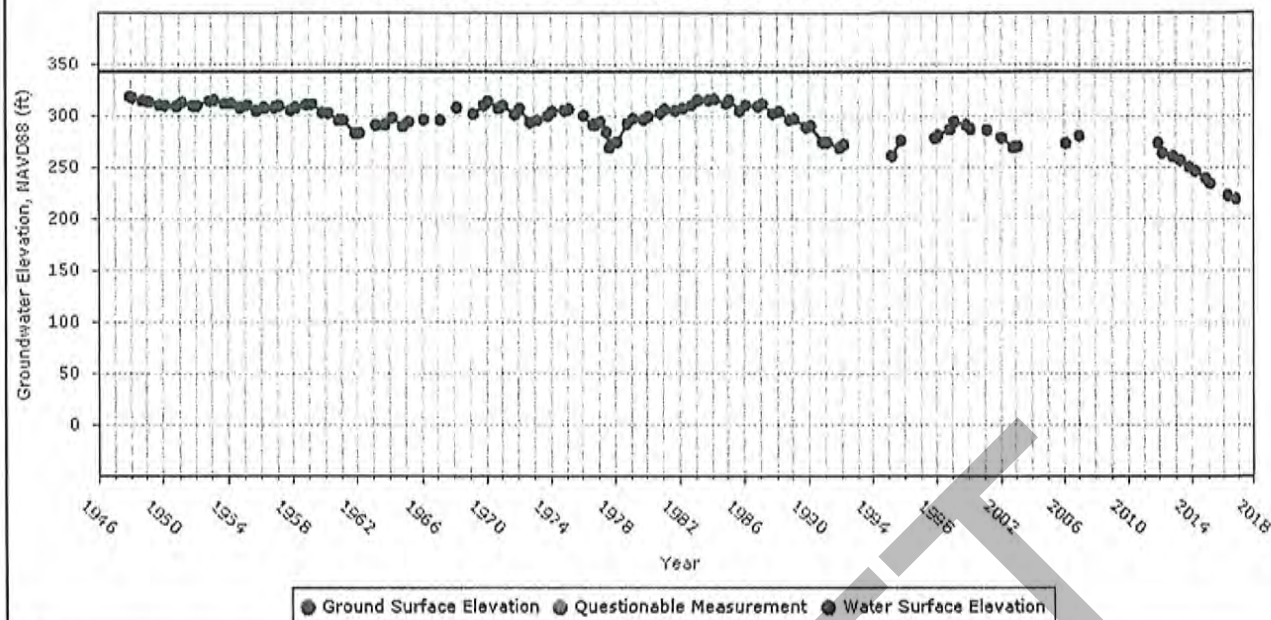
Any additional comments

Open Bottom Well - Casing to 96 ft.

## ▼View Hydrograph



## Groundwater Elevation Data for 363706N1192665W001



## View Elevation Data

Date	Military Time (PST)	NM	QM	Reading @RP	Reading @WS	RP to WS	RP Elev	GS Elev	WSE	GS to WS	Measurement Method	Measurement Accuracy	Cor
03/17/2017	00:00	9					343.600	343.100					Kav Cor
10/16/2016	00:00			124.000	0.000	124.000	343.600	343.100	219.600	123.500	ES	0.1 Ft	Kav Cor
03/10/2016	00:00			121.200	0.000	121.200	344.200	343.700	223.000	120.700	ES	0.1 Ft	Kav Cor
10/14/2015	00:00	9					344.700	343.700					Kav Cor
02/27/2015	00:00			110.000	0.000	110.000	344.700	343.700	234.700	109.000	ES	0.1 Ft	Kav Cor
10/20/2014	00:00			105.000	0.000	105.000	344.700	343.700	239.700	104.000	ES	0.1 Ft	Kav Cor
02/14/2014	00:00			98.000	0.000	98.000	344.700	343.700	246.700	97.000	ES	0.1 Ft	Kav Cor
10/15/2013	00:00			94.000	0.000	94.000	344.700	343.700	250.700	93.000	ES	0.1 Ft	Kav Cor
03/05/2013	00:00			85.000	0.000	85.000	342.000	341.000	257.000	84.000	ES	0.1 Ft	Kav Cor
10/10/2012	00:00			81.000	0.000	81.000	342.000	341.000	261.000	80.000	ES	0.1 Ft	Kav Cor
02/09/2012	00:00			78.000	0.000	78.000	342.000	341.000	264.000	77.000	ES	0.1 Ft	Kav Cor
10/17/2011	00:00			68.000	0.000	68.000	342.000	341.000	274.000	67.000	ES	0.1 Ft	Kav Cor
10/01/2010	00:00	D					344.690	343.690					Kav Cor
11/14/2006	00:00			64.000	0.000	64.000	344.690	343.690	280.690	63.000	UNK	Unknown	Kav Cor
01/25/2006	00:00			71.000	0.000	71.000	344.690	343.690	273.690	70.000	UNK	Unknown	Kav Cor
01/27/2005	00:00	7					344.690	343.690					Kav Cor

10-02-1989	342.0	341.0	55.0	287.0	54.0			5603	
01-25-1990	342.0	341.0	54.0	288.0	53.0			5603	
10-05-1990	342.0	341.0	70.0	272.0	69.0			5603	
01-30-1991	342.0	341.0	70.0	272.0	69.0			5603	
10-01-1991	342.0	341.0	75.0	267.0	74.0			5603	
01-22-1992	342.0	341.0	72.0	270.0	71.0			5603	
10-20-1992	342.0	341.0					<u>D</u>	5603	
02-02-1993	342.0	341.0					<u>D</u>	5603	
10-07-1993	342.0	341.0					<u>D</u>	5603	
01-27-1994	342.0	341.0					<u>D</u>	5603	
09-29-1994	342.0	341.0					<u>7</u>	5603	
02-01-1995	342.0	341.0	83.0	259.0	82.0			5603	
09-26-1995	342.0	341.0	68.0	274.0	67.0			5603	
01-16-1996	342.0	341.0					<u>4</u>	5603	
09-30-1996	342.0	341.0					<u>9</u>	5603	
01-21-1997	342.0	341.0					<u>9</u>	5603	
10-10-1997	342.0	341.0	66.0	276.0	65.0			5603	
01-23-1998	342.0	341.0	63.0	279.0	62.0			5603	
10-12-1998	342.0	341.0	57.5	284.5	56.5			5603	
01-28-1999	342.0	341.0	50.0	292.0	49.0			5603	
10-07-1999	342.0	341.0	53.0	289.0	52.0			5603	
01-28-2000	342.0	341.0	57.0	285.0	56.0			5603	
01-25-2001	342.0	341.0	58.0	284.0	57.0			5603	
01-21-2002	342.0	341.0	65.5	276.5	64.5			5001	
09-18-2002	342.0	341.0	75.0	267.0	74.0			5001	
01-24-2003	342.0	341.0	74.0	268.0	73.0			5603	
01-27-2005	342.0	341.0					<u>7</u>	5603	
01-25-2006	342.0	341.0	71.0	271.0	70.0			5603	
11-14-2006	342.0	341.0	64.0	278.0	63.0			5603	
10-01-2010	342.0	341.0					<u>D</u>	5603	

#### Well Coordinates

Projection	Datum	Easting	Northing	Units	Zone
UTM	NAD27	296750	4027232	metres	11
LL	NAD27	119.2656	36.3706	decimal degrees	
LL	NAD83	119.2665	36.3706	decimal degrees	

**Well Use:** Undetermined

#### For more information contact:

Department of Water Resources, San Joaquin District  
Water Management Section  
3374 East Shields Avenue  
Fresno, CA 93726

Phone: 559-230-3326

Fax: 559-230-3301

[New Search](#)

Search for wells within  mile radius. [Nearby Search](#)



# **ATTACHMENT “D”**

## **Traffic Generation Analysis**

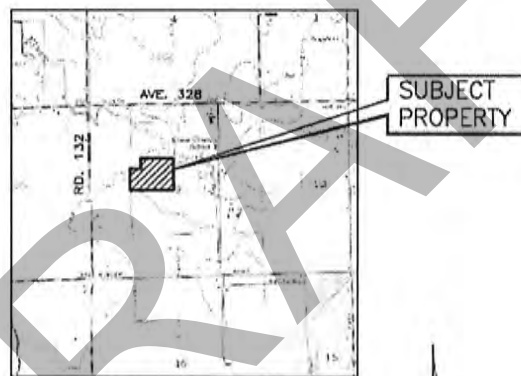
DRAFT

## Memorandum

<b>To:</b>	Tulare County RMA	<b>Date:</b>	March 24, 2017
<b>Attn:</b>	Hector Guerra	<b>Project:</b>	Trip Generation Analysis
<b>From:</b>	Gary A. Mills		SEC Ave. 328/Rd. 132
<b>Re:</b>	Trip Generation Analysis	<b>Job No.:</b>	55-5123-01
	SEC Ave. 328/Rd. 132	<b>File No.:</b>	C22292MEM001.DOCX
<b>CC:</b>	Ms. Paula Simon; Fred Weber, Forester & Weber		

### Introduction

The purpose of this Memorandum is to identify any potential traffic impacts that may occur as a result of splitting a parcel to add additional single family dwelling units (SFDU). The proposed project is generally located on the southeast corner of Avenue 328/Road 132 in Tulare County, just north of the city limits of Visalia. A vicinity map of the subject project site is shown below.



Vicinity Map

NO SCALE

Avenue 328 and Road 132 are both County owned and maintained roads. They are two-lane undivided roadways with narrow shoulders and are in good condition, based upon visual review of the exterior pavement. An all-way stop-controlled intersection is the traffic control that is currently in operation. All of the approaches on Avenue 328 and Road 132 operate with shared movements, i.e., a single lane with shared left, through and right movements.





## Existing Traffic Volumes

Based upon Omni-Means' understanding of the project, the following existing intersection was identified as important intersection for this study.

- Avenue 328/Road 132

At the study intersection, existing weekday AM and PM peak-hour traffic volume counts were conducted by Metro Traffic Count Data, Inc., on Thursday, March 9, 2017, while local schools were in session and the weather was clear (reference Appendix for turning movement report). The traditional AM peak period is defined as one-hour of peak traffic flow counted between 7:00 AM and 9:00 AM and the traditional PM peak period is defined as one-hour of peak traffic flow counted between 4:00 PM and 6:00 PM. Actual peak hour factors and heavy-duty truck percentages were applied to the existing conditions evaluation.

## Existing Traffic Operations

Traffic operations have been quantified through the determination of "Level of Service" (LOS). LOS is a qualitative measure of traffic operating conditions, whereby a letter grade "A" through "F" is assigned to an intersection or roadway segment representing progressively worsening traffic conditions. LOS was calculated for intersection control types using the methods documented in the *Highway Capacity Manual 2010 (HCM 2010)*. LOS definitions for different types of intersection controls are outlined in the Appendix.

According to the *Tulare County General Plan Circulation Element*, LOS "D" is the standard used for all county streets and roads. For purposes of this report, LOS "D" is taken as the CEQA significance threshold for minimum acceptable traffic operations on non-state highway facilities. Intersection turning movement volumes and LOS worksheets are contained in the Appendix.

"Existing" peak-hour intersection traffic operations were quantified applying existing traffic volumes and existing intersection lane geometrics and control (shown on Figure 1). Table 1 presents the "Existing" peak hour intersection delay and LOS.

**TABLE 1  
EXISTING CONDITIONS:  
INTERSECTION LEVEL-OF-SERVICE**

No.	Intersection	Control Type	AM Peak Hour			PM Peak Hour		
			Delay (sec/veh)	LOS	Warrant Met?	Delay (sec/veh)	LOS	Warrant Met?
1	Avenue 328/Road 132	AWSC	19.1	C	No	12.9	B	No

Legend: AWSC: All-Way Stop-Control; Warrant: CA MUTCD Peak-Hour Warrant-3.

As shown in Table 1, the intersection at Avenue 328/Road 132 currently operates at acceptable LOS "C" conditions during the AM peak hour period and LOS "B" conditions during the PM peak hour period.

## Project Trip Generation

Table 2 identifies the estimated trip generation of the project's land-use based upon data presented in *ITE Trip Generation* (9<sup>th</sup> Edition). As shown in Table 2, the project is estimated to



generate 29 daily trips, including 2 AM peak hour trips (1 in and 2 out) and 3 PM peak hour trips (2 in and 1 out).

**TABLE 2  
PROJECT TRIP GENERATION**

Land Use Category (ITE Code)	Unit <sup>1</sup>	Daily Trip Rate/Unit <sup>2</sup>	AM Peak Hour Trip Rate/Unit			PM Peak Hour Trip Rate/Unit		
			Total	In %	Out %	Total	In %	Out %
Single-Family Detached Housing (210)	DU	9.57	0.75	25%	75%	1.01	63%	37%
Project Name	Quantity (Units)	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			Total	In	Out	Total	In	Out
	3	29	2	1	2	3	2	1
<b>Net New Project Trips<sup>3</sup></b>		<b>29</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>

Notes:

1. DU = dwelling unit
2. Trip rates based on ITE Trip Generation Manual 9th edition average rates
3. Rounding errors may occur

### Project Trip Nature, Distribution and Assignment

The project is expected to “generate” and “attract” a small amount of trips throughout the area. Directional trip distribution for project generated trips was estimated based upon existing traffic flow patterns, geographic location of the project sites and location of other similar destinations. These considerations resulted in a distribution project trips throughout the study area and is summarized below:

- 65% to/from Avenue 328 west of project driveway via Road 132
- 35% to/from Avenue 328 east of project driveway

### Existing plus Project Operations

Adding the project trips (as shown in Table 2) to Existing traffic conditions, Table 3 identifies Existing plus Project traffic operations at the study intersection.

**TABLE 3  
EXISTING PLUS PROJECT CONDITIONS:  
INTERSECTION LEVEL-OF-SERVICE**

No.	Intersection	Control Type	AM Peak Hour			PM Peak Hour		
			Delay (sec/veh)	LOS	Warrant Met?	Delay (sec/veh)	LOS	Warrant Met?
1	Avenue 328/Road 132	AWSC	19.3	C	No	13.0	B	No

Legend: AWSC: All-Way Stop-Control; Warrant: CA MUTCD Peak-Hour Warrant-3.

As shown in Table 3, the study intersection is projected to continue operate at acceptable LOS “C” and “B” conditions, respectively, during the AM and PM peak hour periods under the Existing plus Project scenario.



**CEQA ENVIRONMENTAL CHECKLIST****XVI. TRANSPORTATION/TRAFFIC:** Would the project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As shown in the CEQA Environmental Checklist, this Trip Generation Analysis has demonstrated that the proposed project will have a less than significant impact to the transportation system. With the low amount of project trips expected to be generated by the project, no adverse transportation related impacts are anticipated.

## Technical Appendix

- AM and PM Peak Hour Turning Movement Reports
- Intersection Level-of-Service Methodology for Intersections
- Figure 1 – Peak Hour Turning Movements and Lane Geometrics & Control
- Synchro Output Worksheets

DRAFT





Metro Traffic Data Inc.  
310 N. Irwin Street - Suite 20  
Hanford, CA 93230  
800-975-6938 Phone/Fax  
www.metrotrafficdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
943 Reserve Drive  
Roseville, CA 95678

LOCATION Ave 328 @ Rd 132

LATITUDE 38.385583°

COUNTY Tulare

LONGITUDE -119.278818°

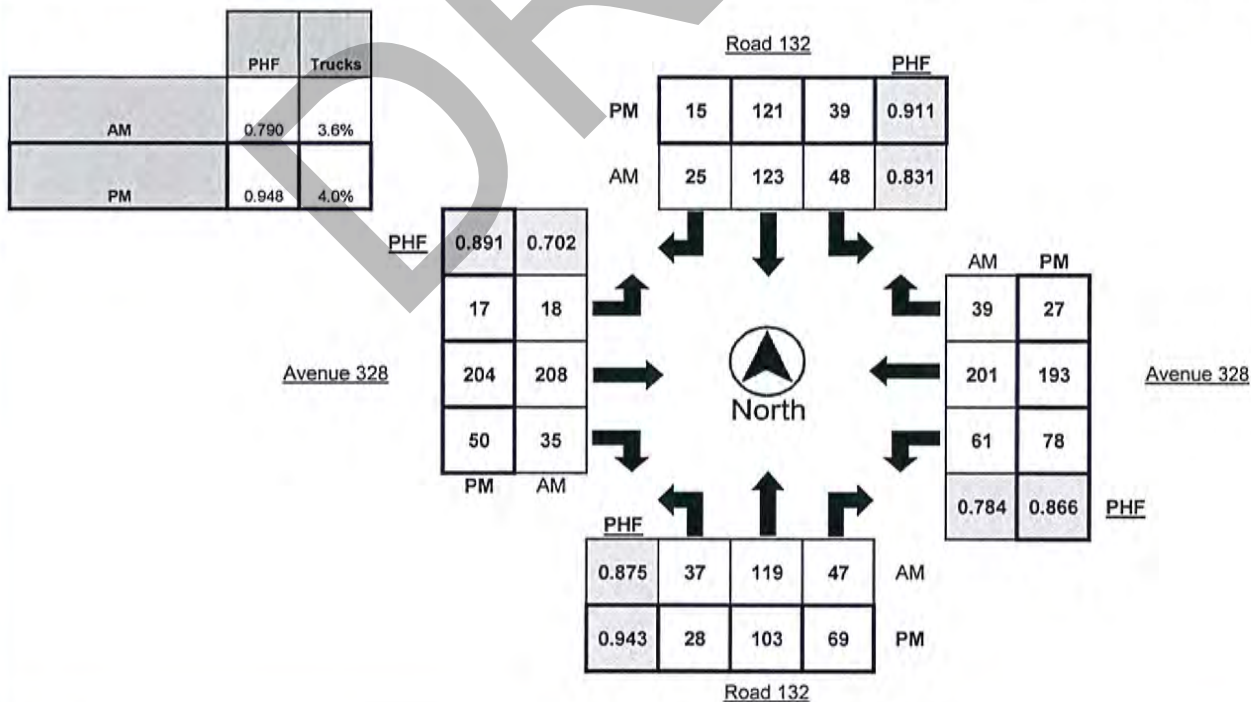
COLLECTION DATE Thursday, March 09, 2017

WEATHER Clear

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	12	19	9	0	5	15	4	1	5	33	14	5	18	31	7	1
7:15 AM - 7:30 AM	11	30	5	2	8	27	5	1	4	49	8	2	14	36	6	0
7:30 AM - 7:45 AM	9	34	15	2	7	35	7	3	4	45	10	4	14	51	8	1
7:45 AM - 8:00 AM	10	29	17	2	17	35	7	3	6	77	10	2	20	63	13	2
8:00 AM - 8:15 AM	7	26	10	6	16	26	6	1	4	37	7	2	13	51	12	2
8:15 AM - 8:30 AM	5	20	14	2	7	39	3	1	3	46	4	7	10	39	9	4
8:30 AM - 8:45 AM	12	21	4	2	11	16	1	0	3	22	3	3	11	29	7	2
8:45 AM - 9:00 AM	10	16	8	0	3	35	5	0	6	29	6	5	15	48	12	3
TOTAL	76	195	82	16	74	228	38	10	35	338	62	30	115	348	74	16

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	6	29	18	0	8	23	5	3	6	53	17	8	28	47	8	2
4:15 PM - 4:30 PM	9	22	15	0	14	27	7	3	3	55	11	6	15	62	9	5
4:30 PM - 4:45 PM	4	26	19	1	8	38	2	0	5	46	10	2	14	41	3	1
4:45 PM - 5:00 PM	9	26	17	1	9	33	1	1	3	50	12	2	21	43	7	3
5:00 PM - 5:15 PM	4	41	14	2	7	30	3	0	3	55	6	3	21	45	10	3
5:15 PM - 5:30 PM	10	29	14	0	8	29	3	2	4	59	9	1	15	51	7	1
5:30 PM - 5:45 PM	8	30	19	2	8	26	4	0	7	50	9	3	14	29	6	4
5:45 PM - 6:00 PM	12	27	18	0	2	13	7	0	4	59	7	5	20	46	2	1
TOTAL	62	230	134	6	64	219	32	9	35	427	81	30	148	364	52	20

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:15 AM - 8:15 AM	37	119	47	12	48	123	25	8	18	208	35	10	61	201	39	5
4:00 PM - 5:00 PM	28	103	69	2	39	121	15	7	17	204	50	18	78	193	27	11







Metro Traffic Data Inc.  
310 N. Irwin Street - Suite 20  
Hanford, CA 93230  
800-975-6938 Phone/Fax  
www.metrotrafficdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
943 Reserve Drive  
Roseville, CA 95678

LOCATION Ave 328 @ Rd 132  
COUNTY Tulare  
COLLECTION DATE Thursday, March 09, 2017

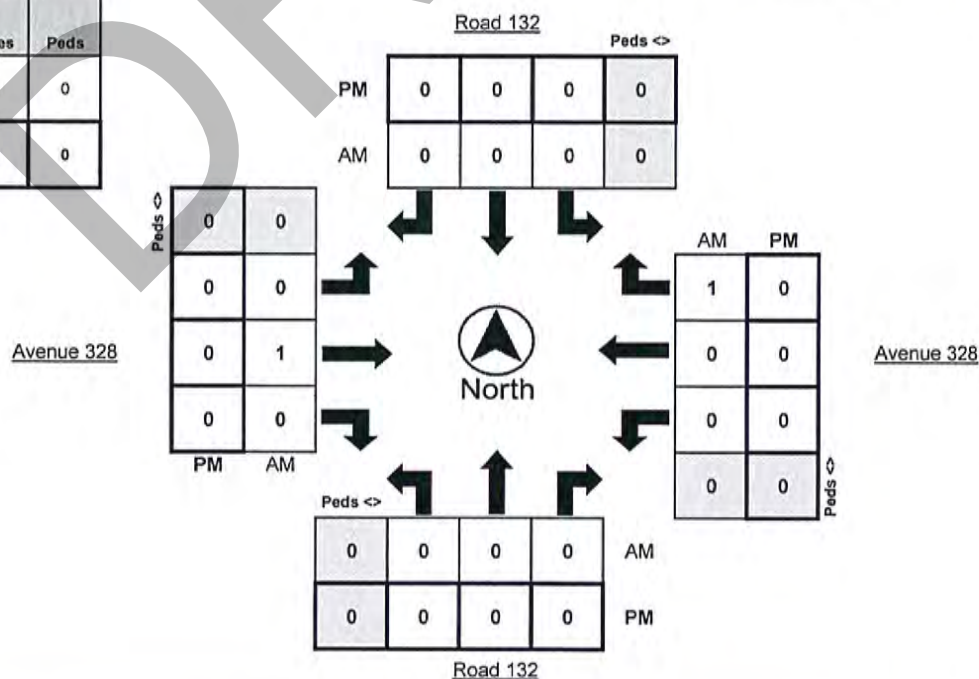
LATITUDE 36.385583°  
LONGITUDE -119.278818°  
WEATHER Clear

Time	Northbound Bikes			N.Leg Peds	Southbound Bikes			S.Leg Peds	Eastbound Bikes			E.Leg Peds	Westbound Bikes			W.Leg Peds
	Left	Thru	Right		Left	Thru	Right		Left	Thru	Right		Left	Thru	Right	
7:00 AM - 7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM - 7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
7:30 AM - 7:45 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
7:45 AM - 8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM - 8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM - 8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM - 8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM - 9:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0

Time	Northbound Bikes			N.Leg Peds	Southbound Bikes			S.Leg Peds	Eastbound Bikes			E.Leg Peds	Westbound Bikes			W.Leg Peds
	Left	Thru	Right		Left	Thru	Right		Left	Thru	Right		Left	Thru	Right	
4:00 PM - 4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM - 4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM - 4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM - 5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM - 5:15 PM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM - 5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM - 5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM - 6:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0

PEAK HOUR	Northbound Bikes			N.Leg Peds	Southbound Bikes			S.Leg Peds	Eastbound Bikes			E.Leg Peds	Westbound Bikes			W.Leg Peds
	Left	Thru	Right		Left	Thru	Right		Left	Thru	Right		Left	Thru	Right	
7:15 AM - 8:15 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0
4:00 PM - 5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Bikes	Peds
AM Peak Total	2	0
PM Peak Total	0	0







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# Turning Movement Report

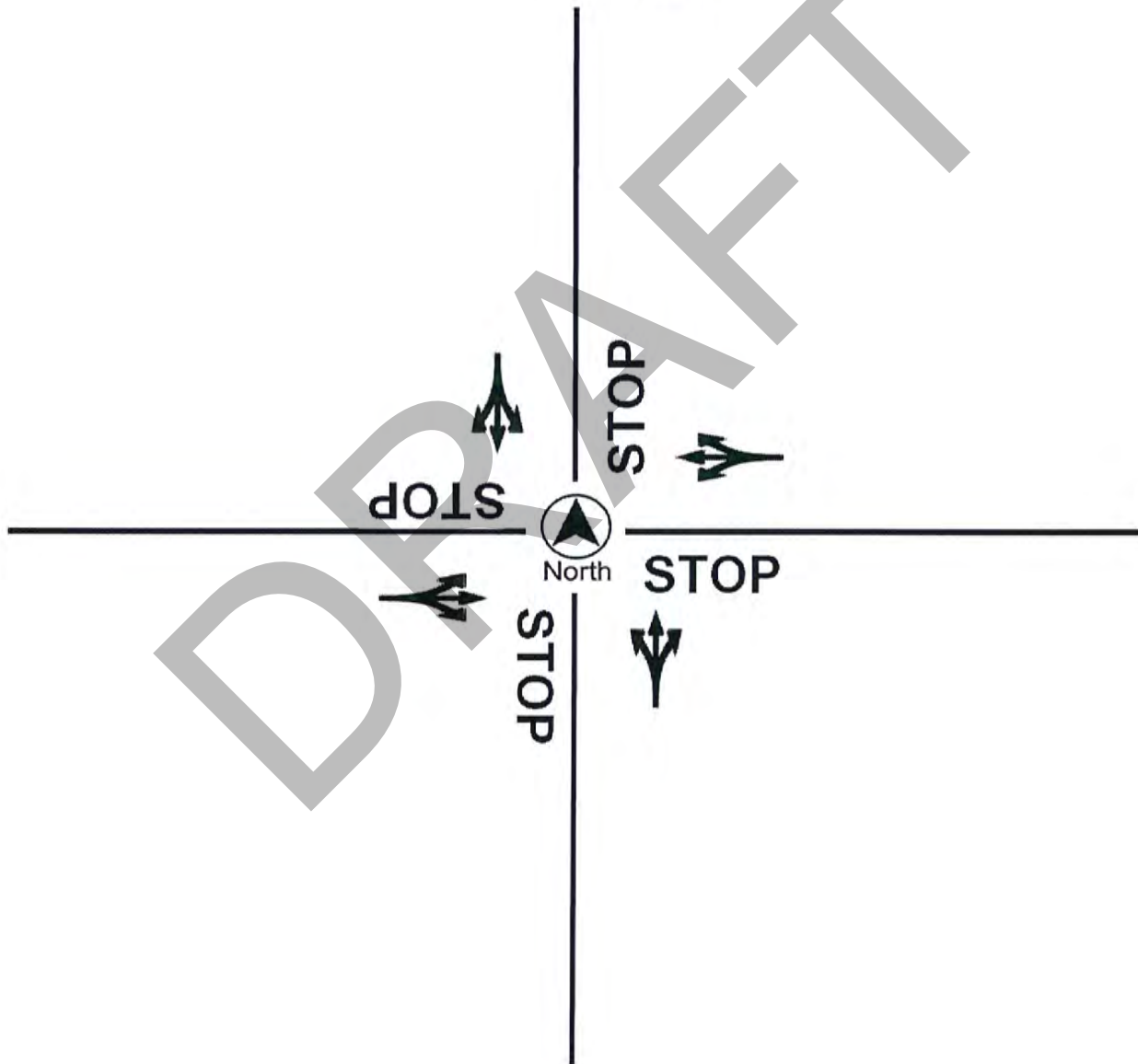
Prepared For:

OMNI-Means  
943 Reserve Drive  
Roseville, CA 95678

LOCATION Ave 328 @ Rd 132  
COUNTY Tulare  
COLLECTION DATE Thursday, March 09, 2017  
CYCLE TIME N/A

N/S STREET Road 132  
E/W STREET Avenue 328  
WEATHER Clear  
CONTROL TYPE All-Way Stop

COMMENTS

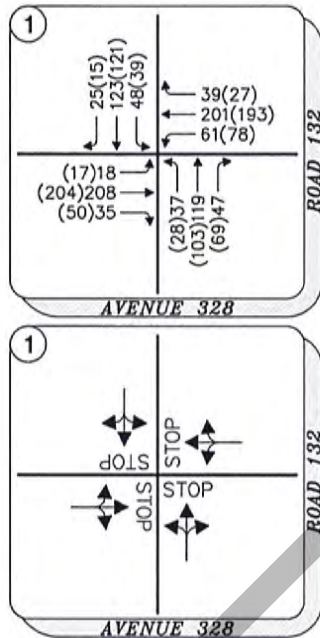


## LOS METHODOLOGY FOR INTERSECTIONS

Level of Service	Type of Flow	Delay	Maneuverability	Stopped Delay/Vehicle		
				Signalized	Un-signalized	All-Way Stop
A	Stable Flow	Very slight delay. Progression is very favorable, with most vehicles arriving during the green phase not stopping at all.	Turning movements are easily made, and nearly all drivers find freedom of operation.	< 10.0	< 10.0	< 10.0
B	Stable Flow	Good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.	Vehicle platoons are formed. Many drivers begin to feel somewhat restricted within groups of vehicles.	>10.0 and < 20.0	>10.0 and < 15.0	>10.0 and < 15.0
C	Stable Flow	Higher delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, although many still pass through the intersection without stopping.	Back-ups may develop behind turning vehicles. Most drivers feel somewhat restricted	>20.0 and < 35.0	>15.0 and < 25.0	>15.0 and < 25.0
D	Approaching Unstable Flow	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume-to-capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.	Maneuverability is severely limited during short periods due to temporary back-ups.	>35.0 and < 55.0	>25.0 and < 35.0	>25.0 and < 35.0
E	Unstable Flow	Generally considered to be the limit of acceptable delay. Indicative of poor progression, long cycle lengths, and high volume-to-capacity ratios. Individual cycle failures are frequent occurrences.	There are typically long queues of vehicles waiting upstream of the intersection.	>55.0 and < 80.0	>35.0 and < 50.0	>35.0 and < 50.0
F	Forced Flow	Generally considered to be unacceptable to most drivers. Often occurs with over saturation. May also occur at high volume-to-capacity ratios. There are many individual cycle failures. Poor progression and long cycle lengths may also be major contributing factors.	Jammed conditions. Back-ups from other locations restrict or prevent movement. Volumes may vary widely, depending principally on the downstream back-up conditions.	> 80.0	> 50.0	> 50.0

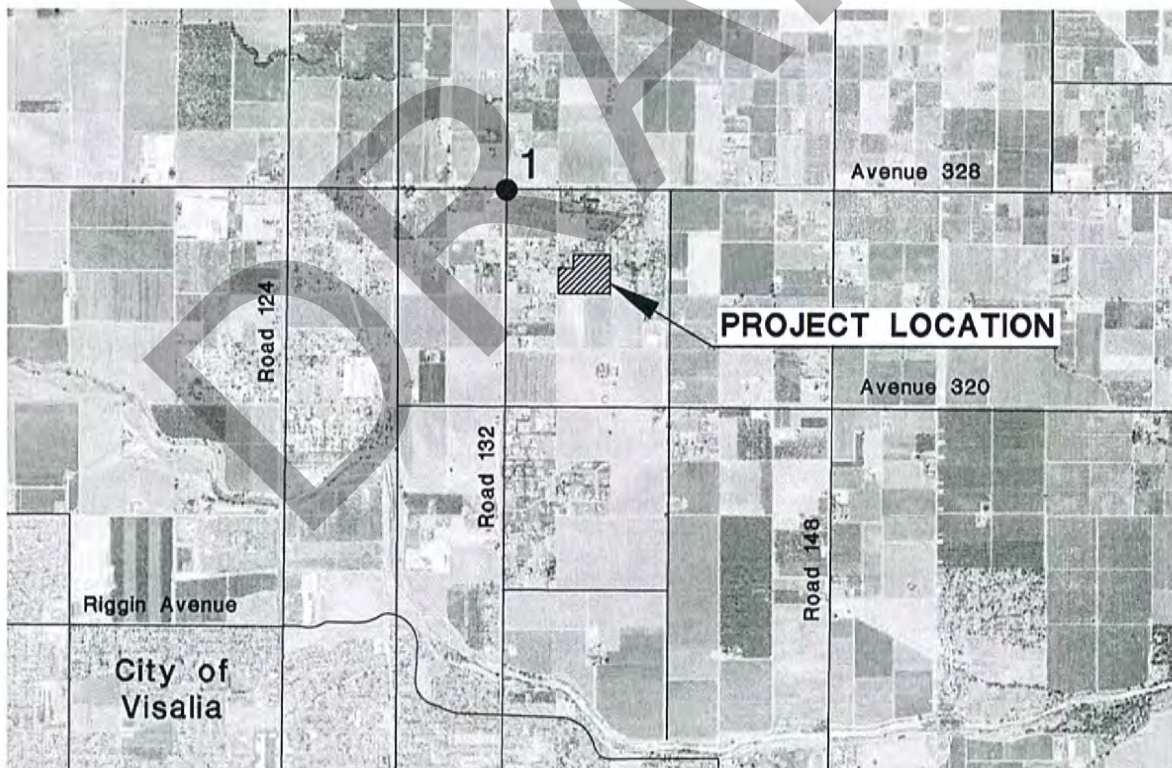
References: 2010 Highway Capacity Manual





**LEGEND:**

xx - AM PEAK HOUR TRAFFIC VOLUMES  
 (xx) - PM PEAK HOUR TRAFFIC VOLUMES



**Trip Generation Analysis - SEC Avenue 328/Road 132** Figure 1

**Existing Peak Hour Traffic Volumes**



Intersection												
Intersection Delay, s/veh	19.1											
Intersection LOS	C											
Movement	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR
Traffic Vol, veh/h	0	18	208	35	0	61	201	39	0	37	119	47
Future Vol, veh/h	0	18	208	35	0	61	201	39	0	37	119	47
Peak Hour Factor	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79
Heavy Vehicles, %	4	4	4	4	4	4	4	4	4	4	4	4
Mvmt Flow	0	23	263	44	0	77	254	49	0	47	151	59
Number of Lanes	0	0	1	0	0	0	1	0	0	0	1	0
Approach	EB				WB				NB			
Opposing Approach	WB				EB				SB			
Opposing Lanes	1				1				1			
Conflicting Approach Left	SB				NB				EB			
Conflicting Lanes Left	1				1				1			
Conflicting Approach Right	NB				SB				WB			
Conflicting Lanes Right	1				1				1			
HCM Control Delay	19.2				22.6				16.5			
HCM LOS	C				C				C			
Lane	NBLn1	EBLn1	WBLn1	SBLn1								
Vol Left, %	18%	7%	20%	24%								
Vol Thru, %	59%	80%	67%	63%								
Vol Right, %	23%	13%	13%	13%								
Sign Control	Stop	Stop	Stop	Stop								
Traffic Vol by Lane	203	261	301	196								
LT Vol	37	18	61	48								
Through Vol	119	208	201	123								
RT Vol	47	35	39	25								
Lane Flow Rate	257	330	381	248								
Geometry Grp	1	1	1	1								
Degree of Util (X)	0.49	0.602	0.685	0.479								
Departure Headway (Hd)	6.862	6.56	6.472	6.957								
Convergence, Y/N	Yes	Yes	Yes	Yes								
Cap	522	545	556	514								
Service Time	4.959	4.653	4.56	5.056								
HCM Lane V/C Ratio	0.492	0.606	0.685	0.482								
HCM Control Delay	16.5	19.2	22.6	16.4								
HCM Lane LOS	C	C	C	C								
HCM 95th-tile Q	2.7	4	5.2	2.6								



## Intersection

Intersection Delay, s/veh

Intersection LOS

Movement	SBU	SBL	SBT	SBR
Traffic Vol, veh/h	0	48	123	25
Future Vol, veh/h	0	48	123	25
Peak Hour Factor	0.79	0.79	0.79	0.79
Heavy Vehicles, %	4	4	4	4
Mvmt Flow	0	61	156	32
Number of Lanes	0	0	1	0

## Approach

Approach	SB
Opposing Approach	NB
Opposing Lanes	1
Conflicting Approach Left	WB
Conflicting Lanes Left	1
Conflicting Approach Right	EB
Conflicting Lanes Right	1
HCM Control Delay	16.4
HCM LOS	C

## Lane

Intersection												
Intersection Delay, s/veh	12.9											
Intersection LOS	B											
Movement	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR
Traffic Vol, veh/h	0	17	204	50	0	78	193	27	0	28	103	69
Future Vol, veh/h	0	17	204	50	0	78	193	27	0	28	103	69
Peak Hour Factor	0.92	0.95	0.95	0.95	0.92	0.95	0.95	0.95	0.92	0.95	0.95	0.95
Heavy Vehicles, %	2	4	4	4	2	4	4	4	2	4	4	4
Mvmt Flow	0	18	215	53	0	82	203	28	0	29	108	73
Number of Lanes	0	0	1	0	0	0	1	0	0	0	1	0
Approach		EB				WB				NB		
Opposing Approach		WB				EB				SB		
Opposing Lanes		1				1				1		
Conflicting Approach Left		SB				NB				EB		
Conflicting Lanes Left		1				1				1		
Conflicting Approach Right		NB				SB				WB		
Conflicting Lanes Right		1				1				1		
HCM Control Delay		13.1				14.1				11.9		
HCM LOS		B				B				B		
Lane	NBLn1	EBLn1	WBLn1	SBLn1								
Vol Left, %	14%	6%	26%	22%								
Vol Thru, %	52%	75%	65%	69%								
Vol Right, %	34%	18%	9%	9%								
Sign Control	Stop	Stop	Stop	Stop								
Traffic Vol by Lane	200	271	298	175								
LT Vol	28	17	78	39								
Through Vol	103	204	193	121								
RT Vol	69	50	27	15								
Lane Flow Rate	211	285	314	184								
Geometry Grp	1	1	1	1								
Degree of Util (X)	0.341	0.444	0.491	0.31								
Departure Headway (Hd)	5.836	5.597	5.639	6.054								
Convergence, Y/N	Yes	Yes	Yes	Yes								
Cap	611	639	634	589								
Service Time	3.918	3.67	3.711	4.139								
HCM Lane V/C Ratio	0.345	0.446	0.495	0.312								
HCM Control Delay	11.9	13.1	14.1	11.9								
HCM Lane LOS	B	B	B	B								
HCM 95th-tile Q	1.5	2.3	2.7	1.3								



## Intersection

Intersection Delay, s/veh

Intersection LOS

Movement	SBU	SBL	SBT	SBR
Traffic Vol, veh/h	0	39	121	15
Future Vol, veh/h	0	39	121	15
Peak Hour Factor	0.92	0.95	0.95	0.95
Heavy Vehicles, %	2	4	4	15
Mvmt Flow	0	41	127	16
Number of Lanes	0	0	1	0

Approach SB

Opposing Approach NB

Opposing Lanes 1

Conflicting Approach Left WB

Conflicting Lanes Left 1

Conflicting Approach Right EB

Conflicting Lanes Right 1

HCM Control Delay 11.9

HCM LOS B

## Lane

**Intersection**

Intersection Delay, s/veh 19.3

Intersection LOS C

Movement	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR
Traffic Vol, veh/h	0	18	208	35	0	62	202	39	0	37	119	47
Future Vol, veh/h	0	18	208	35	0	62	202	39	0	37	119	47
Peak Hour Factor	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79
Heavy Vehicles, %	4	4	4	4	4	4	4	4	4	4	4	4
Mvmt Flow	0	23	263	44	0	78	256	49	0	47	151	59
Number of Lanes	0	0	1	0	0	0	1	0	0	0	1	0

Approach	EB	WB	NB
Opposing Approach	WB	EB	SB
Opposing Lanes	1	1	1
Conflicting Approach Left	SB	NB	EB
Conflicting Lanes Left	1	1	1
Conflicting Approach Right	NB	SB	WB
Conflicting Lanes Right	1	1	1
HCM Control Delay	19.3	23	16.5
HCM LOS	C	C	C

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	18%	7%	20%	24%
Vol Thru, %	59%	80%	67%	63%
Vol Right, %	23%	13%	13%	13%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	203	261	303	196
LT Vol	37	18	62	48
Through Vol	119	208	202	123
RT Vol	47	35	39	25
Lane Flow Rate	257	330	384	248
Geometry Grp	1	1	1	1
Degree of Util (X)	0.491	0.603	0.69	0.487
Departure Headway (Hd)	6.986	6.68	6.582	7.07
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	519	545	552	514
Service Time	4.986	4.68	4.582	5.07
HCM Lane V/C Ratio	0.495	0.606	0.696	0.482
HCM Control Delay	16.5	19.3	23	16.6
HCM Lane LOS	C	C	C	C
HCM 95th-tile Q	2.7	4	5.3	2.6



**Intersection**

Intersection Delay, s/veh

Intersection LOS

Movement	SBU	SBL	SBT	SBR
Traffic Vol, veh/h	0	48	123	25
Future Vol, veh/h	0	48	123	25
Peak Hour Factor	0.79	0.79	0.79	0.79
Heavy Vehicles, %	4	4	4	4
Mvmt Flow	0	61	156	32
Number of Lanes	0	0	1	0

**Approach** SB

Opposing Approach	NB
Opposing Lanes	1
Conflicting Approach Left	WB
Conflicting Lanes Left	1
Conflicting Approach Right	EB
Conflicting Lanes Right	1
HCM Control Delay	16.6
HCM LOS	C

**Lane**

Intersection												
Intersection Delay, s/veh	13											
Intersection LOS	B											
Movement	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR
Traffic Vol, veh/h	0	17	205	50	0	78	193	27	0	28	103	70
Future Vol, veh/h	0	17	205	50	0	78	193	27	0	28	103	70
Peak Hour Factor	0.92	0.95	0.95	0.95	0.92	0.95	0.95	0.95	0.92	0.95	0.95	0.95
Heavy Vehicles, %	2	4	4	4	2	4	4	4	2	4	4	4
Mvmt Flow	0	18	216	53	0	82	203	28	0	29	108	74
Number of Lanes	0	0	1	0	0	0	1	0	0	0	1	0
Approach	EB				WB				NB			
Opposing Approach	WB				EB				SB			
Opposing Lanes	1				1				1			
Conflicting Approach Left	SB				NB				EB			
Conflicting Lanes Left	1				1				1			
Conflicting Approach Right	NB				SB				WB			
Conflicting Lanes Right	1				1				1			
HCM Control Delay	13.2				14.1				12			
HCM LOS	B				B				B			
Lane	NBLn1	EBLn1	WBLn1	SBLn1								
Vol Left, %	14%	6%	26%	22%								
Vol Thru, %	51%	75%	65%	69%								
Vol Right, %	35%	18%	9%	9%								
Sign Control	Stop	Stop	Stop	Stop								
Traffic Vol by Lane	201	272	298	175								
LT Vol	28	17	78	39								
Through Vol	103	205	193	121								
RT Vol	70	50	27	15								
Lane Flow Rate	212	286	314	184								
Geometry Grp	1	1	1	1								
Degree of Util (X)	0.343	0.446	0.492	0.31								
Departure Headway (Hd)	5.84	5.603	5.645	6.063								
Convergence, Y/N	Yes	Yes	Yes	Yes								
Cap	611	638	634	588								
Service Time	3.922	3.676	3.717	4.148								
HCM Lane V/C Ratio	0.347	0.448	0.495	0.313								
HCM Control Delay	12	13.2	14.1	11.9								
HCM Lane LOS	B	B	B	B								
HCM 95th-tile Q	1.5	2.3	2.7	1.3								



**Intersection**

Intersection Delay, s/veh

Intersection LOS

Movement	SBU	SBL	SBT	SBR
Traffic Vol, veh/h	0	39	121	15
Future Vol, veh/h	0	39	121	15
Peak Hour Factor	0.92	0.95	0.95	0.95
Heavy Vehicles, %	2	4	4	15
Mvmt Flow	0	41	127	16
Number of Lanes	0	0	1	0

Approach	SB
Opposing Approach	NB
Opposing Lanes	1
Conflicting Approach Left	WB
Conflicting Lanes Left	1
Conflicting Approach Right	EB
Conflicting Lanes Right	1
HCM Control Delay	11.9
HCM LOS	B

**Lane**

# **ATTACHMENT “E”**

## **Tribal Cultural Resources**

DRAFT



**TRIBAL CONSULTATION REQUESTS AND NOTIFICATIONS**  
Simon/Dutton/Qualls Project (GPA 16-005, PZC 16-007, and PPM 16-030)

	SB 18 / AB 52 Official Notice		Cover Letter		Notification Form		Correspondence / Meetings
	Certified Mail Date	Receipt Date	SLF Results	CHRIS Results	Project Description	Map	
<b>Native American Tribe</b>							
Kern Valley Indian Council Julie Turner, Secretary P.O. Box 1010 Lake Isabella, CA 93240	6/2/17	6/5/17	X	X	X	X	No response received.  Date/ Correspondence Type / Topics of Discussion documents to remain confidential pursuant to 36 CFR 296.18 and California Public Records Act 6254(r)
Kern Valley Indian Council Robert Robinson, Chairperson P.O. Box 401 Weldon, CA 93283	6/2/17	6/6/17	X	X	X	X	
Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	6/2/17	6/7/17	X	X	X	X	
Santa Rosa Rancheria Tachi Yokut Tribe Hector Franco, Cultural Director P. O. Box 8 Lemoore, CA 93245	6/2/17	6/7/17	X	X	X	X	
Santa Rosa Rancheria Tachi Yokut Tribe Shana Powers, Cultural Specialist P. O. Box 8 Lemoore, CA 93245	6/2/17	6/15/17	X	X	X	X	No response received
Tubatulabal of Kern Valley Robert L. Gomez, Jr., Chairperson P. O. Box 226 Lake Isabella, CA 93240	6/2/17	6/12/17	X	X	X	X	
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	6/2/17	6/12/17	X	X	X	X	No response received
Tule River Indian Tribe Joey Garfield, Council Member P.O. Box 589 Porterville, CA 93258	6/2/17	6/12/17	X	X	X	X	

**TRIBAL CONSULTATION REQUESTS AND NOTIFICATIONS**  
Simon/Dutton/Qualls Project (GPA 16-005, PZC 16-007, and PPM 16-030)

	SB 18 / AB 52 Official Notice		Cover Letter		Notification Form		Correspondence / Meetings
	Certified Mail Date	Receipt Date	SLF Results	CHRIS Results	Project Description	Map	
<b>Native American Tribe</b>							
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	6/2/17	6/12/17	X	X	X	X	Date/ Correspondence Type / Topics of Discussion documents to remain confidential pursuant to 36 CFR 296.18 and California Public Records Act 6254(r)
Tule River Indian Tribe Tribal Archeology Department Felix Chrisman, Tribal Archeologist P.O. Box 589 Porterville, CA 93258	6/2/17	6/12/17	X	X	X	X	
Wuksachi Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	6/2/17	6/3/17	X	X	X	X	
							No response received.



## **ATTACHMENT “F”**

### **Mitigation Monitoring and Reporting Program**

DRAFT

**MITIGATION MONITORING PROGRAM**  
**SIMON/DUTTON/QUALS PROJECT (GPA 16-005, PZC 16-007, AND PPM 16-030)**

Mitigation Monitoring Reporting Program						
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance	
					Initials	Date
BIOLOGICAL RESOURCES: SAN JOAQUIN KIT FOX						
BIO-1	(Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance on each of the four separate parcels. These surveys will be conducted in accordance with the USFWS Standardized Recommendations. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately to determine the best course of action.	Prior to start of construction related activities	Retention of professional biologist  Submittal of survey result and/or Report of Findings	County of Tulare Planning Department		
BIO-2	(Avoidance). Should a kit fox be found using the site during preconstruction surveys, the project will avoid the habitat occupied by the kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified.	Prior to start of construction related activities	Retention of professional biologist  Submittal of survey result and/or Report of Findings	County of Tulare Planning Department		
BIO-3	(Minimization). Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of	Prior to start and during construction related activities	Retention of/verification by a professional biologist  Ongoing monitoring / Submittal of Report of Findings, if applicable /	County of Tulare Planning Department		



Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
	rodenticide and herbicide use; and proper disposal of food items and trash.	Verification of take permit, if applicable				
BIO-4	<i>(Mortality Reporting)</i> . The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	Retention of/verification by a professional biologist  Ongoing monitoring / Submittal of Report of Findings, if applicable / Verification of take permit, if applicable	County of Tulare Planning Department			
<b>BIOLOGICAL RESOURCES: NESTING RAPTORS AND MIGRATORY BIRDS</b>						
BIO-5	<i>(Preconstruction Surveys)</i> . If ground disturbance must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. Should a 30-day window of no activity occur on any given parcel (within the breeding season), the surveys should be redone. The surveys will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save the Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.	Prior to start of construction related activities  Retention of professional biologist  Submittal of survey result and/or Report of Findings	County of Tulare Planning Department			
BIO-6	<i>(Establish Buffers)</i> . Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other	Prior to start of construction related activities  Retention of professional biologist  Ongoing monitoring / Submittal of	County of Tulare Planning Department			

# Mitigation Monitoring Reporting Program

Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
easily visible means, and will be maintained until the biologist has determined that the young have fledged.			Report of Findings, if applicable / Verification of take permit, if applicable				
<b>BIOLOGICAL RESOURCES: ROOSTING BATS</b>							
BIO-7	(Temporal Avoidance). Tree removal (if necessary) should occur after September 30, and before April 1, outside the maternal roosting season.	Prior to start of construction related activities	Retention of professional biologist Submittal of survey result and/or Report of Findings	County of Tulare Planning Department			
BIO-8	(Preconstruction Surveys). If removal of trees must occur between April 1 and September 30 (general maternity bat roost season), a qualified biologist will survey affected trees for the presence of bats within 30 days prior to these activities. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.	Prior to start of construction related activities	Retention of professional biologist Submittal of survey result and/or Report of Findings	County of Tulare Planning Department			
BIO-9	(Minimization). If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted via partial dismantlement of trees prior to full removal under the direction of a qualified biologist to ensure that no adverse impact to any bats occurs as a result of construction activities.	Prior to start of construction related activities	Retention of professional biologist Ongoing monitoring / Submittal of Report of Findings, if applicable / Verification of take permit, if applicable	County of Tulare Planning Department			
BIO-10	(Avoidance of Maternity Roosts). If a maternity colony is detected during preconstruction surveys, a disturbance-free	Prior to start of construction	Retention of professional	County of Tulare			



Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
	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 50 to 100 feet as determined by the biologist.	biologist Submission of survey result and/or Report of Findings	Planning Department			
BIO-11  (Consultation if Maternity Roosts Cannot be Avoided). If maternal roosts are determined to be present and must be removed, the bats will be excluded from the roosting site before the roost is removed. An exclusion plan, addressing exclusion methods, and roost removal procedures will be developed by a qualified biologist before implementation. Exclusion methods may include use of one-way doors at roost entrances or sealing roost entrances when a site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g. during hibernation or while females in maternity colonies are nursing young).	Prior to start of construction related activities	Retention of professional biologist  Ongoing monitoring / Submittal of Report of Findings, if applicable / Verification of take permit, if applicable	County of Tulare Planning Department			

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Attachment No. 12

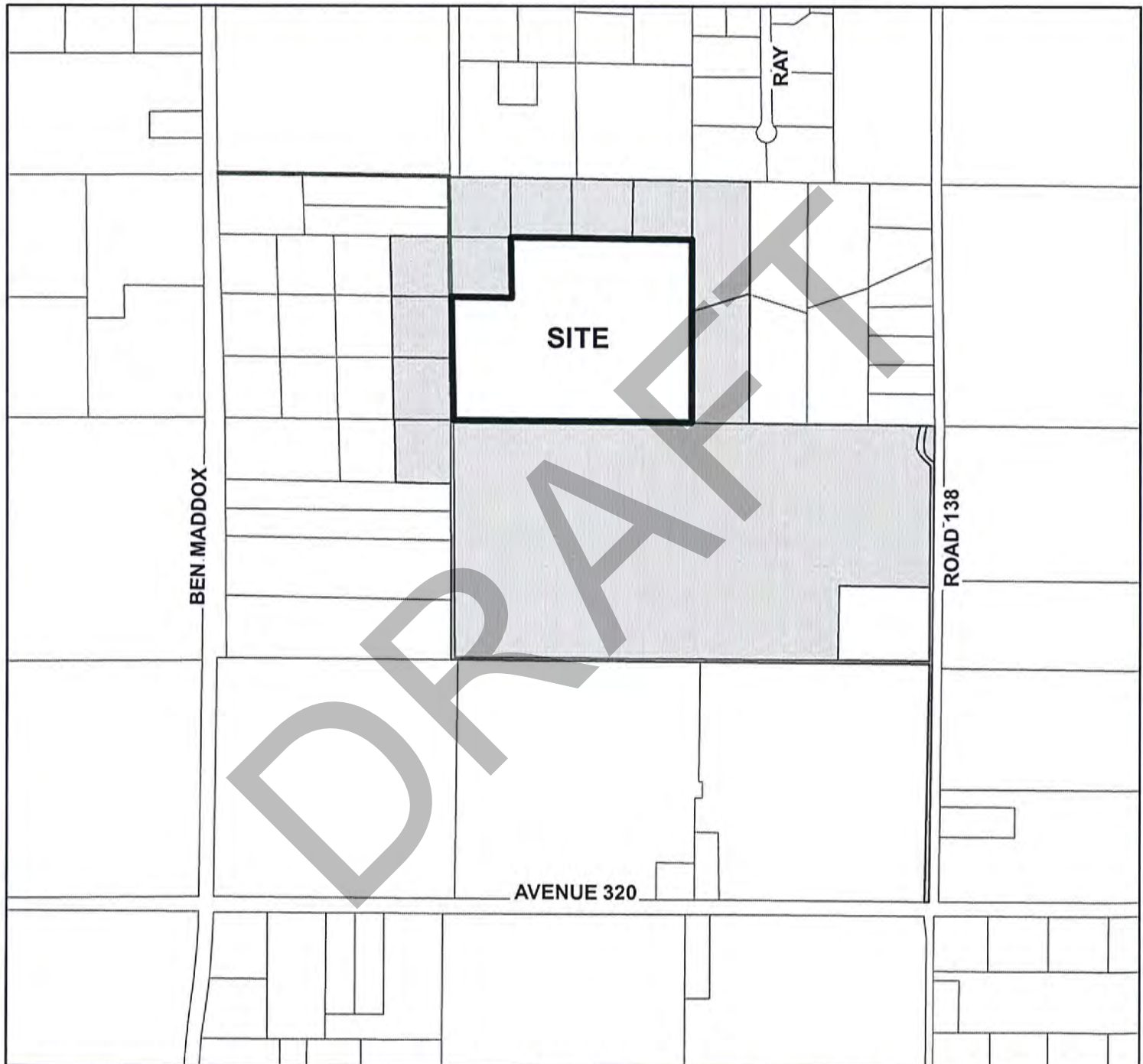
Location and Property Ownership Map  
for Hearing Notification

DRAFT





# Location and Property Ownership Map for Hearing Notification for GPA 16-005 & PZC 16-007 & PPM 16-030



Owner: Paula Simon, Sonjia Dutton, J. Berwyn Qualls  
Address: 4336 W. Hurley #D  
City, State, ZIP: Visalia, CA 93291  
Applicant: Paula Simon, et al.  
Agent: N/A  
Supervisory District: 4  
Assessors Parcel: 079-190-017

0 0.15 0.3  
Miles

 SITE  
 Prop within 300'

County of Tulare  
Geographic  
Information Systems



TROUT LLOYD R & VANNA R  
32411 RD 138  
VISALIA CA 93292

JOSEPH F. SOARES, ATTORNEY  
791 N. CHERRY STREET  
PO BOX 29  
TULARE, CA 93275

.N A

079-190-012

MATES JOHN RAYMOND & LULA  
32597 ROAD 138 B  
VISALIA CA 93291

079-031-028

JUNGK HANS J & ASTRID R  
32494 RD 132 APT D  
VISALIA CA 93292

079-190-016

MATHEWS DITCH CO  
P O BOX 366  
FARMERSVILLE CA 93223

079-040-003

SIMON PAULA  
4336 W HURLEY #D  
VISALIA CA 93291

079-190-017

BAYNE KEVIN E & KIMBERLEE L  
32400 ROAD 132 #B  
VISALIA CA 93291

079-040-009

NELSON ERIC L  
32400-C RD #132  
VISALIA CA 93292

079-190-021

PRATT SHARON N (TR)  
32311 RD 138  
VISALIA CA 93291

079-040-032

*rschafer@rls.com*

CLAREY PHILIP N & BARBARA L  
13401 H AVE 328  
VISALIA CA 93291

079-190-004

HOVEILER RODNEY L & KATHY  
13401 B AVE 328  
VISALIA CA 93291

079-190-005

MAC KENZIE KAREN  
3834 N FULGHAM CT  
VISALIA CA 93291

079-190-006

VREELAND STEPHEN & NANCY (TRS)  
13401 AVE 328  
VISALIA CA 93291

079-190-007

VERHOEVEN ANDREW & HELAINE J  
32494 RD 132  
VISALIA CA 93292

079-190-011



Attachment No. 13

Public Hearing Notice

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Attachment No. 14

Notice of Determination

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