VICTORY OAKS

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

JULY 2022

SCH NO.

PREPARED FOR:

City of Visalia
315 East Acequia Avenue
Visalia, CA 93291

PREPARED BY:

Provost & Pritchard Consulting Group

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ACRONYMS

AB ..... Assembly Bill
AF..... acre-feet
AFV ..... alternative fuel vehicles
AHERA ..... Asbestos Hazard Emergency Response Act
APCD ..... Air Pollution Control District
APE ..... Area of Potential Effect
APS ..... alternative planning strategy
AQMD ..... Air Quality Management District
ASCE ..... American Society of Civil Engineers
BAU ..... Business as usual
CAA ..... Clean Air Act
CAAQS ..... California Ambient Air Quality Standards
CAFE ..... Corporate Average Fuel Economy
Cal/OSHA ..... California Occupational Safety and Health Administration
CalEEMod ..... California Emissions Estimator Modeling (software)
CalEPA ..... California Environmental Protection Agency
CalGreen..... California's Green Building Code
CalRecycle ..... Department of Resources Recycling and Recovery
Cal Water ..... California Water Service Company
CAP ..... Climate Action Plan
CARB..... California Air Resources Board
CBC ..... California Building Code
CCAA..... California Clean Air Act
CCR ..... California Code of Regulations
CDFW..... California Fish and Wildlife
CEC ..... California Energy Commission
CEQA ..... California Environmental Quality Act
CESA ..... California Endangered Species Act
CFR ..... Code of Federal Regulations
CGP ..... Construction General Permit
CH_4 ..... Methane

CHRIS ..... Calfornia Historical Resources Information System
City ..... City of Visalia
CNDDB ..... California Natural Diversity Database
CO_2 ..... Carbon dioxide
CO ..... Carbon Monoxide
County ..... Tulare County
CPUC ..... California Public Utilities Commission
CRHR ..... California Register of Historic Resources
CWA ..... Clean Water Act
dBA ..... A-weighted decibels
DBH ..... diameter at breast height
DOC ..... Department of Conservation
DOT ..... Department of Transportation
EAP ..... Energy Action Plan
EIR ..... Environmental Impact Report
EO ..... Executive Order
EPA ..... Environmental Protection Agency
EPCA ..... Energy Policy and Conservation Act
EPAct ..... Energy Policy Act of 1992
ESA ..... Endangered Species Act
FEMA ..... Federal Emergency Management Agency
FMMP ..... Farmland Mapping and Monitoring Program
FPPA ..... Farmland protection policy Act
GHG ..... Greenhouse Gas
GIS ..... Geographic Information System
GP ..... General Plan
GSP ..... Groundwater Sustainability Plan
HAP ..... Hazardous Air Pollutant
HARP ..... Hotspots Analysis and Reporting Program
IPaC ..... Information for Planning and Consultation
IS ..... Initial Study
IS/MND ..... Initial Study/Mitigated Negative Declaration
ISR ..... Indirect Source Review

km ..... kilometers
Ldn ..... Day Night Average Sound Level
LESA ..... Land Evaluation and Site Assessment
MBTA ..... Migratory Bird Treaty Act
MJ-LHMP ..... Multi-Jurisdictional Local Hazard Mitigation Plan
MMRP ..... Mitigation Monitoring and Reporting Program
MMT ..... million metric tons
MND ..... Mitigated Negative Declaration
MOU ..... Memorandum of Understanding
MPO ..... Metropolitan Planning Organization
MS4 ..... Small Municipal Separate Storm Systems
MTCO2e ..... Metric tons of carbon dioxide equivalent
MJLHMP ..... Unified Hazardous Waste and Hazardous Materials Management Regulatory Program
NAAQS ..... National Ambient Air Quality Standards
NAGPRA ..... Native American Graves Protection and Repatriation Act
NAHC ..... Native American Heritage Commission
ND ..... Negative Declaration
NEPA ..... National Environmental Policy Act
NO_2 ..... Nitrogen Dioxide
NO_x ..... Nitrogen oxides
NPDES ..... National Pollution Discharge Elimination System
NRCS ..... Natural Resources Conservation Service
O_3 ..... Ozone
OPR ..... Office of Planning and Research
PM_{10} ..... particulate matter 10 microns in size
$PM_{2.5}$ ..... particulate matter 2.5 microns in size
ppb ..... parts per billion
ppm ..... parts per million
PRC ..... Public Resource Codes
PRD ..... Permit Registration Documents
Project ..... Victory Oaks Subdivision
RWQCB ..... Regional Water Quality Control Board
SB ..... Senate Bill

SCAQMD ..... South Coast Air Quality Management District
SCE ..... Southern California Edison
SCS ..... sustainable community strategy
SDC ..... Seismic Design Category
SHPO ..... State Office of Historic Preservation
SJVAB ..... San Joaquin Valley Air Board
SJVAPCD ..... San Joaquin Valley Air Pollution Control District
SJVCEO ..... San Joaquin Valley Clean Energy Organization
SIP ..... State Implementation Plan
SMARA ..... Surface Mining and Reclamation Act
SO_2 ..... Sulfur Dioxide
SoCalGas ..... Southern California Gas Company
SRA ..... State Responsibility Area
SR ..... State Route
SSJVIC ..... Southern San Joaquin Valley Information Center
SWPPP ..... Storm Water Pollution Prevention Plan
SWRCB ..... State Water Resources Control Board
TAC ..... Toxic Air Contaminant
TCEHSD ..... Tulare County Environmental Health Services Division
TIP ..... Transportation Improvement Program
USFWS ..... United States Fish and Wildlife Service
UWMP ..... Urban Water Management Plan
µg/m3 ..... micrograms per cubic meter
VFD ..... Visalia Fire Department
VMT ..... Vehicle Miles Traveled
VUSD ..... Visalia Unified School District

CHAPTER 1 INTRODUCTION

Provost & Pritchard Consulting Group (Provost & Pritchard) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of DR Horton to address the potential environmental effects of the Victory Oaks Subdivision (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. The City of Visalia is the CEQA lead agency for this Project.

The site and the Project are described in detail in Chapter 2 Project Description.

1.1 REGULATORY INFORMATION

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, *et seq.*)-- also known as the CEQA Guidelines--Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels. A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or *mitigated* ND shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or
b. The IS identified potentially significant effects, but:
    1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed MND and IS is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
    2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as *revised* may have a significant effect on the environment.

1.2 DOCUMENT FORMAT

This IS/MND contains six chapters. Chapter 1 Introduction, provides an overview of the Project and the CEQA process. Chapter 2 Project Description, provides a detailed description of proposed Project components and objectives. Chapter 3 Determination, the Lead Agency's determination based upon this initial evaluation. Chapter 4 Environmental Impact Analysis presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 5 Mitigation, Monitoring, and Reporting Program (MMRP), provides the

proposed mitigation measures, implementation timelines, and the entity/agency responsible for ensuring implementation.

The CalEEMod Output Files, Biological Review, Cultural Resources Information, and Transportation Analyses, are provided as technical appendices Appendix A: CalEEMod Output Files, Appendix B: Biological Review, Appendix C: Cultural Resources Information, Appendix D: Transportation Analyses, Appendix E: LESA Analysis, and Appendix F: Site Plan respectively, at the end of this document.

CHAPTER 2 PROJECT DESCRIPTION

2.1 PROJECT BACKGROUND

2.1.1 Project Title

Victory Oaks Subdivision

2.1.2 Lead Agency Name and Address

City of Visalia
Community Development Department, Planning Division
315 East Acequia Avenue
Visalia, California 93291

2.1.3 Contact Person and Phone Number

Lead Agency Contact

Rafael Garcia, Senior Planner
(559) 713-4031
Rafael.Garcia@visalia.city

CEQA Consultant

Provost & Pritchard Consulting Group
Jarred Olsen, Environmental Project Manager
(559) 636-1166

2.1.4 Project Location

The Project is located in Visalia, California, approximately 195 miles South of Sacramento and 70 miles North of Bakersfield (see Figure 2 1 and Figure 2 2). The Project site is located on Assessor's Parcel Number(s) 077-190-007. The centroid of the Project site is 36° 21' 04.09" N, 119° 20' 11.5" W.

2.1.5 General Plan Designation and Zoning

Project Area	General Plan Designation	Zoning District
ONSITE	Low Density Residential	AE-20 (Existing) R-1-5 (Proposed)
ADJACENT LANDS	Low Density Residential	AE-20, R-1-5

2.1.6 Description of Project

The Victory Oaks Subdivision project pertains to approximately 23.7 gross acres of property located on the north side of West Ferguson Avenue between North Linwood and North Demaree Streets in the Northwest Quadrant of the City of Visalia.

This project proposes to subdivide the approximately 23.7-acre property for purposes of creating 117 single-family residential lots and a 2.02-acre General Plan-designated community park. Site improvements and construction of the homes will take place over 21 months. An Oak tree removal permit will be required in order to remove four Oak trees. An existing groundwater well will be destroyed in accordance with state and local regulations.

The Project will also require dedications and/or acquisitions along the Project's Ferguson Avenue frontage for public street rights-of-way, landscape and utility easements as well as the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Visalia in order to facilitate the future proposed development of the subject property. The Project will connect to existing stormwater, water, and sewer utilities located in the Project's Ferguson Avenue frontage.

The Project will annex into the City of Visalia and is prezoned to the R-1-5 zone district. The park space is prezoned to the Quasi-Public zone district.

2.1.7 Site and Surrounding Land Uses and Setting

Table 2-1: Existing Uses, General Plan Designation, & Zone Districts of Surrounding Properties

Direction from Project Site	Existing Use	General Plan Designation	Zone District
NORTH	Single-Family Residential	Low Density Residential	R-1-5 (City of Visalia)
EAST	Agriculture, Single-Family Residential	Low Density Residential	AE-20 (Tulare County)
SOUTH	Single-Family Residential	Low Density Residential	R-1-5 (City of Visalia)
WEST	Single-Family Residential	Low Density Residential	R-1-5 (City of Visalia)

2.1.8 Other Public Agencies Whose Approval May Be Required

- San Joaquin Valley Air Pollution Control District
- Tulare County LAFCo

2.1.9 Consultation with California Native American Tribes

Public Resources Code Section 21080.3.1, *et seq. (codification of Assembly Bill (AB) 52, 2013-14)*) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

The City of Visalia, as the public lead agency, received a letter from the Santa Rosa Rancheria Tachi Yokut Tribe pursuant to Public Resource Code (PRC) § 21080.3.1 (AB 52) officially requesting notification of Projects within the Santa Rosa Rancheria's geographic area of traditional and cultural affiliation. On March 18, 2022, the City sent the Tribe a formal letter including a Project description. In accordance with the law, the letter provided 30 days from receipt of the letter to request consultation in writing. Further discussion of the AB 52 process can be found in the Tribal Cultural Resources Section (4.18).

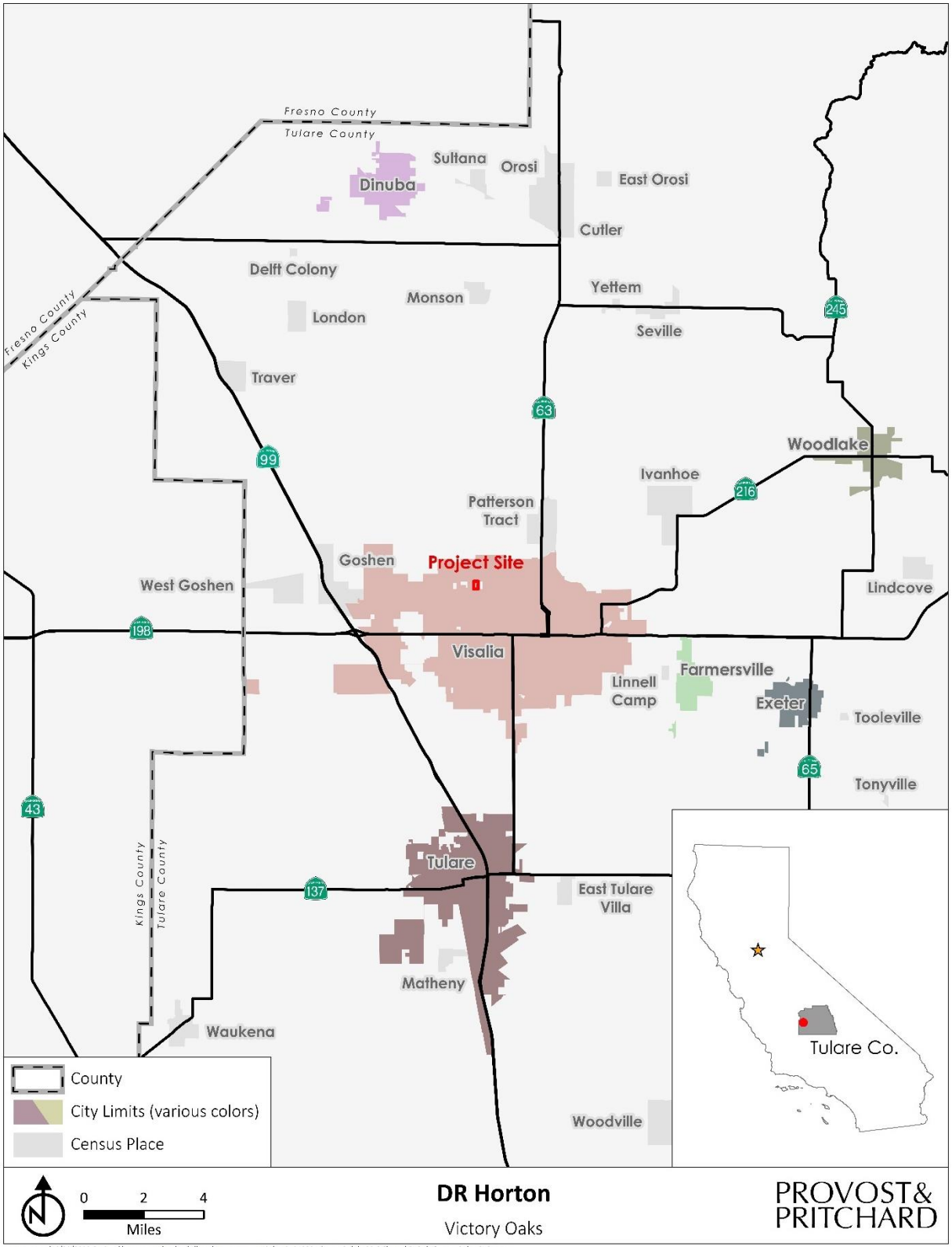

Figure 2-1: Regional Location Map

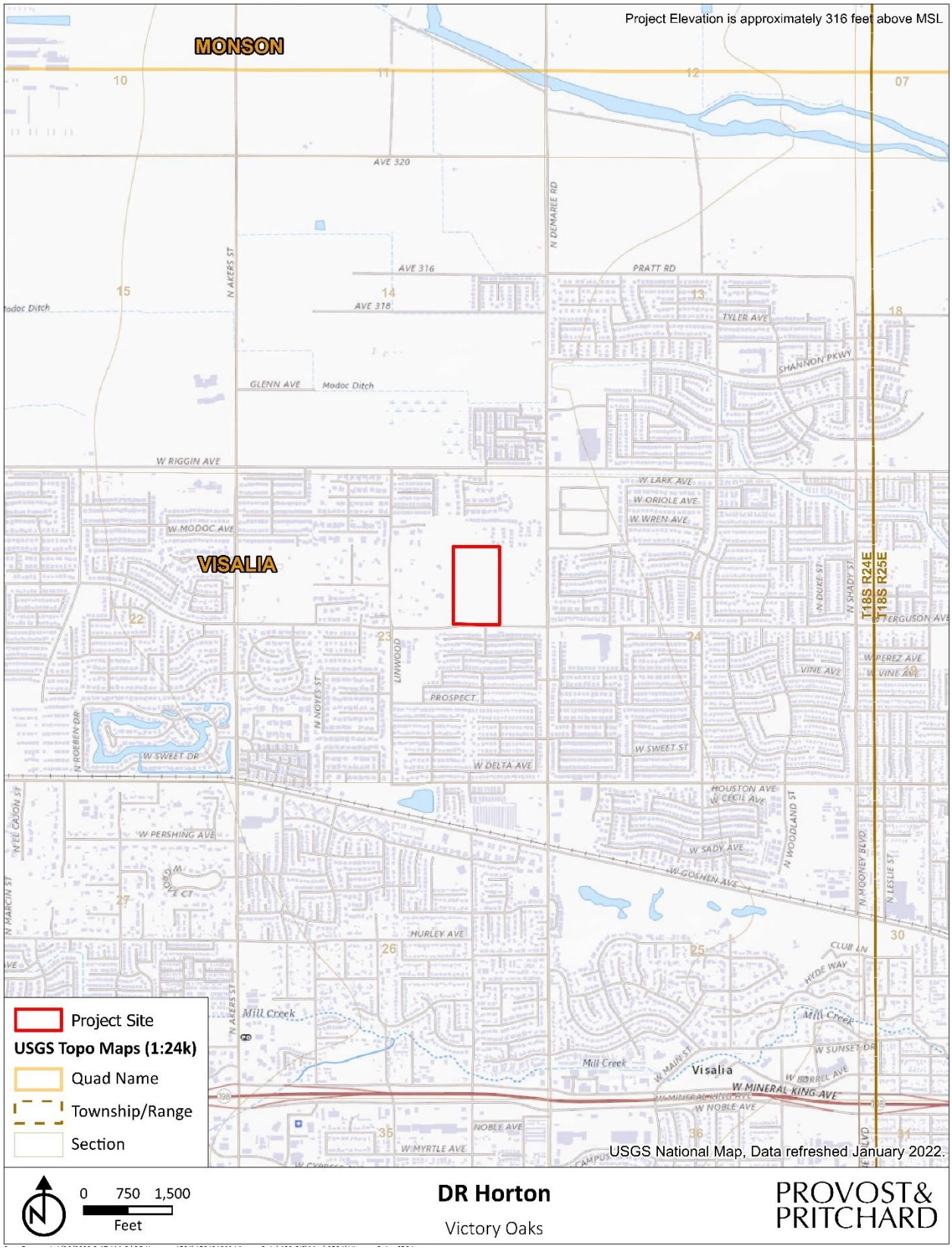

Figure 2-2: Topographic Quadrangle Map

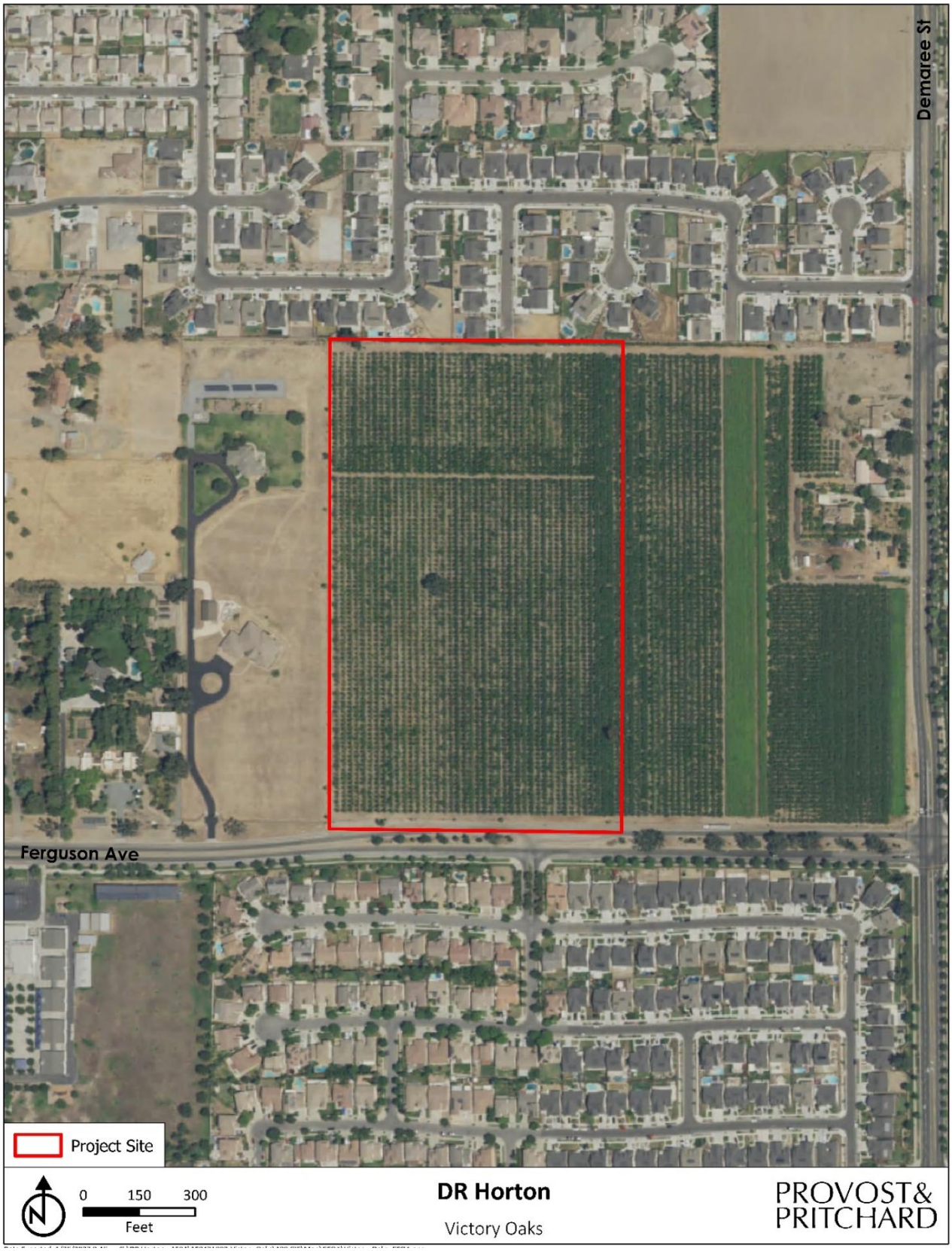

Figure 2-3: Project Site Boundary Map

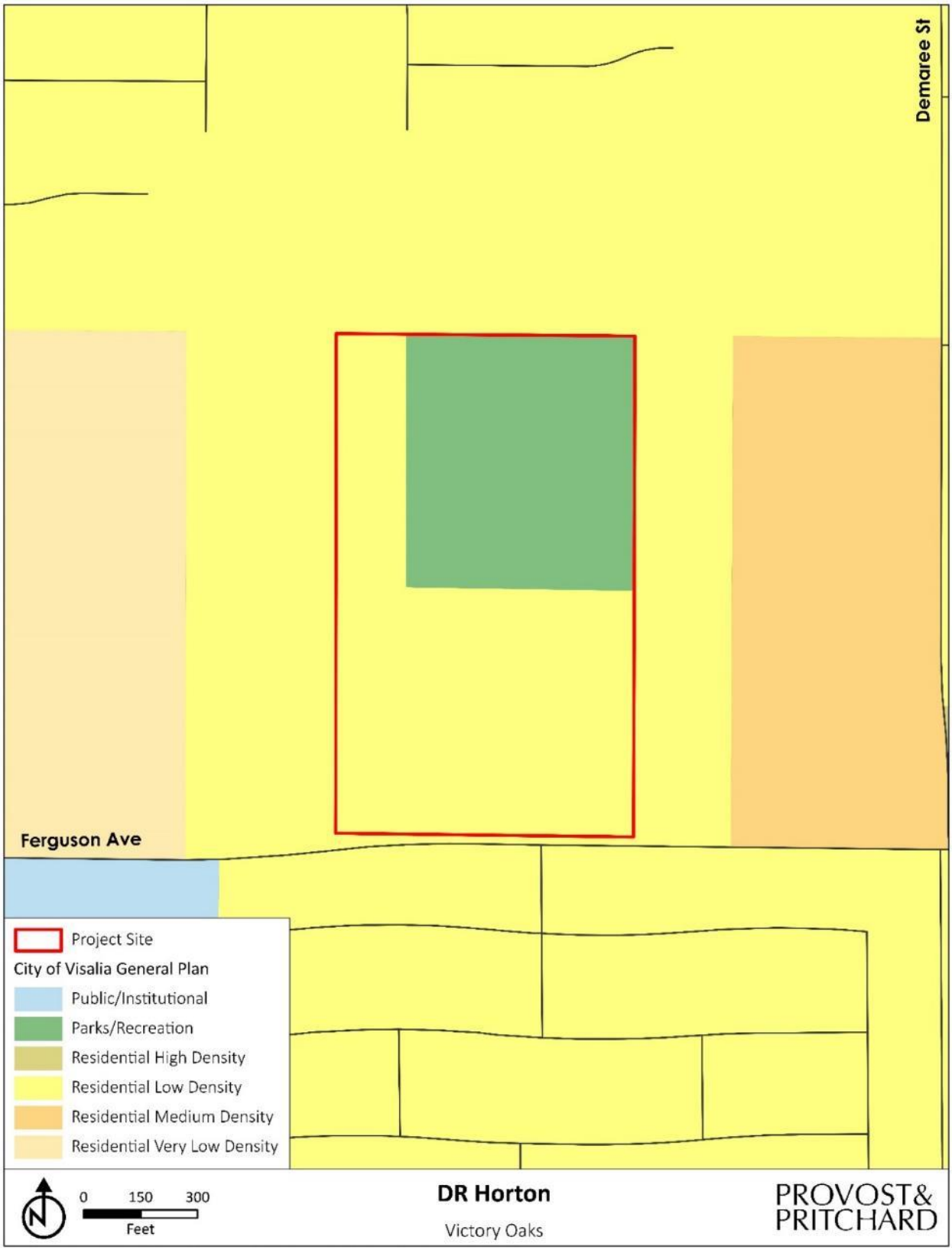

Figure 2-4: General Plan Land Use Designation Map

Figure 2-5: Zone District Map

CHAPTER 3 DETERMINATION

3.1 POTENTIAL ENVIRONMENTAL IMPACTS

As indicated by the discussions of existing and baseline conditions, and impact analyses that follow in this Chapter, environmental factors not checked below would have no impacts or less than significant impacts resulting from the project. Environmental factors that are checked below would have potentially significant impacts resulting from the project. Mitigation measures are recommended for each of the potentially significant impacts that would reduce the impact to less than significant.

☐ Aesthetics	☒ Agriculture and Forestry Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☒ Tribal Cultural Resources
☐ Utilities and Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

The analyses of environmental impacts in Chapter 4 Impact Analysis result in an impact statement, which shall have the following meanings.

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

Less than Significant with Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

Less than Significant Impact. This category is identified when the proposed Project would result in impacts below the threshold of significance, and no mitigation measures are required.

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g. the project falls outside a fault rupture zone). 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).

3.2 DETERMINATION

On the basis of this initial evaluation (to be completed by the Lead Agency):

☐ 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 by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that 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

_____

Printed Name/Position

CHAPTER 4 ENVIRONMENTAL IMPACT ANALYSIS

4.1 AESTHETICS

Table 4-1: Aesthetics Impacts

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

4.1.1 Baseline Conditions

Scenic vistas are areas that are considered to be a viewpoint either, naturally occurring or man-made, that would be pleasing to the general public and as a result provide a benefit to the area. Within the Visalia area, scenic vistas include views of the Sierra Nevada foothills. The Project site is currently a pomegranate orchard. The nearest Scenic Corridor designated by the General Plan is Highway 198 located approximately 1.7 miles south of the Project site. The Project site is undeveloped and borders another subdivision, and there are no historic buildings located on or near the Project site.

4.1.2 Applicable Regulations

Federal

There are no federal regulations pertaining to aesthetics that are relevant to the Project.

State

California Environmental Quality Act

CEQA establishes that it is the policy of the State to take all action necessary to provide the people of the state "with…enjoyment of aesthetic, natural, scenic, and historic environmental qualities." [California Public Resources Code Section 21001(b)].

California Scenic Highways Program

Recognizing the value of scenic areas and the value of views from roads in such areas, the State Legislature established the California Scenic Highway Program in 1963. Under this program, State highway segments are designated as eligible for inclusion as scenic routes. Once the local jurisdictions through which a roadway passes have established a corridor protection program, the State may officially designate a roadway as a scenic route. Projects must then be evaluated for their impact on the scenic qualities of the corridor. Each designated corridor is monitored by the State and its designation may be revoked if a local government fails to enforce the provisions of the corridor protection program.

State Route 198 is 1.7 miles south of the Project vicinity is classified as eligible for State Scenic Highway status but is not officially designated.

Local

City of Visalia General Plan

- Policy LU-P-37: Adopt specific development standards for scenic entryways (gateways) and roadway corridors into the City, including special setback and landscape standards, open space and park development, and/or land use designations.

City of Visalia Municipal Code

Section 17.30.015.H – Lighting: No on-site lighting shall directly or indirectly illuminate adjacent properties or the public street which provides access. The lights and standards to be used for the Project shall be subject to the requirements set forth by the City's Site Plan Review Committee.

City of Visalia Valley Oak Ordinance

The City's Valley Oak Ordinance provides basic standards, measures, and compliance requirements for the preservation and protection of native Valley oak trees and landmark trees. The Ordinance prohibits destruction of Valley oak trees except with an oak tree removal permit. A permit may be granted only if it is found that the oak tree is in danger of falling on a structure or is host for a plant, pest, or disease endangering other species; if removal is necessary to allow the reasonable enjoyment of private property; or if urban forestry or land management practices warrant removal. If a tree removal permit is granted, the tree must either be replaced by planting new oak trees at the specified mitigation ratio on the same property, or by paying mitigation fees to be used by the City to plant new oak trees at other locations, consistent with the City Oak Tree Mitigation Policy.[1]

[1] (City of Visalia 2007) Page 1. Date Access: March 2022.

4.1.3 Impact Analysis

a) Have substantial adverse effect on a scenic vista?

Less than Significant Impact. Scenic features in the vicinity may include views of the Sierra Nevada foothills. The Project site is not within the viewshed of any water features or scenic vistas. Furthermore, the Project site does not stand out from its surroundings in any notable fashion, since its surrounded by urban development. Impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. State Route 198 (SR 198) has been officially identified by Caltrans as a "Eligible State Scenic Highway." However, Project activities would occur approximately 1.7[2] miles south and do not have the potential to affect the highway. There would be no impact.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The existing visual character of the Project site is farmed agricultural land surrounded by urban development. A subdivision exists both to the north and south of the project site. To the west, the Project is surrounded by residential properties, and vacant agricultural land to the east. Furthermore, the subdivision development will offer attractive landscaping and architectural design to reduce any visual effect to the surrounding properties and conform with the existing character of the neighboring community. As the project is located in an urbanized area, the project will be required to comply with the development standards of the applicable zone district. Any impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. Development of the Project would create new sources of light typical of urban development found at the majority of the edges of the Project site. Nighttime lighting levels would increase over current levels, as sources of new and nighttime lighting and illumination would include, but are not necessarily limited to, lighting from the new residential use, lights associated with vehicular travel (i.e., car headlights), and street lighting. Increased nighttime lighting and illumination could result in adverse effects to adjacent land uses through the "spilling over" of light into these areas and "sky glow" conditions. However, all future development under the Project would have to comply with Chapter 16 of the City of Visalia Zoning Ordinance, which ensures that proposed street lights shall be installed by the subdivider, at locations consistent with the adopted development improvement standards. This would assist in reducing potential impacts associated with daytime glare and nighttime light. As such, any potential light and glare would not be substantial and thus a less than significant impact.

[2] (California Department of Transportation - Scenic Highways 2022)

4.2 AGRICULTURE AND FORESTRY RESOURCES

Table 4-2: Agriculture and Forest Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☒	☐	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☒	☐

4.2.1 Baseline Conditions

Agriculture has been the predominant land use in the Project area since the late 1800s. Due to the region's rich soils, water resources, and favorable geographic and climatic conditions, agricultural activity in and around Visalia is highly productive. Visalia's agricultural heritage has contributed significantly to the City's economy – much of the region's economic activity is related to the cultivation, processing, and distribution of agricultural products – as well as its visual and cultural character. Historically, City's General Plan policies have acknowledged the value of the areas agricultural resources and sought to preserve them through urban growth management strategies and monitoring despite a prevalence of development pressures on local landowners and a growing urban population.[3]

The Project site is currently a farmed pomegranate orchard, surrounded on the north and south by urban neighborhoods with residential land to the west and farmland to the east.

[3] (City of Visalia 2014)

4.2.2 Applicable Regulations

Federal

Federal Farmland Protection Policy Act

The Natural Resources Conservation Service (NRCS) oversees the Farmland Protection Policy Act (FPPA) (7 U.S. Code Section 4201, et seq.; see also 7 Code of Federal Regulations [CFR] 658). The FPPA (a subtitle of the 1981 Farm Bill) is national legislation designed to protect farmland. The FPPA states its purpose is to "minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses." The FPPA applies to projects and programs that are sponsored or financed in whole or in part by the federal government. The FPPA does not apply to private construction projects subject to federal permitting and licensing, projects planned and completed without assistance from a federal agency, federal projects related to national defense during a national emergency, or projects proposed on land already committed to urban development. The FPPA spells out requirements to ensure federal programs to the extent practical are compatible with State, local, and private programs and policies to protect farmland and calls for the use of the Land Evaluation and Site Assessment (LESA) system to aid in analysis. Because the City may ultimately seek some federal funding for transportation or other capital improvements related to this Project, this document addresses the FPPA as an applicable regulation.

State

California Department of Conservation, Division of Land Resource Protection

As part of the Farmland Mapping & Monitoring Program (FMMP), the California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. These designated agricultural lands are included in the Important Farmland Maps. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC.

- Prime Farmland. Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Farmland of Statewide Importance. Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Unique Farmland. Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- Farmland of Local Importance. Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

- Grazing Land. Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- Urban and Built-up Land. Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- Other Land. Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

As shown in **Figure 4-1**, the Project site is designated Prime Farmland.

California Land Conservation Act (Williamson Act)

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code (GC) Sections 51200-51297.4. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas are eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous or if they are in common ownership.

The Williamson Act program is administered by the DOC in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion to a non-agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes as opposed to its unrestricted market value. A landowner may also submit an application for immediate cancellation, provided that the cancellation is consistent with the criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on city or county adoption and implementation of the program and is voluntary for landowners.[4]

The Project site is subject to a Williamson Act contract.

[4] (California Department of Conservation 2022)

Local

City of Visalia General Plan

- Policy LU-P-14: Recognize the importance of agriculture-related business to the City and region,
- Policy LU-P-25: Provide planning and technical support for the relocation of agricultural operations currently located in the City to compatible locations in the Planning Area or the County.
- Policy LU-P-30: Maintain greenbelts, or agricultural/open space buffer areas, between Visalia and other communities by implementing growth boundaries and working with County and land developers to prevent premature urban growth north of the St. Johns River and other sensitive locations within the timeframe of this General Plan.
- Policy LU-P-44: Develop land use and site design measures for areas adjacent to high-voltage power facilities. Measures will include landscape buffers and mandatory setbacks from substations and transmission towers and lines.

4.2.3 Impact Analysis

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?

Less than Significant Impact. The Project site is located on County land that has been historically used for agriculture, producing pomegranates, which would be annexed into the City of Visalia as a part of this Project. The Project site is designated by the DOC as Prime Farmland, which would be converted into a new subdivision.[5] An assessment of the Project site using the DOC LESA Model was completed to determine whether or not the conversion of Prime Farmland would have a significant impact on the environment. The model determined that the Project would not have a significant Impact on the environment due to the Site Assessment score of the LESA analysis being below 20. Therefore, impacts would be less than significant.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less than Significant Impact with Mitigation Incorporated. The Project would result in the conversion of farmland currently under a Williamson Act Contract into a residential subdivision. This contract was originally protested by the City of Visalia when it was proposed to be formed in 1969, due to its proximity to City limits. The Project would result in the cancellation of the existing Williamson Act Contract, creating a significant impact. Alternatively, and pursuant to State law, the City may exercise its right to not succeed to the Williamson Act Contract, terminating the contract in the event the annexation associated with the Project is completed. In the event that the Project does result in a cancellation of the contract, and in order to mitigate impacts resulting from the cancellation of the existing Williamson Act Contract, the applicant will implement mitigation measure AGR-1. This will mitigate potentially significant impacts to a less than significant level.

[5] (California Department of Conservation 2022)

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The Project would result in the annexation of the Project site from Tulare County into the City of Visalia, prezoning the site for residential use. The Visalia General Plan has not designated the Project site or surrounding areas as Forest Land, Timberland, or timberland zoned for Timberland Production. The Project site has historically been utilized for agricultural use, producing primarily pomegranates. Therefore, there would be no impact.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project would not result in the loss of forest land or conversion of forest land to non-forest use. The Project would result in the construction of a new subdivision on land that would be annexed into the City of Visalia, which has historically been utilized for agriculture. This would not require the loss or conversion of a forest to a non-forest use. Therefore, there would be no impact.

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?

Less than Significant Impact. The Project would result in the conversion of approximately 23.7 acres of farmland into a new residential subdivision. While the Project would convert farmland into residential and park uses, the Project site is substantially surrounded by urban uses, and is part of a County island, a portion of which would be annexed into the City as a part of this Project. Additionally, under the LESA assessment discussed above, the conversion of the Prime Farmland located at the Project site would not be considered significant. The farmland located on the property to the east is a part of the Williamson Act Contract that would be cancelled to facilitate the Project. As a result, conversion of the eastern adjacent parcel would become more likely to occur. However, the Project site and the eastern adjacent property are significantly surrounded by urban uses and is located on a County island. The Project site and eastern adjacent parcel are planned for residential use, which would be facilitated by this Project. Therefore, impacts would be less than significant.

4.2.4 Mitigation

AGR-1 Prior to development, the Williamson Act Contract shall be cancelled and applicable cancellation fees shall be paid to the County Treasure in accordance with Government Code Section 51283(b). In the event that the City exercises the option of not succeeding to the Contract pursuant to Government Code Section 51243.5(d), and such action is approved by the Local Agency Formation Commission, the Contract will be terminated, no cancellation is required, and no cancellation fees are required to be paid.

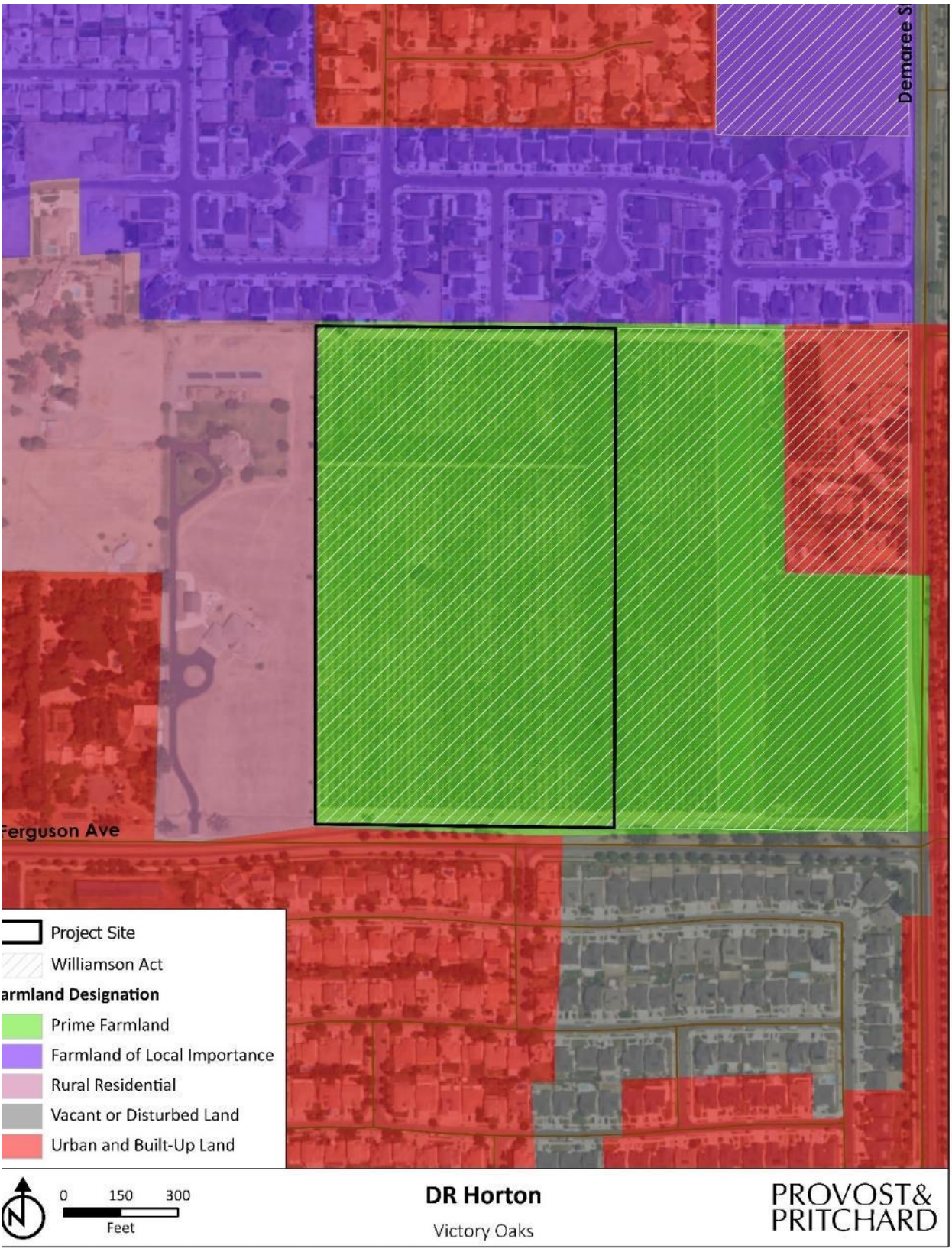

Figure 4-1: Farmland Map

4.3 AIR QUALITY

Table 4-3: Air Quality Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

4.3.1 Baseline Conditions

The subject property is composed of a pomegranate orchard spanning approximately 23.7 acres. Typical cultivation operations include traversing the site with all-terrain vehicles and pickup trucks, application of pesticides and fertilizers, removal and replanting of orchards, and the picking of fruit. Such activities are likely to disturb the site's bare dirt, causing an unquantifiable amount of particulate matter emissions.

4.3.2 Applicable Regulations

Federal

United States Environmental Protection Agency

The Clean Air Act (CAA), first adopted in 1967 and periodically amended since then, established federal ambient air quality standards. A 1987 amendment to the CAA sets a deadline for the attainment of these standards. That deadline has since passed. The other CAA Amendments, passed in 1990, share responsibility with the State in reducing emissions from mobile sources. The EPA (Environmental Protection Agency) is responsible for enforcing the 1990 amendments.

CAA and the national ambient air quality standards (NAAQS) identify levels of air quality for six "criteria" pollutants, which are considered the maximum levels of ambient air pollutants considered safe, with an adequate margin of safety, to protect public health and welfare. The six criteria pollutants include ozone, CO, NO_2, SO_2, $PM_{2.5}$ and PM_{10}, and lead (Pb). Two types of NAAQS have been established: primary standards, which protect public health, and secondary standards, which protect public welfare from non-health-related adverse effects such as visibility restrictions.

The CAA also required each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The CAA Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules

and regulations of the air basins as reported by their jurisdictional agencies. The EPA has responsibility to review all state SIPs to determine conformance with the mandates of the CAA, and the amendments thereof, and determine if implementation would achieve air quality goals. If the EPA determines a SIP to be inadequate, a Federal Implementation Plan may be prepared for the nonattainment area that imposes additional control measures.

CAA Section 176(c) (42 U.S.C. 7506(c)) and EPA transportation conformity regulations (40 CFR 93 Subpart A) require that each new Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) be demonstrated to conform to the State Implementation Plan (SIP) before the RTP and TIP are approved by the metropolitan planning organization, in this case the County Association of Governments or accepted by the United States Department of Transportation (DOT). The conformity analysis is a federal requirement designed to demonstrate compliance with the NAAQS. However, because the San Joaquin Valley State Implementation Plan for CO, PM_{10}, $PM_{2.5}$ and ozone address attainment of both the State and federal standards for these pollutants, demonstrating conformity to the federal standards is also an indication of progress toward attainment of the State standards. Compliance with the California Ambient Air Quality Standards (CAAQS) is provided on the pages following this federal conformity discussion.

The EPA approved San Joaquin Valley reclassification of the ozone (8-hour) designation to extreme nonattainment in the Federal Register on May 5, 2010, even though the San Joaquin Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard. In accordance with the CAA, EPA uses the design value at the time of standard promulgation to assign nonattainment areas to one of several classes that reflect the severity of the nonattainment problem; classifications range from marginal nonattainment to extreme nonattainment. In the Federal Register on October 26, 2015, the EPA revised the primary and secondary standard to 0.070 ppm to provide increased public health protection against health effects associated with long- and short-term exposures. The previous ozone standard was set in 2010 at 0.075 ppm.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) provides general information on the effects of federally funded projects. The act was implemented by regulations included in the Code of Federal Regulations (40 CFR 6). The code requires careful consideration concerning environmental impacts of federal actions or plans, including local projects that receive federal funds. The regulations address impacts on land uses and conflicts with state, regional, or local plans and policies, among others. They also require that projects requiring NEPA review seek to avoid or minimize adverse effects of proposed actions and to restore and enhance environmental quality as much as possible. The Project is subject to NEPA compliance because of the potential for federal grant funding for construction of the Project. The air quality assessment required under federal air quality standards and regulations covers the basic outline for project-level assessment under NEPA guidelines. The CAA also requires a parallel "Conformity" in addition to the basic impact assessment.

Toxic Substances Control Act

The Toxic Substances Control Act first authorized the EPA to regulate asbestos in schools and public and commercial buildings under Title II of the law, which is also known as the Asbestos Hazard Emergency Response Act (AHERA). AHERA requires Local Education Agencies to inspect their schools for Asbestos-Containing Building Materials and prepare management plans to reduce the asbestos hazard. The Act also established a program for the training and accreditation of individuals performing certain types of asbestos work.

National Emission Standards for Hazardous Air Pollutants

Pursuant to the CAA, the EPA established the National Emission Standards for Hazardous Air Pollutants. These are technology-based source-specific regulations that limit allowable emissions of Hazardous Air Pollutants (HAPs).

State

California Air Resources Board and the California Clean Air Act

The California Air Resources Board (CARB) is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing its own air quality legislation called the California Clean Air Act (CCAA), adopted in 1988. CARB was created in 1967 from the merging of the California Motor Vehicle Pollution Control Board and the Bureau of Air Sanitation and its Laboratory.

CARB has primary responsibility in California to develop and implement air pollution control plans designed to achieve and maintain the NAAQS established by the EPA. Whereas CARB has primary responsibility and produces a major part of the SIP for pollution sources that are statewide in scope, it relies on the local air districts to provide additional strategies for sources under their jurisdiction. CARB combines its data with all local district data and submits the completed SIP to the EPA. The SIP consists of the emissions standards for vehicular sources and consumer products set by the CARB, and attainment plans adopted by the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) and approved by CARB. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is one of 35 AQMDs that have prepared air quality management plans to accomplish a five percent annual reduction in emissions documenting progress toward the CAAQS.

States may establish their own standards, provided the state standards are at least as stringent as the NAAQS. California has established the CAAQS pursuant to Health and Safety Code (HSC) Section 39606(b) and its predecessor statutes.

Health and Safety Code (HSC) Section 39608 requires CARB to "identify" and "classify" each air basin in the state on a pollutant-by-pollutant basis. Subsequently, the CARB designated areas in California as nonattainment based on violations of the CAAQS. Designations and classifications specific to the San Joaquin Valley Air Board (SJVAB) can be found in the next section of this document. Areas in the state were also classified based on severity of air pollution problems. For each nonattainment class, the CCAA specifies air quality management strategies that must be adopted. For all nonattainment categories, attainment plans are required to demonstrate a five percent-per-year reduction in nonattainment air pollutants or their precursors, averaged every consecutive three-year period, unless an approved alternative measure of progress is developed. In addition, air districts in violation of CAAQS are required to prepare an Air Quality Attainment Plan (AQAP) that lays out a program to attain and maintain the CCAA mandates.

Other CARB duties include monitoring air quality. CARB has established and maintains, in conjunction with local APCDs and AQMDs, a network of sampling stations (called the State and Local Air Monitoring Stations [SLAMS] Network), which monitors the present pollutant levels in the ambient air.

All of Tulare County, including the City, is in the SJVAB. A map of the SJVAB is provided in Appendix A. **Table 4-5** contains a summary of State and federal air quality standards and the SJVABs attainment status for common pollutants.

CARB Mobile-Source Regulation

CARB is responsible for controlling emissions from the operation of motor vehicles in the state. Rather than mandating the use of specific technology or the reliance on a specific fuel, CARBs motor vehicle

standards specify the allowable grams of pollution per mile driven. In other words, the regulations focus on the reductions needed rather than on the manner in which they are achieved. Towards this end, CARB has adopted regulations that require auto manufacturers to phase in less-polluting vehicles.

The CCAA was first signed into law in 1988 and is administered by CARB. The CCAA provides a comprehensive framework for air quality planning and regulation, and spells out, in statute, the States air quality goals, planning and regulatory strategies, and performance. The CAAQS, established pursuant to Health & Safety Code Section 39606(b), are similar to, but more stringent than, the NAAQS.

Assembly Bills 1807 & 2588 - Tanner Air Toxics Act

California regulates TACs primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Tanner Act sets forth a formal procedure for CARB to designate substances as a TAC. This includes research, public participation, and scientific peer review before CARB can designate a substance as a TACs. To date, CARB has identified more than 21 TACs and has adopted EPAs list of HAPs as TACs. Most recently, diesel PM was added to the CARB list of TACs. Once a TAC is identified, CARB then adopts an Airborne Toxics Control Measure for sources that emit that particular TAC. CARB list of TACs is provided below:

- Benzene
- Ethylene Dibromide
- Ethylene Dichloride
- Hexavalent chromium
- Asbestos
- Dibenzo-p-dioxins and Dibenzofurans
- Cadmium
- Carbon Tetrachloride
- Ethylene Oxide
- Methylene Chloride
- Trichloroethylene
- Chloroform
- Vinyl chloride
- Inorganic Arsenic
- Nickel
- Perchloroethylene
- Formaldehyde
- 1,3-Butadiene
- Inorganic Lead
- Particulate Emissions from Diesel-Fueled Engines
- Environmental Tobacco Smoke
- EPA Hazardous Air Pollutants (187)

If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate Best Available Control Technology to minimize emissions.

California Assembly Bill 170

Assembly Bill 170, Reyes (AB 170), was adopted by state lawmakers in 2003 creating Government Code (GC) Section 65302.1 which requires cities and counties in the San Joaquin Valley to amend their general plans to include data and analysis, comprehensive goals, policies and feasible implementation strategies designed to improve air quality.

State Tailpipe Emission Standards

To reduce emissions from off-road diesel equipment, on-road diesel trucks, and harbor craft, CARB established a series of increasingly strict emission standards for new engines. New construction equipment used for the Project, including heavy duty trucks, off-road construction equipment, tugboats, and barges, would be required to comply with the standards.

Local

San Joaquin Valley Air Pollution Control District

The SJVAPCD is the agency responsible for monitoring and regulating air pollutant emissions from stationary, area, and indirect sources within the County and throughout the SJVAB. The District also has responsibility for monitoring air quality and setting and enforcing limits for source emissions. The CARB is the agency with the legal responsibility for regulating mobile source emissions. The District is precluded from such activities under State law.

The District was formed in mid-1991 and prepared and adopted the San Joaquin Valley AQAP, dated January 30, 1992, in response to the requirements of the CCAA. The CCAA requires each non-attainment district to reduce pertinent air contaminants by at least five percent (5%) per year until new, more stringent, 1988 State air quality standards are met.

Activities of the SJVAPCD include the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, issuance of permits for stationary sources of air pollution, inspection of stationary sources of air pollution and response to citizen complaints, monitoring of ambient air quality and meteorological conditions, and implementation of programs and regulations required by the CAA and the CCAA.

The SJVAPCD has prepared the 2013 Ozone Plan to achieve federal and State standards for improved air quality in the SJVAB regarding ozone. It provides a comprehensive list of regulatory and incentive-based measures to reduce emissions of ozone and particulate matter precursors throughout the SJVAB, and calls for major advancements in pollution control technologies for mobile and stationary sources of air pollution, a 75-percent reduction in ozone-forming oxides of nitrogen emissions, and addresses the remaining requirement under the 1979 revoked 1-hour ozone NAAQS.

The EPA in 2006 issued a Final Rule determining that the Basin had attained the NAAQS for PM_{10}, it did however note that the Final Rule did not constitute a redesignation to attainment until all of the CAA requirements under Section 107(d)(3) were met. In response, the SJVAPCD prepared the 2007 PM_{10} Maintenance Plan and Request for Redesignation (2007 PM_{10} Plan). The SJVAPCD has prepared the 2012 $PM_{2.5}$ Plan to achieve federal and State standards for improved air quality in the SJVAB. The 2012 $PM_{2.5}$ Plan provides a comprehensive list of regulatory and incentive-based measures to reduce $PM_{2.5}$.

The Guide for Assessing and Mitigation Air Quality Impacts was prepared in 2015, which is an advisory document that provides Lead Agencies, consultants, and project applicants with analysis guidance and uniform procedures for addressing air quality impacts in environmental documents. It describes the criteria that SJVAPCD uses when reviewing and commenting on the adequacy of environmental documents and recommends thresholds for determining whether or not projects would have significant adverse environmental impacts, identifies methodologies for predicting project emissions and impacts, and identifies measures that can be used to avoid or reduce air quality impacts.

The SJVAPCD documents identified above represent the SJVAPCDs plan to achieve both State and federal air quality standards. The regulations and incentives contained in these documents must be legally enforceable and permanent. These plans separate emissions reductions and compliance into different emissions source categories. The SJVAPCD Rules and Regulations that are applicable to the Project include, but are not limited to, the following:

- Regulation VIII (Fugitive Dust Prohibitions), Regulation VIII (Rules 8011-8081): This regulation is a series of rules designed to reduce particulate emissions generated by human activity, including

construction and demolition activities, carryout and trackout, use of paved and unpaved roads and traffic areas, bulk material handling and storage, open space areas, etc. If a non-residential area is five or more acres in size, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Additional requirements may apply, depending on total area of disturbance.

- Rule 8021 – Construction, Demolition, Excavation, and Other Earthmoving Activities: District Rule 8021 requires owners or operators of construction projects to submit a Dust Control Plan to the District if at any time the project involves non-residential developments of five or more acres of disturbed surface area or moving, depositing, or relocating of more than 2,500 cubic yards per day of bulk materials on at least three days of the project. The Project will meet these criteria and will be required to submit a Dust Control Plan to the District in order to comply with this rule.
- Rule 9510 – Indirect Source Review: Rule 9510, Indirect Source Review, fulfills the SJVAPCD emission reduction commitments in the PM_{10} and Ozone Attainment Plans through emission reductions associated with construction and operational activities for projects subject to the rule. Since the project contains more than 20,000 square feet of recreational space it will be required to comply with Rule 9510. Compliance with Rule 9510 is separate from the CEQA process, although the control measures used to comply with Rule 9510 may be used to mitigate CEQA impacts.
- Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations: If asphalt paving will be used, then paving operations of the Project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt, and emulsified asphalt for paving and maintenance operations.
- Regulatory Attainment Designations: Under the CCAA, CARB is required to designate areas of the state as attainment, nonattainment, or unclassified with respect to applicable standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

  The EPA designates areas for ozone, CO, and NO_2 as "does not meet the primary standards," "cannot be classified," or "better than national standards." For SO_2, areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, CARB terminology of attainment, nonattainment, and unclassified is more frequently used. The EPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, EPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for PM_{10} based on the likelihood that they would violate national PM_{10} standards. All other areas are designated "unclassified."

  The SJVAB is currently designated as a nonattainment area with respect to the state PM_{10} standard, ozone, and $PM_{2.5}$ standards. The SJVAB is designated nonattainment for the national 8-hour ozone and $PM_{2.5}$ standards. On September 25, 2008, the EPA redesignated the San Joaquin Valley to attainment for the PM_{10} NAAQS and approved the PM_{10} Maintenance Plan.

Table 4-4 shows the SJVAPCD thresholds of significance for both construction- and operation-related emissions from a given project.

Table 4-4: SJVAPCD Thresholds of Significance

SJVAPCD Thresholds of Significance (tons/yr)		
Pollutant	**Construction Emissions**	**Operation Emissions**
ROG	10	10
NO_x	10	10
CO	100	100
SO_x	27	27
PM_{10}	15	15
$PM_{2.5}$	15	15

Source: SJVAPCD, May 2015.

City of Visalia General Plan

- Policy AQ-P-2: Require use of Best Management Practices (BMPs) to reduce particulate emission as a condition of approval for all subdivisions, development plans and grading permits, in conformance with the San Joaquin Valley Air Pollution Control District Fugitive Dust Rule.
- Policy AQ-P-9: Continue to mitigate short-term construction impacts and long-term stationary impacts on air quality on a case-by-case basis and continue to assess air quality impacts through environmental review. Require developers to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with the construction and operation of development projects.

City of Visalia Climate Action Plan

The City Climate Action Plan (CAP) was created as one of the first key steps to guiding the development and enhancement of actions designed to reduce Visalia's Greenhouse Gas (GHG) emissions. The CAP represents the results of a GHG emissions inventory effort which serves as a starting point for the development of a comprehensive municipal and community strategy for addressing GHG emission reduction goals.

The major long-term objectives of the City's CAP for the City government and the community as a whole include the following:

- Reduce net GHG emissions from both municipal operations and community activities;
- Promote cleaner and healthier air to breathe;
- Help the City and its residents save on energy costs;
- Reduce vulnerability to changes in energy availability and price; and
- Increase public awareness of climate change issues.

The City selected the years 2020 and 2030 to establish mitigation targets for the CAP. A reduction of 15% below the 2005 baseline year level is the target for 2020. A reduction of 30% below the 2005 baseline year level is the target for 2030. The City established two mitigation milestones to correlate with the planning horizon of the 2030 General Plan Update, and to ensure that the City is working towards the States goal of an 80% reduction below baseline by 2050.

The City has instituted various actions in an effort to meet the year 2020 and 2030 mitigation targets. The measures identified to achieve mitigation targets are organized into five categories: Energy Systems, Transportation, Water and Resource Conservation, Transportation / Land Use, and Waste and Resource Conservation. Included in the Transportation category is a measure regarding the expansion of bicycle paths.

Table 4-5: Summary of Ambient Air Quality Standards and Attainment Designation

Pollutant	Averaging Time	California Standards*		National Standards*	
		Concentration*	Attainment Status	Primary	Attainment Status
Ozone (O_3)	1-hour	0.09 ppm	Nonattainment/ Severe	–	No Federal Standard
	8-hour	0.070 ppm	Nonattainment	0.075 ppm	Nonattainment (Extreme)**
Particulate Matter (PM_{10})	AAM	20 µg/m^3	Nonattainment	–	Attainment
	24-hour	50 µg/m^3		150 µg/m^3	
Fine Particulate Matter ($PM_{2.5}$)	AAM	12 µg/m^3	Nonattainment	12 µg/m^3	Nonattainment
	24-hour	No Standard		35 µg/m^3	
Carbon Monoxide (CO)	1-hour	20 ppm	Attainment/ Unclassified	35 ppm	Attainment/ Unclassified
	8-hour	9 ppm		9 ppm	
	8-hour (Lake Tahoe)	6 ppm		–	
Nitrogen Dioxide (NO_2)	AAM	0.030 ppm	Attainment	53 ppb	Attainment/ Unclassified
	1-hour	0.18 ppm		100 ppb	
Sulfur Dioxide (SO_2)	AAM	–	Attainment	--	Attainment/ Unclassified
	24-hour	0.04 ppm		--	
	3-hour	–		0.5 ppm	
	1-hour	0.25 ppm		75 ppb	
Lead (Pb)	30-day Average	1.5 µg/m^3	Attainment	–	No Designation/ Classification
	Calendar Quarter	–		--	
	Rolling 3-Month Average	–		0.15 µg/m^3	
Sulfates (SO_4)	24-hour	25 µg/m^3	Attainment	No Federal Standards	
Hydrogen Sulfide (H_2S)	1-hour	0.03 ppm (42 µg/m^3)	Unclassified		
Vinyl Chloride (C_2H_3Cl)	24-hour	0.01 ppm (26 µg/m^3)	Attainment		
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient: 0.23/km-visibility of 10 miles or more due to particles when the relative humidity is less than 70%.	Unclassified		

** For more information on standards visit: https://ww3.arb.ca.gov/research/aaqs/aaqs2.pdf*
*** No Federal 1-hour standard. Reclassified extreme nonattainment for the Federal 8-hour standard*
****Secondary Standard*
Source: CARB 2015; SJVAPCD 2015

4.3.3 Impact Analysis

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. CEQA requires that certain projects be analyzed for consistency with the applicable air quality plan. For a project to be consistent with SJVAPCD air quality plans, the pollutants emitted from a project should not exceed the SJVAPCD emission thresholds or cause a significant impact on air quality. In addition, emission reductions achieved through implementation of offset requirements are a major component of the SJVAPCD air quality plans. As discussed below, construction of the project would not result in the generation of criteria air pollutants that would exceed SJVAPCD thresholds of significance. Implementation of SJVAPCD Regulation VIII would further reduce construction dust impacts. Operational emissions associated with the project would not exceed SJVAPCD established significance thresholds for ROG, NOx, CO, sulfur oxides (SO_x), PM_{10}, or $PM_{2.5}$ emissions. The Project does exceed the minimum dwelling unit count to be subject to Rule 9510, Indirect Source Review. Therefore, the project would not conflict with or obstruct implementation of SJVAPCD air quality plans. Impacts would be less than significant.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact. Construction-generated emissions are temporary in duration, site improvements and construction of the homes will take place over 21 months. The construction of the Project would result in the temporary generation of emissions associated with site grading and excavation, motor vehicle exhaust associated with construction equipment and worker trips, as well as the movement of construction equipment on unpaved surfaces. Estimated construction-generated emissions and operational emissions are summarized in Table 4-6. Operational emissions would occur from vehicular trips, area sources such as fireplaces, and energy sources from the combustion of natural gas. These emissions are summarized in Table 4-7.

Table 4-6: Unmitigated Short-Term Construction-Generated Emissions of Criteria Air Pollutants

Source	Annual Emissions (Tons/Year) [1]					
	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$	SO_x
2024	0.2670	2.3877	2.6145	0.3148	0.1706	<0.001
2025	0.8117	1.2943	1.7508	0.1236	0.0678	<0.001
Maximum Annual Proposed Project Emissions:	0.8117	2.3877	2.6145	0.3148	0.1706	<0.001
SJVAPCD Significance Thresholds:	*10*	*10*	*100*	*15*	*15*	*27*
Exceed SJVAPCD Thresholds?	*No*	*No*	*No*	*No*	*No*	*No*

1. Emissions were quantified using CalEEmod Output Files Version 2020.4.0. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

Table 4-7: Unmitigated Long-Term Operational Emissions

Source	Annual Emissions (Tons/Year) (1)					
	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$	SO_x
Maximum Annual Project Emissions:	1.3004	0.8330	4.9340	0.0117	0.0105	0.0117
SJVAPCD Significance Thresholds:	*10*	*10*	*100*	*15*	*15*	*27*
Exceed SJVAPCD Thresholds?	*No*	*No*	*No*	*No*	*No*	*No*

2. Emissions were quantified using CalEEmod Output Files Version 2020.4.0. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

As Project emissions will not exceed established thresholds, impacts would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. The Project would generate diesel particulate matter during construction and during project operations when solid waste is being collected from the site. These emissions are short in duration, temporary, and consistent with emissions found in the project vicinity. Furthermore, the conversion of farmland would likely result in similar emission reductions. A Health Risk Assessment utilizing Hotspots Analysis and Reporting Program (HARP) Air Dispersion Modeling and Risk Assessment Tool version 21081 was prepared for the Project, using the emissions found in Receptors were placed at the boundary of the Project site and spaced 50 meters apart. The maximum impact was found to be 0.007419 in a million. This shows that the Project would not be a substantial producer of pollutant concentrations which sensitive receptors would be exposed to. Therefore, impacts would be less than significant.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roaster, asphalt batch plants, and rendering plants, among other uses. The Project does not include any of these activities or land uses. The Project would therefore have no impact with respect to generation of emissions leading to odors or other adverse or objectionable emissions.

4.4 BIOLOGICAL RESOURCES

Table 4-8: Biological Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☐	☒

4.4.1 Baseline Conditions

General

The proposed Project is located near the intersection of North Demaree Street and West Ferguson Avenue (Project) located in the City of Visalia, California. The Project's Area of Potential Effect (APE) that was reviewed for biological resources consists of approximately 23.7 acres with an additional 50-foot buffer surrounding the APE (see Appendix B: Biological Review). The topography is relatively flat across the San Joaquin Valley floor and the APE is situated at approximately 300 feet in elevation. The APE includes an active pomegranate orchard and a portion of the median in the center of West Ferguson Avenue (see Appendix B: Biological Review).

Like most of California, the San Joaquin Valley experiences a Mediterranean climate. Warm, dry summers are followed by cool, moist winters. Summer temperatures often reach above 90 degrees Fahrenheit, and the humidity is generally low. Winter temperatures are often below 60 degrees Fahrenheit during the day and rarely exceed 70 degrees. On average, the Central Valley receives approximately 12 inches of precipitation in the form of rainfall yearly, most of which occurs between October and April.

Water

The nearest surface waters is an above ground canal approximately 0.3 miles away. The canal receives water from St. John's River, which is approximately 1.5 miles away from the APE.

A watershed is the topographic region of water that drains into a stream, river, or lake and can consist of many smaller subwatersheds. The APE lies within the Lower Cross Creek watershed; Hydrologic Unit Code (HUC): 1803000713 and the Mosquito Creek-Cross Creek subwatershed; HUC: 180300071302.

The Lower Cross Creek watershed is comprised of stormwater or snowmelt collected in upland areas which flows into Hamilton Creek, Eagle Scout Creek, Granite Creek, Cliff Creek, Buck Creek, Castle Creek, Merhten Creek, Panther Creek, Dome Creek, and Paradise Creek, which are tributaries to Middle Fork Kaweah River. Middle Fork Kaweah River, Marble Fork Kaweah River, North Fork Kaweah River, East Fork Kaweah River, and South Fork Kaweah River join to form the Kaweah River. Kaweah River then flows into Kaweah Lake which also receives flow from Horse Creek and Grassy Creek. Kaweah River then flows out of Kaweah Lake. Kaweah River then flows into St. John's River. St. John's River flows into irrigation canals that run adjacent to the APE and terminate in Visalia. St. John's River continues past the APE, eventually flowing into Tule River which terminates in Tule Lakebed.

Soil

One soil mapping unit representing a singular soil type was identified within the APE. Tagus loam with a 0 to 2 percent slope, is found within 100 percent of the APE. It is well drained, moderately permeable with low runoff. This soil is primarily used for irrigated cropland, dairies, and urban development. None of the major or minor soil mapping units were identified as hydric. Hydric soils are defined as soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions such that under sufficiently wet conditions, hydrophytic vegetation can be supported.

The full soil report can be found in Appendix B: Biological Review at the end of this document.

Wildlife and Plant Species

A thorough search of the California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDB), the United States Fish and Wildlife Service (USFWS), Information for Planning and Consultation (IPaC), and iNaturalist were reviewed for potential special status plant and animal species that may be found in and around the APE. The CNDDB search included the United States Geologic Survey areas encompassing the *Visalia* 7.5-minute quadrangle that contain the APE in its entirety, and for the eight surrounding quadrangles: *Traver, Monson, Ivanhoe, Exeter, Cairns Corner, Tulare, Paige,* and *Goshen*. The full CNDDB and IPaC species list can be found in Appendix B: Biological Review at the end of this document.

A pre-construction biological survey was conducted on October 27, 2021 by Provost & Pritchard biologist Shaylea Stark. During the survey, 46 valley oak trees (*Quercus lobata*), were identified. GPS coordinates, diameter at breast height (DBH), and total height were recorded (see Appendix B: Biological Review). The survey also consisted of walking thoroughly through the APE while identifying and noting land uses,

biological habitats and communities, plant and animal species encountered, and assessed for suitable habitats of various wildlife species.

There are 23 special status animal species and 18 special status plant species found within the nine-quad search. Species found within three miles of the APE includes five animal species which are explained further in Table 4-9 below. No plant species were found within three miles of the APE. CNDDB contains records of historical observations which lack precise occurrence locations. These inaccurate occurrences have been omitted from the list below.

Table 4-9: List of Special Status Animals with Potential to Occur Onsite and/or in the Vicinity.

Species	Status	Habitat	Occurrence on APE
Northern California legless lizard (*Anniella pulchra*)	CSC	Found primarily underground, burrowing in loose, sandy soil. Forages in loose soil and leaf litter during the day. Occasionally observed on the surface at disk and night.	**Unlikely**. The APE is an active orchard that is regularly maintained and disced which creates a habitat unsuitable for this species. The APE in the median is separated from the orchard by a paved road with frequent traffic. The nearest recorded observations of this species are an unknown location in the vicinity of Visalia in 1934 (CNDDB) and ten miles southeast of the APE in 2021.
San Joaquin kit fox (*Vulpes macrotis mutica*)	FE, CT	Underground dens with multiple entrances in alkali sink, valley grassland, and woodland in vallrys and adjacent foothills.	**Unlikely**. The APE is located within the historic range for San Joaquin kit fox, but there are no known core or satellite populations in the vicinity of the APE. Dens were not identified within the APE. Elevated levels of human and traffic disturbance would deter this species from the area.
Vernal pool fairy shrimp (*Branchinecta lynchi*)	FT	Occupies vernal pools, clear to tea-colored water, in grass or mud-bottomed swales, and basalt depression pools.	**Absent**. Suitable vernal pool habitat for this species is absent from the APE and surrounding area. In between the rows of stonefruit, the APE is subject to intermittent discing and prominent levels of ground disturbance.
Western mastiff bat (*Eumops perotis californicus*)	CSC	Found in open, arid to semi-arid habitats, including dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas, where it feeds on insects in flight. Roosts most commonly in crevices in cliff faces but may also use high buildings and tunnels.	**Unlikely**. Suitable roosting habitat is absent from the APE. The closet recorded observation of this species is four miles south of the APE. At most, a transient occurrence of this species may be found foraging within the APE at night.
Western spadefoot (*Spea hammondii*)	CSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Vernal pools or temporary wetlands, lasting a minimum of three weeks, which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	**Absent**. Suitable habitat for this species is absent from the APE and surrounding area, due to intermittent discing and prominent levels of ground disturbance. The closet recorded observation of this species is approximately three miles west of the APE in 2004.

EXPLANATION OF OCCURRENCE DESIGNATIONS AND STATUS CODES

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 due to absence of suitable habitat.

STATUS CODES

FT	Federally Threatened
FE	Federally Endangered
CT	California Threatened
CSC	California Species of Concern

4.4.2 Applicable Regulations

Federal

Endangered Species Act

The Endangered Species Act (ESA) administered by the United States Fish and Wildlife Service (USFWS) protects fish and wildlife species and their habitats that have been identified by the USFWS as threatened or endangered. Endangered refers to species, subspecies, or distinct population segments that are in danger of extinction through all or a significant portion of their range. Threatened refers to species, subspecies, or distinct population segments that are likely to become endangered in the near future.

Due to the potential for the City to obtain federal grant funding for the Project, Sections 7 and 9 of the ESA may be relevant. Provisions of Sections 7 and 9 are summarized below.

- Section 7: Section 7 of the ESA provides a means for authorizing incidental take of threatened and endangered species by federal agencies. "Take" as defined by ESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct". "Harm" is defined as "any act that kills or injures the species, including significant habitat modification." Under Section 7, the federal agency funding, permitting, or conducting an action [the lead federal agency, such as the United States Army Corps of Engineers] must consult with USFWS to ensure that the proposed action would not jeopardize endangered or threatened species or destroy or adversely modify designated critical habitat. If a Project "may affect" a listed species or designated critical habitat, the federal lead agency is required to prepare a biological assessment (BA) evaluating the nature and severity of the expected effect. In response, the USFWS issues a biological opinion, with a determination whether the proposed action either:
    - Would jeopardize the continued existence of one or more listed species (jeopardy finding) or result in the destruction or adverse modification of critical habitat (adverse modification finding), or
    - Would not jeopardize the continued existence of any listed species (no jeopardy finding) or result in adverse modification of critical habitat (no adverse modification finding).

  The biological opinion issued by the USFWS may stipulate discretionary "reasonable and prudent" conservation measures. If the project would not therefore jeopardize a listed species, the USFWS issues an incidental take statement to authorize the proposed activity.

- Section 9: Section 9 of the ESA prohibits the take of any fish or wildlife species listed as endangered under the ESA by any person subject to the jurisdiction of the United States. Take of threatened

species also is prohibited under Section 9, unless otherwise authorized by federal regulations. In some cases, exceptions may be made for threatened species under ESA Section 4[d]; in such cases, the USFWS issues a "4[d] rule" describing protections for the threatened species and specifying the circumstances under which take is allowed. In addition, Section 9 prohibits removing, digging up, cutting, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction.

Executive Order (EO) 13186 – Federal Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), 16 United States Government Code 703–712, prohibits the take of any migratory bird or any part, nest, or eggs of any such bird.[6] Under the act, "take" is defined as the action of or attempt to "pursue, hunt, shoot, capture, collect, or kill". This act applies to all persons and agencies in the United States, including federal agencies.

Executive Order (EO) 13186 requires that any project with federal funding, permitting, or action must address the impacts of the project on migratory birds.[7] The order is designed to assist federal agencies in their efforts to comply with the MBTA and does not constitute any legal authorization to take migratory birds. The order also requires federal funding, permitting, or action-taking agencies to work with the USFWS to develop a memorandum of understanding (MOU). Protocols developed under the MOU must promote the conservation of migratory bird populations through:

- Avoiding and minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions;
- Restoring and enhancing the habitat of migratory birds, as practicable; and
- Preventing or abating the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

EO 13112: Invasive Species

EO 13112, signed February 3, 1999, directs all federal agencies to prevent and control the introduction of invasive species in a cost-effective and environmentally sound manner. The EO requires consideration of invasive species in NEPA analyses, including their identification and distribution, their potential effects, and measures to prevent or eradicate them.

EO 11990: Protection of Wetlands

EO 11990, signed May 24, 1977, directs all federal agencies to refrain from assisting in or giving financial support to projects that encroach on publicly or privately-owned wetlands. It further requires that federal agencies support a policy to minimize the destruction, loss, or degradation of wetlands.

State

California Environmental Quality Act

CEQA is the regulatory framework by which California public agencies identify and mitigate significant environmental impacts. The CEQA statute is set forth in Public Resources Code Section 21000, et seq. and the Guidelines implementing the Act (State CEQA Guidelines) are set forth in the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000, et seq. A project normally is considered to result in a significant environmental impact on biological resources if it substantially affects a rare or endangered

[6] (Cornell Law School 2022)
[7] (United States Department of Energy 2022)

species or the habitat of that species, substantially interferes with the movement of resident or migratory fish or wildlife, or substantially diminishes habitat for fish, wildlife, or plants.

California Endangered Species Act

California implemented California Endangered Species Act (CESA) in 1984. The act prohibits the take of endangered and threatened species; however, habitat destruction is not included in the States definition of take. Under CESA, "take" is defined as an activity that would directly or indirectly hunt, pursue, catch, capture, or kill an individual of a species. Section 2090 of CESA requires State agencies to comply with endangered-species protection and recovery and promote conservation of these species. CDFW administers the act and authorizes take through Section 2081 agreements (except for species designated as fully protected). Regarding rare plant species, CESA defers to the California Native Plant Protection Act of 1977, which preserves, protects, and enhances rare and endangered plant species and prohibits importing/exporting or the sale of rare and endangered plants. All State plants that have been designed as rare, threatened, endangered, or listed as a candidate or species of special concern are protected. In addition to federal and State protection the California Native Plant Society has a ranking system that places native plants into categories or ranks reflecting degrees of concern and which also needs to be addressed during CEQA review.

California Fish and Game Code

- Section 1602: Under Fish and Game Code Section 1602, public agencies are required to notify CDFW before undertaking any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review occur generally during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resources. These modifications are formalized in a streambed-alteration agreement that becomes part of the plans, specifications, and bid documents for the project.

- Sections 3503 and 3503.5: Fish and Game Code Section 3503 prohibits the destruction of bird nests. Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests.
- Section 3511 (Fully Protected Birds): The Fish and Game Code provides protection from take for a variety of species of birds, referred to as fully protected species. Section 3511 lists fully protected birds and prohibits take of these species. The Fish and Game Code defines take as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Except for take related to scientific research, all take of fully protected species of birds is prohibited.

Local

City of Visalia General Plan

- Objective OSC-O-10: Protect and enhance natural vegetation throughout the Planning Area, especially types that are considered sensitive natural communities by the Department of Fish and Game [sic].
    - Policy OSC-P-28: Protect significant stands of Valley Oak woodlands from further development by designating them for Conservation, creating habitat management plans, where needed, and undertaking restoration activities as appropriate.
    - Policy OSC-P-30: Require assessments of biological resources prior to approval of any discretionary development projects involving riparian habitat, wetlands, or special status

species habitat. Early in the development review process, consult with California Department of Fish and Game, U.S. Fish and Wildlife Service, and other agencies.

- Policy OSC-P-31: Protect and enhance habitat for special status species, designated under state and federal law. Require protection of sensitive habitat areas and special status species in new development in the following order: (1) avoidance; (2) onsite mitigation, and (3) offsite mitigation.

City of Visalia Oak Tree Preservation Ordinance

The City has a valley oak (*Quercus lobate*) tree ordinance that protects valley oak trees with a diameter at breast height of 18 inches or greater. Under this ordinance, removal or encroachment within the dripline of or damage to valley oak trees is prohibited. Removal requires a permit from the City Manager and mitigation either by replacement in-kind or payment of an in-lieu fee to be used for future oak tree planting.[8]

4.4.3 Impact Analysis

a) 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 Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. Of the five regionally occurring special status animal species, all of them were found to be absent or unlikely to occur within the APE due to unsuitable habitat. As explained in Table 4-9, these species include: Northern California legless lizard, San Joaquin kit fox, vernal pool fairy shrimp, western mastiff bat, and western spadefoot. Since it is unlikely these species would occur onsite, implementation of the Project would have no impact on these special status species through construction mortality, disturbance, or loss of habitat. Protection measures are not warranted.

The APE contains suitable nesting and/or foraging habitat for ground and tree nesting avian species. With implementation of mitigation measures BIO-1, BIO-2, and BIO-3, any potential impacts to nesting birds would be reduced to less than significant.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The CDFW and USFWS often designates areas of "Critical Habitat" when it lists species as threatened or endangered. Critical Habitat is a specific geographic area that contains features essential for the conservation of a threatened or endangered species and would require special management or protection. According to CNDDB and IPaC, designated critical habitat is absent from the APE and vicinity.

CDFW also designates "natural communities of special concern" and are defined by distinguished, significant biological diversity, or a home to special status species. According to CNDDB, Northern Claypan Vernal Pool is designated as a natural community of special concern and is located approximately six miles northwest of the APE. Northern Hardpan Vernal Pool is designated as a natural community of special concern and is located is ten miles northeast of the APE. Valley Sacaton Grassland is designated

[8] (City of Visalia 2022)

as a natural community of special concern and is located seven miles west, and eight miles east of the APE. Great Valley - Valley Oak Riparian Forest is designated as a natural community of special concern and is located eight miles west of the APE. Valley Oak trees within the APE are not part of this designated community and will be addressed using the requirements set forth by the City of Visalia, Oak Tree Ordinance (12.24.010 through 12.24.270). The Project would not impact these natural communities. Therefore, there would be no impact.

c) Would the project 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?

No Impact. The APE does not contain natural aquatic features and potential Waters of the United States, riparian habitat, typical wetlands, vernal pools, lakes, or streams, or other sensitive natural community (Appendix B: Biological Review). The nearest surface water is an above ground canal approximately 0.3 miles away. The canal receives water from St. John's River, which is approximately 1.5 miles away from the APE. Implementation of the Project would have no impact on jurisdictional waters, wetlands, navigable waters, wild and scenic rivers, riparian habitat or other water features. Therefore, the Project would not require jurisdictional permits from regulatory compliance agencies. There would be no impact.

d) Would the project 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?

No Impact. 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.

The APE does not contain features that would be likely to function as wildlife movement corridors. Further, a portion of the APE located in the median is disturbed by ongoing traffic and the remainder of the APE is completely surrounded by a fence, which would discourage dispersal and migration.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. Forty-six Valley Oak trees were identified within the APE. The City of Visalia Oak Tree Ordinance states (12.24.025):

"It is unlawful for any person to willingly remove, destroy, damage, mutilate, poison, or attempt to kill an oak tree in the city, except as may be allowed pursuant to a removal permit as provided for in Section 12.24.020 of this Chapter, or as designated in a notice to prune an oak tree that satisfies Article 3 of this chapter."[9]

The ordinance goes on to define "oak tree" as (12.24.020):

[9] (American Legal Publishing Legal Code Library 2022)

"Oak tree" means Valley Oak Tree *(Quercus lobata*), with a trunk diameter of eighteen (18) inches or greater at a point 4.5 feet above the root crown (Also referred to as "18 inches DBH")."

Four Valley Oak trees were measured to have greater than 18 inches DBH and therefore a removal permit must be obtained to remove or destroy them. As the Project will require compliance with the removal permit, impacts will be less than significant.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.

4.4.4 Mitigation

BIO-1 The Project's construction activities will occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.

BIO-2 If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist would conduct a pre-construction survey for all nesting birds within the Project boundary and an additional 50 feet surrounding the Project, no more than seven days prior to the start of construction. All raptor nests would be considered "active" upon the nest-building stage.

BIO-3 On discovery of any active nests or breeding colonies near work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW and/or USFWS guidelines and/or the biology of the species in question. Construction buffers will be identified with flagging, fencing, or other easily visible means, and will be maintained until the biologist has determined that the nestlings have fledged and are no longer dependent on the nest.

4.5 CULTURAL RESOURCES

Table 4-10: Cultural Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

4.5.1 Baseline Conditions

As the oldest Central Valley city south of Stockton, Visalia hosts an impressive collection of historic sites and structures, including four that are listed on the National Register of Historic Places. Numerous distinctive architectural styles are present in Visalia, concentrated in the city's historic core; particularly notable examples are recorded in the city's local registry.[10]

Visalia was settled in 1852 and incorporated as a city in 1874. In its early years the City was a supply center for nearby gold mining operations, and had an agricultural economy based on livestock. The construction of the Southern Pacific Railroad through the Valley in 1872 triggered a shift in the agricultural economy from cattle toward field crops. The next major economic change was brought about by the availability of irrigation water, resulting in the conversion of large grain fields to small farms, where citrus, grapes, olives, and deciduous fruits were raised. These crops are a mainstay of the region's economy today. [11]

Records Search

A records search from the Southern San Joaquin Valley Information Center (SSJVIC) of the California Historical Resources Information System (CHRIS), located at California State University, Bakersfield was conducted in February 2022. The SSJVIC records search includes a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest, the California Historical Landmarks , the California Register of Historical Resources , the National Register of Historic Places, and the California State Built Environment Resources Directory listings were reviewed for the above referenced APE and an additional ½ mile radius. Due to the sensitive nature of cultural resources, archaeological site locations are not released. (Appendix C).

[10] (City of Visalia 2014) General Plan Chapter 3 Historic Preservation
[11] Ibid.

Additional sources included the State Office of Historic Preservation (SHPO) Historic Properties Directory, Archaeological Determinations of Eligibility, and the California Inventory of Historic Resources.

Native American Outreach

The Native American Heritage Commission (NAHC) in Sacramento was also contacted in February 2022. They were provided with a brief description of the Project and a map showing its location and requested that the NAHC perform a search of the Sacred Lands File to determine if any Native American resources have been recorded in the immediate APE. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act, among many other powers and duties.

4.5.2 Applicable Regulations

Federal

National Register of Historic Places

The National Historic Preservation Act authorizes the Secretary of the Interior to establish a Nation Register of Historic Places, an inventory of districts, sites, buildings, structures, and objects significant on a national, state, or local level in American history, architecture, archeology, engineering, and culture. The National Register is maintained by the National Park Service, the Advisory Council on Historic Preservation, SHPO, and grants-in-aid programs.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) strives to ensure that all Indian human remains, and cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums. It also states the intent for states to provide mechanisms for aiding Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

State

Office of Historic Preservation

The mission of the Office of Historic Preservation and the State Historical Resources Commission is to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations. Public Resources Code (PRC) Section 5024 requires consultation with the SHPO when a project may impact historical resources located on State-owned land.

California Register of Historic Resources

The SHPO maintains the California Register of Historic Resources (CRHR). Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the CRHR (PRC Section 5024.1). State Landmarks and Points of Interest are also automatically listed. The California Register can also include properties designated under local preservation ordinances or identified through local historic resource surveys.

For a historic resource to be eligible for listing on the California Register, it must be significant at the local, state, or national level under one or more of the following four criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local and regional history, or the cultural heritage of California or the United States;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (California Public Resources Code).

California Environmental Quality Act

PRC Section 21083.2 Archaeological Resources: CEQA directs the lead agency to include in its environmental assessment for the project a determination of the project effects on unique archeological resources; defines unique archeological resource; enables a lead agency to require an applicant to make a reasonable effort to preserve or mitigate impacts to any affected unique archeological resource; sets requirements for the applicant to provide payment to cover costs of mitigation; and restricts excavation as a mitigation measure.

PRC Section 21084.1 Historic Resources: CEQA establishes that adverse effects on a historic resource qualifies as a significant effect on the environment; and defines historical resource.

CEQA Guidelines Section 15064.5: This section defines three ways that a property can qualify as a significant historical resource for the purposes of CEQA review:

- If the resource is listed in or determined eligible for listing in the California Register of Historical Resources;
- If the resource is included in a local register of historical resources, as defined in PRC Section 5020.1(k), or is identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g) unless a preponderance of evidence demonstrates that it is not historically or culturally significant; or
- If the lead agency determines the resource to be significant as supported by substantial evidence (CEQA Guidelines Section 15064.5)

In addition to determining the significance under CEQA and eligibility of any identified historical resource for the California Register, historic properties must be evaluated under the criteria for the National Register should federal funding or permitting become involved in any undertaking subject to this document.

CEQA Guidelines on Mitigation of Cultural Resources Impacts

CEQA Guidelines Section 15126.4 states that "public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archeological nature." The Guidelines further state that preservation-in-place is the preferred approach to mitigate impacts on archaeological resources. However, according to Section 15126.4, if data recovery through excavation is "the only feasible mitigation," then a "data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resources, shall be prepared and adopted prior to any excavation being undertaken." Data recovery is not required for a resource of an archaeological nature if "the lead agency determines that testing or studies already completed have adequately recovered the scientifically

consequential information from and about the archaeological or historical resource." The section further states that its provisions apply to those archaeological resources that also qualify as historic resources.

Native American Heritage Act

Also relevant to the evaluation and mitigation of impacts to cultural resources is the Native American Heritage Act of 1976 which established the NAHC and protects Native American religious values on state property (see PRC Section 5097.9).

Public Notice to California Native American Indian Tribes

GC Section 65092 includes California Native American tribes that are on the contact list maintained by the NAHC in the definition of "person" to whom notice of public hearings shall be sent by local governments.

Tribal Consultation Guidelines

Passed in 2004, SB 18 (Burton, D-San Francisco; codified at GC Sections 65351 and 65352) established a procedure to help tribes and jurisdictions define tribal cultural resources and sacred areas more clearly and incorporate protection of these places earlier into the General Plan and Specific Plan processes. The SB 18 process mirrors the Section 106 Review process used by archaeologists as part of the environmental review conducted under NEPA (36 CFR Part 800) While not a component of CEQA review per se, the Lead agency is required to request consultation neighboring tribes, during the initial study and EIR process (PRC 21080.3.1).

Disposition of Human Remains (Health and Safety Code Section 7050.5)

When an initial study identifies the existence, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native American groups or individuals as identified by the NAHC as provided in PRC Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American burials. Furthermore, HSC Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

California Native American Graves Protection and Repatriation Act of 2001

HSC Sections 8010-8011 establish a State repatriation policy intent that is consistent with and facilitates implementation of NAGPRA. The Act strives to ensure that all California Indian human remains, and cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also states the intent for the state to provide mechanisms for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

Local

City of Visalia General Plan

- Policy OSC-P-39: Establish requirements to avoid potential impacts to sites suspected of being archaeologically, paleontologically, or historically significant or of concern, by:
    - Requiring a records review for development proposed in areas that are considered archaeologically or paleontologically sensitive;
    - Determining the potential effects of development and construction on archaeological or paleontological resources (as required by CEQA);

- Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity; and
- Implementing appropriate measures to avoid the identified impacts, as conditions of project approval.

4.5.3 Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

See section b) below.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

a-b) Less than Significant Impact with Mitigation Incorporated. A CHRIS records search, from the SSJVIC, was conducted in February 2022 and confirmed there have been no previous cultural resource studies conducted within the Project area. There have been two previous cultural resource studies conducted within the one-half mile radius, TU-00103 and 01248. The search also confirmed the absence of identified cultural resources within the Project APE and the one-half mile radius. It is unlikely that the Project has the potential to result in significant impacts or adverse effects to any unknown cultural or historical resources, such as archaeological remains, artifacts or historic properties. However, in the improbable event that cultural resources are encountered during Project construction, implementation of mitigation measure CUL-1 outlined below, would reduce impacts to any historical or archaeological resource to less than significant.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact with Mitigation Incorporated. The Project site is currently a pomegranate orchard with no structures. The Project proposes to develop a subdivision of 117 single family lots and a 2.02-acre park. There is no evidence in the record that indicates the Project has the potential to be an unknown burial site or the site of buried human remains. In the unlikely event of such a discovery, mitigation shall be implemented. With incorporation of mitigation measure CUL-2 outlined below, impacts resulting from the discovery of remains interred on the Project site would be less than significant.

4.5.4 Mitigation

CUL-1 Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.

CUL-2 In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the

NAHC in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.

4.6 ENERGY

Table 4-11: Energy Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

4.6.1 Baseline Conditions

The subject property is composed of a pomegranate orchard spanning approximately 23.7 acres. Typical current cultivation operations include traversing the site with all-terrain vehicles and pickup trucks, removal and replanting of orchards, and the picking of fruit.

4.6.2 Applicable Regulations

Federal

Energy Independence and Security Act of 2007

The Energy Independence and Security Act, enacted by Congress in 2007, is designed to improve vehicle fuel economy and help reduce the United States' dependence on foreign oil. It expands the production of renewable fuels, reducing dependence on oil and confronting climate change. Specifically, it does the following:

- Increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard that requires fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Reduces United States demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020, an increase in fuel economy standards of 40 percent as compared to 2007 levels.

The Energy Independence and Security Act of 2007 also set energy efficiency standards for lighting (specifically light bulbs) and appliances. Development would also be required to install photosensors and energy-efficient lighting fixtures consistent with the requirements of 42 United States Code Section 17001 et seq.

Energy Policy and Conservation Act

Enacted in 1975, this legislation established fuel economy standards for new light-duty vehicles sold in the United States. The law placed responsibility on the National Highway Traffic and Safety Administration for establishing and regularly updating vehicle standards. The United States EPA administers the Corporate Average Fuel Economy program, which determines vehicle manufacturers' compliance with existing fuel economy standards. Since the inception of the Corporate Average Fuel Economy program, the average fuel

economy for new light-duty vehicles steadily increased from 13.1 miles per gallon for the 1975 model year to 30.7 miles per gallon for the 2014 model year and is proposed to increase to 54.5 by 2025. Light-duty vehicles include autos, pickups, vans, and sport-utility vehicles.

Energy Star Program

Energy Star is a voluntary labeling program introduced by EPA to identify and promote energy-efficient products to reduce GHG emissions. The program applies to major household appliances, lighting, computers, and building components such as windows, doors, roofs, and heating and cooling systems. Under this program, appliances that meet specifications for maximum energy use established under the program are certified to display the Energy Star label. In 1996, the EPA joined with the Energy Department to expand the program, which now also includes certifying commercial and industrial buildings as well as homes.

Construction Equipment Fuel Efficiency Standard

The EPA sets emission standards for construction equipment. The current iteration of emissions standards for construction equipment are the Tier 4 efficiency requirements contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068. Emissions requirements for new off-road Tier 4 vehicles were completely phased in by the end of 2015.

State

California Energy Action Plan

The California Energy Commission (CEC) is responsible for preparing the California Energy Action Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The 2008 California Energy Action Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, as well as encouragement of urban designs that reduce vehicle miles traveled (VMT) and accommodate pedestrian and bicycle access.

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to Assembly Bill (AB) 2076 (Chapter 936, Statutes of 2000), the CEC and California Air Resources Board (CARB) prepared and adopted a joint-agency report, Reducing California's Petroleum Dependence, in 2003. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT. One of the performance-based goals of AB 2076 is to reduce petroleum demand to 15 percent below 2003 demand. In response to the CEC's 2003 and 2005 Integrated Energy Policy Reports, the Governor directed the CEC to take the lead in developing a long-term plan to increase alternative fuel use.

Integrated Energy Policy Report

SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The CEC uses these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety. The most recent assessment, the 2018 Integrated Energy Policy Report, contains two volumes. Volume I highlights the implementation of California's innovative policies and the role they have played in establishing a clean energy economy.

Volume II provides more detail on several key energy policies, including decarbonizing buildings, increasing energy efficiency savings, and integrating more renewable energy into the electricity system.

Senate Bill (SB) 350

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires a doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

California Renewable Portfolio Standard and Senate Bill 100

Approved by former Governor Brown on September 10, 2018, SB 100 accelerates the state's Renewable Portfolio Standard program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Assembly Bill 1493: Reduction of Greenhouse Gas Emissions

AB 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." Implementation of new regulations prescribed by AB 1493 required that the state of California apply for a waiver under the federal Clean Air Act. Although the EPA initially denied the waiver in 2008, EPA approved a waiver in June 2009, and in September 2009, CARB approved amendments to its initially adopted regulations to apply the Pavley standards that reduce GHG emissions to new passenger vehicles in model years 2009 through 2016. According to CARB, implementation of the Pavley regulations is expected to reduce fuel consumption while also reducing GHG emissions.

On September 19, 2019, the EPA withdrew California's Clean Air Act preemption waiver and issued the One National Program Rule, which prohibits states from establishing their own separate fuel economy standards or passing laws that substantially affect fuel economy standards. As a result, California may no longer promulgate and enforce its tailpipe GHG emission standard and zero emission vehicle mandate.

Energy Action Plan

In 2003, the CEC and California Public Utilities Commission set forth their energy policy vision in the Energy Action Plan (EAP). The CEC adopted an update to the EAP in February 2008 (EAP II) that supplements the earlier EAP and examines the state's ongoing actions in the context of global climate change. The nine major action areas in the EAP include energy efficiency, demand response, renewable energy, electricity adequacy/reliability/infrastructure, electricity market structure, natural gas supply/demand/infrastructure, transportation fuels supply/demand/infrastructure, research/development/demonstration, and climate change.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statutes of 2005) required the CEC to prepare a plan to increase the use of alternative fuels in California. The CEC prepared the State Alternative Fuels Plan in partnership with CARB and in consultation with other federal, state, and local agencies. The State Alternative Fuels Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The State Alternative Fuels Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

Bioenergy Action Plan (EO S-06-06)

EO S-06-06 establishes targets for the use and production of biofuels and biopower and directs state agencies to work together to advance biomass programs in California while providing environmental protection and mitigation. The EO establishes the following in-state production targets to increase the production and use of bioenergy, including ethanol and biodiesel fuels made from renewable resources:

- Produce 20 percent of biofuels used in California by 2010;
- Produce 40 percent of biofuels used in California by 2020; and,
- Produce 75 percent of biofuels used in California by 2050.

EO S-06-06 also calls for the state to meet a target for use of biomass electricity. The 2011 Bioenergy Action Plan identifies potential barriers and recommends actions to address them so the state can meet its clean energy, waste reduction, and climate protection goals. The 2012 Bioenergy Action Plan updates the 2011 Plan and provides a more detailed action plan to achieve the following goals:

- Increase environmentally and economically sustainable energy production from organic waste
- Encourage development of diverse bioenergy technologies that increase local electricity generation, combined heat and power facilities, renewable natural gas, and renewable liquid fuels for transportation and fuel cell applications
- Create jobs and stimulate economic development, especially in rural regions of the state
- Reduce fire danger, improve air and water quality, and reduce waste.

Title 24, California Code of Regulations

California Code of Regulations, Title 24, Part 6, is California's Energy Efficiency Standards for Residential and Non-residential Buildings. The CEC established Title 24 in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and nonresidential buildings. The standards are updated on an approximately three-year cycle to allow consideration and possible incorporation of new efficient technologies and methods. In 2019, the CEC updated Title 24 standards with more stringent requirements effective January 1, 2020. All buildings for which an application for a building permit is submitted on or after January 1, 2020, must follow the 2019 standards. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions.

California Green Building Standards Code (2019), California Code of Regulations Title 24, Part 11

California's Green Building Code, referred to as CalGreen, was developed to provide a consistent approach to green building in the State. Having taken effect in January 2020, the most recent version of CalGreen lays out the minimum requirements for newly constructed residential and nonresidential buildings to reduce GHG emissions through improved energy efficiency and process improvements. It also includes voluntary tiers to further encourage building practices that improve public health, safety, and general welfare by promoting a more sustainable design.

2017 Climate Change Scoping Plan

On December 14, 2017, the CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the State's 2030 GHG emissions reduction target of 40 percent below 1990 levels. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, and implementation of recently adopted policies and legislation. The 2017 Scoping Plan includes a wide variety of goals related to energy efficiency and renewable energy that are intended to help meet the State's 2030 target, including goals specifically targeted at the water sector.

Local

Visalia General Plan

The City of Visalia implements the following policies that are applicable to the Project related to energy consumption:

> AQ-P-16. Support State efforts to reduce greenhouse gases and emissions through local action that will reduce motor vehicle use, support alternative forms of transportation, require energy conservation in new construction, and energy management in public buildings, in compliance with AB 32.

4.6.3 Impact Analysis

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. The Project would comply with Building Energy Efficiency Standards included in Title 24 of the California Code of Regulations, which requires new residential development to incorporate energy efficiency standards into Project designs. In addition, the Project would implement the aforementioned General Plan policy. The Project proposes the construction of residence that will comply with the energy conservation requirements of the California Building Code and will be adjacent to an existing bicycle route.

Natural gas for the Project and the surrounding area are serviced by Southern California Gas Company (SoCalGas). The Project site does not currently have a demand for natural gas usage and the Project would represent an increase in natural gas usage. However, SoCalGas has indicated it can meet the increased demand for natural gas with its existing facilities and through engaging in Energy Efficiency programs.

Current regulations for construction equipment, heavy-duty equipment, and earthmoving equipment used in construction contributes to reductions in energy as well as reduction in pollutant emissions. California implemented its In-Use Off-Road Diesel Fueled Fleets regulations (off-road regulation) which applies to all self-propelled off-road diesel vehicles 25 horsepower or greater and most two-engine vehicles. The Small Off-Road Engines program was implemented by California to apply to categories of outdoor powered equipment and specialty vehicles often used in construction.

Through compliance with energy reduction standards and regulations aimed at reducing consumption of transportation related energy consumption, as well as the energy provider's energy reduction programs, the Project will have less than significant impacts related to energy usage during Project operations and construction and its impacts related to wasteful, inefficient, or unnecessary energy consumption overall, would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. The Project would not conflict with any of the applicable plans including Title 24, AB 32, SB 32, SB 350, and SB 100, therefore the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and would be less than significant.

4.7 GEOLOGY AND SOILS

Table 4-12: Geology and Soils Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause 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 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
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 wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☒	☐	☐

4.7.1 Baseline Conditions

Geology and Soils

Surface soils exhibit various characteristics dependent on location, slope, parent rock, climate, and drainage. The Project site currently contains Tagus loam, 0 to 2 percent slope.[12]

[12] (United States Department of Agrculture Natural Resource Conservation Service 2022)

Faults and Seismicity

The Project is not located within an Alquist-Priolo Earthquake Fault Zone and there are no known active faults within the City of Visalia. The nearest major fault is the San Andreas Fault, located approximately 70 miles southwest of the Project site. The San Andreas fault is the dominant active tectonic feature of the Coast Ranges and represents the boundary of the North American and Pacific plates. The Nunez Fault is approximately 50 miles southwest and the Poso Fault is approximately 50 miles south.

Liquefaction

The potential for liquefaction, which is the loss of soil strength due to seismic forces, is dependent on soil types and density, the groundwater table, and the duration and intensity of ground shaking. Although no specific liquefaction hazard areas have been identified in Tulare County or the City of Visalia, this potential is recognized throughout the San Joaquin Valley where unconsolidated sediments and a high-water table coincide. Soil types along the Valley floor are not generally conducive to liquefaction because they are generally too coarse. Furthermore, according to the California Department of Water Resources Live Groundwater Levels map, the groundwater levels measured at a location approximately one mile to the east of the Project site was approximately 140 feet below ground surface as of October 15, 2021; this further reduces potential for liquefaction.

Soil Subsidence

Subsidence occurs when a large land area settles due to over-saturation or extensive withdrawal of groundwater, oil, or natural gas. These areas are typically composed of open-textured soils, high in silt or clay content, that become saturated. Although some areas in Tulare County have experienced subsidence due to groundwater overdraft, the City of Visalia's elevation has remained relatively unchanged.

Soils of the Project site consist of Tagus loam, which is coarse-textured, low in clay content, and have a low shrink-swell potential. Therefore, soils onsite represent a low risk of subsidence.

Dam and Levee Failure

The nearest dam with a high likelihood of breaching is the Bravo Lake Reservoir Dam, located approximately 13.6 miles to the northeast.[13]

4.7.2 Applicable Regulations

Federal

There are no federal regulations pertaining to geology and soils that are applicable to the Project.

State

Alquist-Priolo Earthquake Fault Zoning Act (1972)

The Alquist-Priolo Earthquake Fault Zoning Act (formerly the Alquist-Priolo Special Studies Zone Act) requires the delineation of zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near active fault traces to reduce the hazard of fault rupture; however,

[13] (California Department of Water Resources 2021)

surface fault rupture is not necessarily restricted to the area within the Alquist-Priolo Zone. The Alquist-Priolo Act prohibits the location of most structures for human occupancy across active fault traces. Within these zones, cities and counties must regulate certain development, which includes withholding permits until geologic investigations demonstrate that development sites are not threatened by future surface displacement. There are no designated Alquist-Priolo zones in the Project area. The risk of surface fault rupture is not necessarily restricted to the area within a Fault Rupture Hazard Zone, as designated under the Alquist-Priolo Act.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was developed to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. Before a development permit is granted for a site within a Seismic Hazard Zone, a geotechnical investigation of the site must be conducted, and appropriate mitigation measures incorporated into the project design. Geotechnical investigations conducted within Seismic Hazard Zones must incorporate standards specified by CGS Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards.[14] The purpose of the Seismic Hazard Mapping Act is to identify where special provisions, beyond those contained in the California Building Code (CBC), are necessary to ensure public safety. This need has not been recognized for the hazard of ground shaking.

Design provisions contained in the CBC are believed to be representative of current knowledge and capability in earthquake-resistant design.[15] No portion of County has been mapped under the Seismic Hazards Zoning Program.

California Building Standards Code

The CBC, codified in Title 24 Part 2 of the California Code of Regulations (CCR), is administered by the California Building Standards Commission which by law is responsible for coordinating all building standards. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, and general stability by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. The current version took effect January 1, 2020, and contains necessary California amendments based on the American Society of Civil Engineers (ASCE) Minimum Design Standards 7-05. ASCE 7-05 provides requirements for general structural design and includes means for determining earthquake loads as well as other loads (flood, snow, wind, etc.) for inclusion into building codes. The provisions apply to the construction, alteration, movement, replacement, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients which are used to determine a Seismic Design Category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site and ranges from SDC A (very small seismic vulnerability) to SDC E/F

[14] (California Department of Conservation 2008)
[15] (International Code Council ICC 2019).

(very high seismic vulnerability and near a major fault). Design specifications are then determined according to the SDC.

California Department of Transportation

Caltrans jurisdiction includes State and interstate routes within California. Any work within the right-of-way of a federal or State transportation corridor is subject to Caltrans regulations governing allowable actions and modifications to the right-of-way. Caltrans standards incorporate the CBC and contain numerous rules and regulations to protect the public from seismic hazards such as surface fault rupture and ground shaking. In addition, Caltrans standards require that projects be constructed to minimize potential hazards associated with cut and fill operations, grading, slope instability, and expansive or corrosive soils, as described in the Caltrans Highway Design Manual. The southern portion of the Project site abuts SR 198, and Houston Avenue (SR 216) abuts the northern portion of the site; any work that is done within Caltrans right-of-way would be coordinated with Caltrans.

Local

City of Visalia General Plan

- Objective S-O-1: Minimize risks of property damage and personal injury posed by geologic and seismic hazards.
- Policy OCS-P-25: Require new development to implement measures, as appropriate, to minimize soil erosion related to grading, site preparation, landscaping and construction.

City of Visalia General Plan Seismic Safety Element

The Visalia General Plan incorporates the Seismic Safety Element completed in 1974 by the Five-County Seismic Safety Committee, with participation from the Tulare Council of Governments. The Safety Element determines that ground shaking is the main potential hazard in the southern Central Valley, and the risk of ground shaking in the Visalia area is low. The Element includes a number of policies, calling for the creation of a public relations and education program to build awareness; development of an Earthquake Disaster Plan; consideration of seismic hazards in the environmental impact assessment process; and adoption and enforcement of the Uniform Building Code (since replaced by the CBC), among others.

City of Visalia Building Code

The City has adopted the 2019 CBC as the City's building code and ordinance (Title 15: Buildings and Construction).

Tulare County Multi-Jurisdictional Hazard Mitigation Plan

A hazard mitigation plan is a formal document that outlays the plans to reduce or eliminate the long-term risk to human life and property from natural or manmade hazards. Visalia participates in the preparation of the Multi-Jurisdictional Local Hazard Mitigation Plan (MJ-LHMP) which covers the County and eleven participating cities. The latest adopted MJ-LHMP was prepared in 2018. The plan has been designed to meet four goals; (1) significantly reduce life loss and injuries, (2) minimize damage to structures and property, as well as disruption of essential services and human activities, (3) protect the environment, and (4) promote hazard mitigation as an integrated public policy.

4.7.3 Impact Analysis

a) Would the project directly or indirectly cause 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 42.

See section ii) below.

ii. Strong seismic ground shaking?

i-ii) Less than Significant Impact. The Project site is located in an area traditionally characterized by relatively low seismic activity. The site is not located in an Alquist-Priolo Earthquake Fault Zone as established by the Alquist-Priolo Fault Zoning Act (Section 2622 of Chapter 7.5, Division 2 of the California Public Resources Code). The nearest major fault is the San Andreas Fault, located approximately 70 miles southwest of the Project site. The Nunez Fault is approximately 50 miles southwest and the Poso Fault is approximately 50 miles south.

Construction of the proposed residential structures will comply with the most recent seismic standards as set forth in the California Building Standards Code. Compliance with these standards would ensure potential impacts related to strong seismic ground shaking would be less than significant.

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. Liquefaction occurs when loose, water-saturated sediments lose strength and fail during strong ground shaking. Although no specific liquefaction hazard areas have been identified in Tulare County and the City of Visalia, this potential is recognized throughout the San Joaquin Valley where unconsolidated sediments and a high-water table coincide. Using the United States Department of Agriculture NRCS soil survey, an analysis of the soils onsite was performed. Soils in the area consists of Tagus loam, which is well-drained and coarse-textured, representing a low risk for liquefaction or seismic-related ground failure. In addition, using California Department of Water Resources Live Groundwater Levels map, the groundwater levels measured at a location approximately one mile to the east of the Project site was approximately 140 feet below ground surface as of October 15, 2021;[16] this further reduces potential for liquefaction. Furthermore, as mentioned above in Impact Assessments -a-i and a-ii, strong seismic ground shaking is unlikely to occur. Any impacts related to seismic-related ground failure, including liquefaction, would be less than significant.

iv. Landslides?

No Impact. Landslides usually occur in locations with steep slopes and unstable soils. The Project is located on the Valley floor where no major geologic landforms exist, and the topography is essentially flat and level. The nearest foothills are approximately 16 miles east of the Project. Therefore, the Project site has minimal-to-no landslide susceptibility, and there will be no impact

[16] (California Department of Conservation 2022)

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. Earthmoving activities associated with the Project would include excavation, trenching, grading, and construction over an area of approximately 23.7 acres. These activities could expose soils to erosion processes and the extent of erosion would vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Since the Project site has relatively flat terrain with a low potential for soil erosion and would comply with the SWRCB requirements, the impact would be less than significant.

c) Would the project 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?

See section d) below.

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

c and d) Less than Significant Impact. Soils of the Project site consist of Tagus loam, which is coarse-textured, low in clay content, and well-drained. Tagus loam has a low shrink-swell potential and a low plasticity index, and therefore, is not considered expansive soils. Furthermore, the aforementioned physical properties of these soils make subsidence, liquefaction, lateral spreading, or other ground failure unlikely. Any impacts would be considered less than significant.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. Septic installation or alternative wastewater disposal systems are not necessary for the Project. The Project would be required to connect to the City of Visalia's wastewater system located in the Project site's Ferguson Avenue frontage. There would be no impact.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Less than Significant Impact with Mitigation. No known paleontological resources have been identified at the Project site. However, if a paleontological resource is found incorporation of mitigation measure **GEO-1** would reduce impacts to less than significant. In addition, the Santa Rosa Rancheria Tachi-Yokut Tribe identified concerns about the damage to tribal and cultural resources that could be uncovered during Project construction. The implementation of mitigation measures **TCR-1**, **TCR-2, and TCR-3** would ensure that any potential impacts to uncovered tribal and cultural resources are lessened to a less than

significant level. TCR-1, TCR-2, and TCR-3 are discussed in further detail in Section 4.18 Tribal Cultural Resources.

4.7.4 Mitigation

GEO-1 Should paleontological resources be encountered on the Project site, all ground disturbing activities in the area shall stop. A qualified paleontologist shall be contacted to assess the discovery. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City of Visalia for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.

4.8 GREENHOUSE GAS EMISSIONS

Table 4-13: Greenhouse Gas Emissions Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

4.8.1 Baseline Conditions

The subject property is composed of a pomegranate orchard spanning approximately 23.7 acres. Typical current cultivation operations include traversing the site with all-terrain vehicles and pickup trucks, removal and replanting of orchards, and the picking of fruit.

4.8.2 Applicable Regulations

Federal

Section 202 GHG Regulation of Cars and Light Duty Trucks

This rule was proposed jointly by EPA and the National Highway Traffic Safety Administration to create a national program of GHG emission standards and Corporate Average Fuel Economy standards. The standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards are designed to achieve a national vehicle fleet whose emissions and fuel economy performance improves year after year. The goal is to reduce CO_2 emissions by 960 million metric tons and save 1.8 billion barrels of oil over the lifetime of vehicles sold in model years 2012 through 2016.[17] The final rule was signed on April 1, 2010, and became effective 60 days after its publication in the Federal Register.

Greenhouse Gas Findings (2009)

In the United States Supreme Court case Massachusetts v. EPA (2007), 12 states, three cities, and 13 environmental groups filed suit that the EPA should be required to regulate carbon dioxide and other GHG as pollutants under the Federal Clean Air Act. In April 2007, the United States Supreme Court found that the EPA has a statutory authority to formulate standards and regulations to address GHG, which it historically has not done. On December 7, 2009, the Environmental Protection Agency Administrator finalized two findings to be effective January 14, 2010. The findings are related to GHG under section 202(a)

[17] (United States Environmental Protection Agency 2010)

of the Clean Air Act. These findings do not themselves impose any requirements on industry or other entities.

- Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases—carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)—in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed GHG from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution, which threatens public health and welfare.[18]

EO 13154 Federal Leadership in Environmental, Energy, and Economic Performance

On October 5, 2009, President Obama issued EO 13154, which instructs federal agencies to set or achieve various emissions reduction and energy and environmental benchmarks by 2015, 2020, and 2030. The order requires agencies to set GHG emissions reduction targets for 2020 within 90 days and requires Office of Management and Budget to set a federal government target for 2020 within 120 days. The order also sets out required reductions in vehicle fleet petroleum use and requires increases in water and energy efficiency and in recycling and waste diversion rates. The order also mandates adoption of certain contract and procurement practices designed to promote energy and water efficiency and environmentally preferable products.

Energy Policy and Conservation Act, and Corporate Average Fuel Economy Standards

The Energy Policy and Conservation Act (EPCA) of 1975 declared it to be United States policy to establish a reserve of up to 1 billion barrels of petroleum and established nationwide fuel economy standards in order to conserve oil. Pursuant to this Act, the National Highway Traffic and Safety Administration, part of the DOT is responsible for revising existing fuel economy standards and establishing new vehicle fuel economy standards.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Compliance with CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. The EPA calculates a CAFE value for each manufacturer based on city and highway fuel economy test results and vehicle sales. The CAFE values are a weighted harmonic average of the EPA city and highway fuel economy test results. Based on information generated under the CAFE program, the DOT is authorized to assess penalties for noncompliance.

CAFE rules require the average fuel economy of all vehicles of a given class that a manufacturer sells in each model year to be equal or greater than the standard. CAFE standards apply to passenger cars and light trucks (gross vehicle weight of 8,500 pounds or less). Heavy-duty vehicles (i.e. gross vehicle weight over 8,500 pounds) are not currently subject to fuel economy standards. The EPCA was reauthorized in 2000 (49 CFR 533). The Energy Independence and Security Act of 2007 revised CAFE standards for the first time in 30 years, followed quickly by Section 202 GHG Regulation of Cars and Light Duty Trucks, which calls for further revision of the CAFE standards. Both of those regulations are described above.

[18] (United States Environmental Protection Agency 2009)

Energy Policy Acts of 1992, 2005, etc. (EPAct)

The Energy Policy Act of 1992 (EPAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. EPAct requires certain federal, state, and local government and private fleets to purchase a percentage of light duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in EPAct. Federal tax deductions would be allowed for businesses and individuals to cover the incremental cost of AFVs. The Act also requires states to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 includes updated provisions for renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Global Change Research Act (1990)

The purpose of the legislation was: "…to require the establishment of a United States Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activities and natural processes on the environment, to promote discussions towards international protocols in global change research, and for other purposes." To that end, the Global Change Research Information Office was established in 1991 (it began formal operation in 1993) to serve as a clearinghouse of information. The Act requires a report to Congress every four years on the environmental, economic, health and safety consequences of climate change; however, the first and only one of these reports to-date, the National Assessment on Climate Change, was not published until 2000. In February 2004, operational responsibility for Global Change Research Program shifted to the U.S. Climate Change Science Program.

State

There are a variety of statewide rules and regulations which have been implemented or are in development in California which mandate the quantification or reduction of GHGs. Under CEQA, an analysis and mitigation of emissions of GHGs and climate change in relation to a Project is required where it has been determined that a project would result in a significant addition of GHGs. Certain APCDs have proposed their own levels of significance. The SJVAPCD, which has regulatory authority over the air emissions from this project, has not established a significance threshold.

California Air Resources Board

CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in California and for implementing its own air quality legislation, the CCAA, adopted in 1988. CARB was created in 1967 from the merging of the California Motor Vehicle Pollution Control Board and the Bureau of Air Sanitation and its Laboratory.

The CARB has primary responsibility in California to develop and implement air pollution control plans designed to achieve and maintain the NAAQS established by the EPA. Whereas the CARB has primary responsibility and produces a major part of the SIP for pollution sources that are statewide in scope, it relies on the local air districts to provide additional strategies for sources under their jurisdiction. The CARB combines its data with all local district data and submits the completed SIP to the EPA. The SIP consists of the emissions standards for vehicular sources and consumer products set by the CARB, and attainment plans adopted by APCDs and AQMDs and approved by CARB.

States may establish their own standards, provided the state standards are at least as stringent as the NAAQS. California has established the CAAQS pursuant to HSC Section 39606(b) and its predecessor statutes.

HSC Section 39608 requires that CARB "identify" and "classify" each air basin in the state on a pollutant-by-pollutant basis. Subsequently, CARB designated areas in California as nonattainment based on violations of the CAAQSs. Designations and classifications specific to the SJVAB can be found in the next section of this document. Areas in the state were also classified based on severity of air pollution problems. For each nonattainment class, the CCAA specifies air quality management strategies that must be adopted. For all nonattainment categories, attainment plans are required to demonstrate a five percent-per-year reduction in nonattainment air pollutants or their precursors, averaged every consecutive three-year period, unless an approved alternative measure of progress is developed. In addition, air districts in violation of CAAQS are required to prepare an Air Quality Attainment Plan that lays out a program to attain and maintain the CCAA mandates.

Other duties of CARB include monitoring air quality, which has established and maintains, in conjunction with local APCDs and AQMDs, and State or Local Air Monitoring Stations network, which monitor the present pollutant levels in the ambient air.

California Attorney General

The Attorney General has a special role in protecting the environment and public health in California. By law, the Attorney General has independent authority, acting directly in the name of the People, "to act to protect the natural resources of the State of California from pollution, impairment, or destruction." The Attorney General plays a leading role in the oversight and enforcement of CEQA and the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The Attorney General also prosecutes civil and criminal violations of environmental laws in the name of the People of the State of California and on behalf of client agencies.

CEQA Guidelines Appendix F: Energy Conservation

Appendix F of the CEQA Guidelines describes the types of information and analyses related to energy conservation that are to be included in the EIR process. Energy conservation is described in terms of decreasing per capita energy consumption; decreasing reliance on fossil fuels such as coal, natural gas, and oil; and increasing reliance on renewable energy sources. To assure that energy implications are considered in project decisions, EIRs must include a discussion of the potentially significant energy impacts of Projects (to the extent relevant and applicable to the Project), with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

EO S-3-05: EO S-3-05 was established by Governor Arnold Schwarzenegger in June 2006.

EO S-3-05 establishes statewide emission reduction targets through the year 2050:

- by 2010, reduce GHG emissions to 2000 levels;
- by 2020, reduce GHG emissions to 1990 levels; and
- by 2050, reduce GHG emissions to 80 percent below 1990 levels.

This EO does not include any specific requirements that pertain to the Project. However, actions taken by the State to implement these goals may affect the Project, depending on the specific implementation measures that are developed.

Senate Bill 1368: Senate Bill 1368 (SB 1368) was enacted in 2006 and required the California Public Utilities Commission (CPUC) to establish a CO_2 emissions standard for base load generation owned by or under long-term contract with publicly owned utilities. The CPUC established a GHG Emissions Performance Standard (EPS) of 1,100 pounds of CO_2 per megawatt-hour. SB 1368 also requires the posting of notices of public deliberations by publicly owned companies on the CPUC website and establishes a process to determine compliance with the EPS. The Project, as a renewable energy generation facility, is determined by rule to comply with the GHG Emission Performance Standard requirements of SB 1368.

Assembly Bill 32: California passed the California Global Warming Solutions Act of 2006 (AB 32, codified at HSC Sections 38500-38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction would be accomplished by enforcing a statewide cap on GHG emissions that would be phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

AB 32 requires CARB to adopt a quantified cap on GHG emissions representing 1990 emissions levels and disclose how it arrived at the cap; institute a schedule to meet the emissions cap; and develop tracking, reporting, and enforcement mechanisms to ensure that the state reduces GHG emissions enough to meet the cap. AB 32 also includes guidance on instituting emissions reductions in an economically efficient manner, along with conditions to ensure that businesses and consumers are not unfairly affected by the reductions. Using these criteria to reduce statewide GHG emissions to 1990 levels by 2020 would represent an approximate 25 to 30 percent reduction in current emissions levels. However, CARB has discretionary authority to seek greater reductions in more significant and growing GHG sectors, such as transportation, as compared to other sectors that are not anticipated to significantly increase emissions. Under AB 32, CARB was required to adopt regulations by January 1, 2011, to achieve reductions in GHGs to meet the 1990 emission cap by 2020. In 2019, CARB disclosed that emissions in 2017 were 7 million metric tons of CO_2 equivalent (MMT CO_2e) below the State 2020 limit.

Senate Bill 375: SB 375, signed in September 2008 (Chapter 728, Statutes of 2008), aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a sustainable community strategy (SCS) or alternative planning strategy (APS) that would prescribe land use allocation in that MPOs regional transportation plan. CARB, in consultation with MPOs, would provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets would be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. CARB is also charged with reviewing each MPOs SCS or APS for consistency with its assigned targets.

This law also extends the minimum time period for the regional housing needs allocation cycle from five years to eight years for local governments located within an MPO that meets certain requirements. City or county land use policies (including general plans) are not required to be consistent with the regional transportation plan (and associated SCS or APS). However, new provisions of CEQA would incentivize (through streamlining and other provisions) qualified projects that are consistent with an approved SCS or APS, categorized as "transit priority projects."

Office of Planning and Research Technical Advisory: Consistent with SB 97, on June 19, 2008, Office of Planning and Research (OPR) released its *Technical Advisory on CEQA and Climate Change*, which was developed in cooperation with the Resources Agency, the California Environmental Protection Agency (CalEPA), and CARB. The *Technical Advisory* offers the informal interim guidance regarding the steps lead agencies should take to address climate change in their CEQA documents, until CEQA guidelines are developed pursuant to SB 97 on how state and local agencies should analyze, and when necessary, mitigate GHG.

According to OPR, lead agencies should determine whether GHG may be generated by a Project, and if so, quantify or estimate the GHG emissions by type and source. Second, the lead agency must assess whether those emissions are individually or cumulatively significant. When assessing whether a project's effects on climate change are "cumulatively significant" even though project specific GHG contribution may be individually limited, the lead agency must consider the impact of the project when viewed in connection with the effects of past, current, and probable future projects. Finally, if the lead agency determines that the GHG emissions from the project as proposed are potentially significant, it must investigate and implement ways to avoid, reduce, or otherwise mitigate the impacts of those emissions.

On April 13, 2009, OPR sent proposed amendments of the CEQA Guidelines to the Secretary of the Resources Agency for promulgation. The proposed amendments contain Model Policies for GHGs in General Plan. OPR recommended changes to fourteen sections of the existing guidelines, including: the determination of significance as well as thresholds; statements of overriding consideration; mitigation; cumulative impacts; and specific streamlining approaches. The proposed Guidelines also include an explicit requirement that EIRs analyze GHG emissions resulting from a project when the incremental contribution of those emissions may be significant. OPR adopted new amendments in 2018; however, these amendments to the CEQA Guidelines apply prospectively only.

California Energy Code: Title 24, Part 6 of the California Code of Regulations, called the California Energy Code, includes standards mandating energy efficiency measures in new construction, as well as retrofitting existing buildings. Since its establishment in 1977, the building efficiency standards (along with standards for energy efficiency in appliances), which regulate energy consumed in buildings for heating, cooling, ventilation, water heating, and lighting, have contributed to a reduction in electricity and natural gas consumption in California. The standards are updated every three years to allow new energy efficiency technologies to be considered. The latest update to Title 24 standards became effective January 1, 2020.

California Green Code: CalGreen, the nation's first Green Building Standards Code, became effective in August 2009 for voluntary compliance and local adoption, and became effective for mandatory compliance on January 1, 2011. This Code establishes minimum standards for new construction that are intended to help the State achieve the AB 32 goal of reducing GHG emissions to 1990 levels by 2020. In addition to energy efficiency standards, CalGreen includes mandatory measures for water conservation, storm water drainage and retention, material conservation, and construction waste reduction. The requirements for nonresidential construction also include parking, landscaping, and other standards. Local jurisdictions have the option of adopting procedures by ordinance to improve the level of construction beyond the CalGreen minimum standard.

Local

City of Visalia General Plan

- Objective AQ-O-3: Reduce emissions of greenhouse gases that contribute to global climate change in accord with federal and State law.

- Policy AQ-P-12: Support the implementation of Voluntary Emissions Reduction Agreements with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.
- Policy AQ-P-16: Support State efforts to reduce greenhouse gases and emissions through local action that will reduce motor vehicle use, support alternative forms of transportation, require energy conservation in new construction, and energy management in public buildings, in compliance with AB 32.
- Policy AQ-P-17: Prepare and adopt a Climate Action Plan that incorporates a GHG Emissions Reduction Plan. The GHG Emissions Reduction Plan will quantify current and anticipated future emissions and focus on feasible actions the City can take to minimize the adverse impacts of General Plan implementation on climate change and air quality.

Visalia Climate Action Plan

The City's CAP includes a baseline GHG emissions inventory of municipal and community emissions, identification and analysis of existing and proposed GHG reduction measures, and reduction targets to help Visalia work toward the States goal of an 80 percent reduction below baseline emissions by 2050. The plan sets 2020 and 2030 reduction targets, and includes reduction actions for energy, transportation, and waste and resource conservation. The CAP includes targets and action steps for the municipal and community sectors. The CAP has been prepared concurrently with the proposed General Plan (GP), is evaluated in this EIR together with the proposed GP and includes objectives and specific policies from the proposed GP to address long-term emissions reduction efforts by the City.

Visalia's Climate Change Initiatives

In January 2007, City's mayor signed the "Cool Cities" pledge, part of the U.S. Mayors Climate Protection Agreement. By entering into this agreement, the City originally adopted the goal of reducing citywide GHG emissions to 7% below 1990 levels by 2012. As detailed in the CAP, this goal was subsequently expanded in response to CARBs recommended reduction target of 15% below the 2005 baseline, and the City added a 2030 mitigation target to correlate with the 2030 GP Update and the goal of achieving an 80% reduction by 2050.

In 2008, the City also became a partner with the San Joaquin Valley Clean Energy Organization (SJVCEO), which is a non-profit serving the eight-county region. This partnership led to the development of the Valley Innovative Energy Watch, which is a partnership with Southern California Edison (SCE), SoCalGas, Pacific Gas & Electric, SJVCEO, and other public jurisdictions in Tulare and Kings Counties. One major task in this initiative was assisting each of the local government partners to develop comprehensive clean energy/GHG reduction plans, including the identification of baseline GHG emissions and energy use.

4.8.3 Impact Analysis

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. The Project would generate 1,770 $MTCO_2e$/yr using an operational year of 2005, which includes area, energy, mobile, waste, and water sources. "Business as usual" (BAU) is referenced in CARBs AB 32 Scoping Plan as emissions projected to occur in 2020 if the average baseline emissions during the 2002-2004 period grew to 2020 levels, without control or BPS offsets. As a result, an estimate of the Projects operational emissions in 2005 were compared to operational emissions in

2024 in order to determine if the Project meets the 29% emission reduction. The SJVAPCD has reviewed relevant scientific information related to GHG emissions and has determined that they are not able to determine a specific quantitative level of GHG emissions increase, above which a project would have a significant impact on the environment, and below which would have an insignificant impact. As a result, the SJVAPCD has determined that projects achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG. Results of the analysis show GHG emissions in the year 2020 as 1,467 $MTCO_2e/yr$. This represents an achievement of 17% GHG emission reduction on the basis of BAU, which does not meet the 29% GHG emission reduction target. However, CEQA Guidelines Section 15064.7(b) allows lead agencies to consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts.

On December 5, 2008, the South Coast Air Quality Management District (SCAQMD) Governing Board adopted the staff proposal for an interim GHG significance threshold for projects where the SCAQMD is lead agency. The SCAQMD guidance identifies a threshold of 7,000 $MTCO_2e/yr$ for GHG emissions. Though the Project is not within the SCAQMD jurisdiction, the SCAQMD GHG threshold provides some perspective on the GHG emissions generated by the Project. Based on the assessment above, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, any impacts would be less than significant.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. To assist lead agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project-specific GHG on global climate change, the SJVAPCD has adopted the guidance: *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy: *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*. The guidance and policy rely on the use of performance-based standards, otherwise known as BPS to assess significance of project-specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29 percent reduction in GHG emissions, from BAU, is required to determine that a project would have a less than cumulatively significant impact.

The Project incorporates a recreational park that will encourage biking, jogging, and walking and provide neighboring residential neighborhoods with direct access to its facilities. The types of facilities incorporated into the Project coincide with the pedestrian infrastructure-based mitigation measures included in the SJVAPCDs Mitigation Measures document. Those measures include providing pedestrian enhancing infrastructure that includes sidewalks and pedestrian paths and direct pedestrian connections.

The City's CAP was created as one of the first key steps to guiding the development and enhancement of actions designed to reduce Visalia's GHG emissions. The CAP represents the results of a GHG emissions inventory effort which serves as a starting point for the development of a comprehensive municipal and community strategy for addressing GHG emission reduction goals. The CAP identifies existing and proposed community measures designed to reduce GHG emissions. The Project incorporates the following identified existing and proposed community measures assisting the City achieve its 2020 15% and 2030 30% reduction goals:

Expansion of bicycle paths, lanes, and trails: Based on the assessment above, the Project would further the achievement of the City's greenhouse gas reduction goals and would not conflict with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of GHG. The Project would result in the installation of bike lanes along the Project's Ferguson Avenue frontage This street currently contains a bike lane along its south side, while the north lane is a shared roadway. Therefore, any impacts would be less than significant.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Table 4-14 Hazards and Hazardous Materials Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

4.9.1 Baseline Conditions

Hazardous Materials

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. GC Section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. DTSC's EnviroStor database provides DTSC's component of Cortese List data (DTSC, 2010). In

addition to the EnviroStor database, the State Water Resources Control Board (SWRCB) Geotracker database provides information on regulated hazardous waste facilities in California, including underground storage tank (UST) cases and non-UST cleanup programs, including Spills-Leaks-Investigations-Cleanups sites, Department of Defense sites, and Land Disposal program. A search of the DTSC EnviroStor[19] database and the SWRCB Geotracker[20] performed on February 14, 2022 determined that there are no known active hazardous waste generators or hazardous material spill sites within the Project site or immediate surrounding vicinity.

Airports

The Project site is located approximately 3.75 miles northeast of the Visalia Municipal Airport. The Project would not be located within an adopted Airport Land Use Compatibility Plan (ALUCP).

Emergency Response Plan

The City of Visalia has an Emergency Operations Plan that was adopted in 2011.[21] The plan lays out the planned procedures that the City would follow in the event of an emergency. The proposed Project would not conflict with the City of Visalia's Emergency Operations Plan.

Sensitive Receptors

Sensitive Receptors are groups that would be more affected by air, noise, and light pollution, pesticides, and other toxic chemicals than others. This includes infants, children under 16, elderly over 65, athletes, and people with cardiovascular and respiratory diseases. High concentrations of these groups would include, daycares, residential areas, hospitals, elder care facilities, schools and parks. Because the Project site is located within an urbanized setting, there would be sensitive receptor areas near the site. These include the single-family residences surrounding the Project site, Oak Grove Elementary School to the southwest, Manuel F Hernandez Elementary School to the southeast, and Soroptimist Park to the southwest.

4.9.2 Applicable Regulations

Federal

Occupational Health and Safety Administration

The Occupational Health and Safety Administration published standard 1910.120, addressing dangers that hazardous materials pose in the workplace. The standard requires that employers evaluate the potential health hazard that hazardous materials pose in the workplace and communicate information concerning hazards and appropriate protective measures to employees.

State

Department of Toxic Substances Control

The EPA has delegated much of its regulatory authority to the individual states. The DTSC of CalEPA enforces hazardous materials and waste regulations in California in conjunction with the EPA. The DTSC is

[19] (California Department of Toxic Substances Control Envirostor 2022)
[20] (State of California Water Resources Control Board - Geotracker 2022)
[21] (City of Visalia 2011)

responsible for regulating the management of hazardous substances, including remediation of sites contaminated by hazardous substances. California hazardous materials laws incorporate federal standards but are often more strict than federal laws.

Porter-Cologne Water Quality Control Act

The RWQCB is authorized by the SWRCB to enforce provisions of the Porter-Cologne Water Quality Control Act of 1969. This act gives the RWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the state are threatened and to remediate the site, if necessary.

State Underground Storage Tank Program

State laws also regulate Underground Storage Tanks (USTs) and Aboveground Storage Tanks (ASTs) containing hazardous substances. These laws are primarily found in the Health and Safety Code, and, combined with CCR Title 23, establish the requirements of the State UST program. The laws contain requirements for UST permitting, construction, installation, leak detection monitoring, repairs and corrective actions and closures. In accordance with State laws, the County Department of Health Services Environmental Health Division implements UST and AST regulations in County.

Hazardous Materials Worker Safety Requirements

The Federal Occupational Safety and Health Administration (OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA) are the agencies responsible for assuring worker safety in the handling and use of chemicals in the workplace. The federal regulations pertaining to worker safety are contained in the Code of Federal Regulations, Title 29 (29 CFR) as authorized in the Occupational Safety and Health Act of 1970. They provide standards for safe workplaces and work practices, including standards relating to hazardous materials handling. In California, Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations; Cal/OSHA standards are generally more stringent than federal regulations.

The State regulations concerning the use of hazardous materials in the workplace are included in Title 8 of the CCR, and contain requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA also enforces hazard communication program regulations, which contain worker safety training and hazard information requirements, such as procedures for identifying and labeling hazardous substances, communicating hazard information relating to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees at hazardous waste sites.

Local

Tulare County Environmental Health Division

In Visalia, the Tulare County Environmental Health Services Division (TCEHSD) is the local agency responsible for the implementation of the State-mandated Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (MJLHMP). County has prepared a Hazardous Materials Business Plan and the aforementioned MJLHMP, which serves as the County's emergency response plan for hazardous materials emergency incidents. In addition, the TCEHSD acts as lead agency to ensure proper remediation of leaking underground petroleum storage tank sites and certain other contaminated sites. TCEHSD provides three permanent Household Hazardous Waste drop-off facilities in the County including one in Visalia and operates mobile collection events throughout the year. These services are available free of charge to any County resident.

City of Visalia and Tulare County Fire Departments

The Visalia Fire Department (VFD) provides fire and life safety services for residents located within the city limits while the County Fire Department provides additional services for unincorporated areas of County. VFD staffs five paramedic engine companies, one truck company and a Battalion Chief daily, from six fire station locations. The engines and truck companies are staffed with three personnel, giving the VFD a daily minimum staffing of 19.[22] All stations are staffed with a paramedic at all times. The City requires all new development and subdivisions to meet or exceed California Fire Code provisions, and the City's Fire Department reviews development applications during the plan check process.

The VFD also provides oversight of hazardous materials. The VFD is responsible for conducting inspections for code compliance and fire-safe practices, and for scene management and investigation of fire and hazardous materials incidents. According to Chapter 8.32 (Hazardous Materials) of the Visalia Municipal Code, an emergency situation created by a hazardous material release which poses an imminent risk to the life, health or safety of persons, property, or to the environment shall be mitigated in the manner prescribed and pursuant to the direction of the VFD. The VFD regulates explosive and hazardous materials under the California Fire Code, and permits the handling, storage and use of any explosive or other hazardous material. The City hosts "Dump-On-Us" events four times a year for city residents to drop off residential hazardous waste. Accepted items include small appliances, cell phones, fencing material, air conditioning/ heating units, tires, scrap metal, mattresses, yard waste, and other types of waste.

Waste Disposal Regulations

The disposal of contaminated soil is regulated by the RWQCB, in this case the Central Valley Region, and is regulated based on the concentrations of chemical constituents that are present. Soils having concentrations of contaminants higher than certain acceptable levels must be handled and disposed as hazardous waste when excavated. CCR Title 22, Section 66261.20-24 contains technical descriptions of characteristics that would cause a soil to be classified as a hazardous waste.

4.9.3 Impact Analysis

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

See section b) below.

b) Would the project 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?

a and b) Less than Significant Impact. The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Potential impacts during construction of the Project could occur from potential spillage of fuels and lubricants associated with construction equipment. These potential impacts would be temporary in nature and would be reduced to less than significant levels through compliance with applicable local, state, and federal regulations, as well as the use of Best Management Practices (BMPs). Project operations would consist of consumer grade pesticides, fertilizers, and petroleum-based fuels. However, these potentially

[22] (City of Visalia 2012)

hazardous materials would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Compliance with applicable laws and regulations would minimize hazards associated with the routine transport, use, or disposal of hazardous materials to the maximum extent practicable. In addition, compliance with applicable laws and regulations would lower any potential impacts from foreseeable upset and accident conditions involving the release of hazardous materials into the environment to a less than significant level. Therefore, impacts would be less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. The Project would handle construction related hazardous materials in the form of fuels and solvents during construction of the Project within a quarter mile of Oak Grove Elementary School and Manuel F Hernandez Elementary School. Through the use of BMPs, any potential spillage of these materials would be limited to a less than significant level. During operation, the site would handle consumer grade pesticides, fertilizers, and petroleum-based fuels in quantities that would not be high enough to create a significant impact for the public or the environment. Therefore, impacts would be less than significant.

d) Would the project 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?

No Impact. The Project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, according to the Envirostor and Geotracker databases mentioned above in **Section 4.9.1**. As a result, the Project would not create a significant hazard to the public or environment due to the Project being located on an existing hazardous material site. Therefore, there would be no impact.

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 or excessive noise for people residing or working in the project area?

No Impact. The Project site is not located within an ALUCP, nor is it located within two miles of a public airport or public use airport. Therefore, there would be no impact.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. While construction would result in truck deliveries, hauling of materials, and construction crews, improvement plans and any work completed in existing roadways would be required to be approved by the City Engineer before they could occur. Streets within the subdivision have been designed to City specifications and have adequate site access for emergency vehicles. The Project does not generate an amount of traffic that warrants analysis of congestion. Therefore, impacts would be less than significant.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. As discussed more thoroughly in **Section 4.20**, the Project site is not located in an area that has been designated as being a State Responsibility Area (SRA) or as being a very high fire hazard severity zone. The Project site would be annexed to the City of Visalia as a part of the Project and is substantially surrounded by urban uses. Therefore, there would be no impact.

4.10 HYDROLOGY AND WATER QUALITY

Table 4-15: Hydrology and Water Quality Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii. 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; or	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

4.10.1 **Baseline Conditions**

The climate in Tulare County can be classified as Mediterranean with average rainfall rates of 14.9 inches annually, occurring primarily between November and March.[23] Hydrology in the Project area is associated with the Tulare Lake Hydrologic Region, containing three main subbasins. The Tulare Lake subbasin is in the northern alluvial fan and basin subarea characterized by southwest to south flowing rivers, creeks, and

[23] (bestplaces.net 2022)

irrigation canal systems that convey water from the Sierra Nevada to the west toward the Tulare Lake Bed. The southern portion of the basin is internally drained by the Kings, Kaweah, Tule, and Kern Rivers.[24] The Tulare Lake Basin comprises the drainage area of the San Joaquin Valley south of the San Joaquin River and is essentially a closed basin because surface water drains north into the San Joaquin River only in years of extreme rainfall. The Project site consists of irrigated farmland served by groundwater.

The 23.7-acre Project site is currently served by an existing groundwater well used for farming pomegranates. According to the 2017 Census of Agriculture, crops in California has been surveyed to use an average of 2.9 acre-feet per acre,[25] or a total of 67 acre-feet annually on the Project site, specifically.

The City of Visalia's water is managed by the California Water Service Visalia District. Groundwater is the sole source of water supply for the Visalia District. Groundwater used by Visalia is extracted from the underlying Kaweah and Tule Subbasins. The Project site itself is located within the Greater Kaweah Groundwater Sustainability Agency's boundary.[26]

4.10.2 Applicable Regulations

Federal

Federal Clean Water Act

The CWA, described in more detail in **Section 4.4.2**, requires the EPA to develop, publish, and periodically update ambient water quality criteria for the protection of human health. In 1980, the EPA published water quality criteria for 64 pollutants and pollutant classes and considered non-cancer, cancer, and taste and odor effects. Over the years, these criteria have evolved and have included additional pollutants and pollutant classes.

During the last decade, policy has shifted from a program-by-program, source-by-source, pollutant-by-pollutant approach to more watershed-based strategies. Ultimately, these criteria are used by states for establishing water quality standards under Section 303 (c) of the CWA and provide a basis for controlling discharges or releases of pollutants.

National Pollutant Discharge Elimination System Waste Discharge Regulations

The 1972 amendments to the Federal Water Pollution Control Act established the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges of pollutants from point sources (CWA 402), as discussed in **Section 4.4.2**. The 1987 amendments to CWA created a new section of CWA devoted to stormwater permitting (CWA 402[p]). The EPA has granted California primacy in administering and enforcing the provisions of CWA and the NPDES permit program, which is the primary federal program that regulates point-source and nonpoint-source discharges to waters of the United States. SWRCB issues both general and individual permits for certain activities. Relevant general and individual NPDES permits are discussed below.

Phase II MS4 Permit

The SWRCB, in response to the EPA, issued Water Quality Order No. 2013-001-DWQ NPDES General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate

[24] (California Department of Water Resources 2006)
[25] (United States Department of Agriculture 2017)
[26] (Greater Kaweah Groundwater Sustainability Agency 2022)

Storm Systems (MS4s) in February 2013 which went into effect July 2013. The MS4 Permit requires urban municipalities with predetermined inclusion reequipments to file an application and comply with prescriptive tasks over the 5-year permit term. The prescriptive tasks include, but are not limited to, public outreach and involvement, illicit discharge detection and elimination, construction site runoff control, post-construction storm water management, municipality facility and operation good housekeeping, water quality monitoring, and municipality assessment and reporting.

Construction Stormwater NPDES Permit

A Construction NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit (CGP), Water Quality Order No. 2009-0009-DWQ) is required for dischargers or projects who disturb one acre or more of soil or whose project disturbs less than one acre, but which is part of a larger common plan of development that in total disturbs one acre or more. This CGP was adopted in September 2009 and went into effect July 2010.

The CGP requires the development of Permit Registration Documents (PRDs) which include the development and implementation of a SWPPP. The SWPPP must contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list/describe BMPs the discharger would use to prevent polluted stormwater runoff and show the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Attachment B of the CGP describes the elements that must be contained in a SWPPP. Additional PRD requirements are described in Attachments C-E in the CGP.

General Dewatering Permit

Small amounts of construction-related dewatering are covered under the CGP. Large amounts of dewatering, particularly over lengthy periods of time would be required to comply with the General Dewatering Permit. Project-related dewatering is likely to be limited in nature and scope and would likely be covered under the CGP. However, some projects may result in larger amounts of dewatering than covered under the CGP and a Low Threat Discharge and Dewatering Permit would need to be obtained from the Central Valley RWQCB.

State

Porter-Cologne Water Quality Control Act of 1969

The Porter-Cologne Water Quality Control Act established the SWRCB and divided the state into nine regional basins, each with a RWQCB. The SWRCB is the primary state agency responsible for protecting the quality of the States surface and groundwater supplies, while the regional boards are responsible for developing and enforcing water quality objectives and implementation plans. The Project would be within the jurisdiction of Central Valley RWQCB.

The act authorizes the SWRCB to enact State policies regarding water quality in accordance with the CWA Section 303. In addition, the act authorizes the SWRCB to issue WDRs for projects that would discharge to state waters. The Porter-Cologne Water Quality Control Act requires that the SWRCB or the Central Valley RWQCB adopt water quality control plans (basin plans) for the protection of water quality. A basin plan must:

- Identify beneficial uses of water to be protected;

- Establish water quality objectives for the reasonable protection of the beneficial uses; and
- Establish a program of implementation for achieving the water quality objectives.

Basin plans also provide the technical basis for determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. Basin plans are updated and reviewed every 3 years in accordance with Article 3 of Porter-Cologne Water Quality Control Act and CWA 303(c) (Central Valley RWQCB 2004 with approved amendments).

Sustainable Groundwater Management Act

In September 2014, the California Legislature enacted a three-bill law (AB 1739, SB 1168, and SB 1319), known as the Sustainable Groundwater Management Act (SGMA). SGMA was created to provide a framework for the sustainable management of groundwater supplies and intended to empower local agencies to adopt groundwater management plans that are tailored to the resources and needs of their communities, such that sustainable management would provide a buffer against drought and climate change, and ensure reliable water supplies regardless of weather patterns. SGMA is considered part of the statewide, comprehensive California Water Action Plan that includes water conservation, water recycling, expanded water storage, safe drinking water, and wetlands and watershed restoration. It protects existing surface water and groundwater rights and does not affect current drought response measures.[27]

The Project site is located with the Mid-Kaweah Groundwater Sustainability Agency.

Local

Visalia Urban Water Management Plan

California Water Service Company[28] Visalia District 2020 UWMP evaluates water demand and potential supply based on projected population and urban area growth. Water Code Section 10644(a) requires urban water suppliers to file UWMPs with the DWR, the California State Library, and any city or county within which the supplier provides water supplies. The UWMP describes the water system, system demands, system supplies, water supply reliability and water shortage contingency planning, and demand management measures.

City of Visalia General Plan

- Objective OSC-O-6: Protect water resources vital to the health of the community residents and important to the Planning Area's ecological and economic stability.

4.10.3 Impact Analysis

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. Surface runoff from the subdivision would be accommodated by the existing retention basin maintained by the City southwest of the Project site, located at the southeast corner of Linwood Street and Houston Avenue. The Project would connect to the CalWater water supply system.

[27] (State of California Department of Water Resources 2022)
[28] (California Water Services 2022)

The existing groundwater well will be destroyed in accordance with state and local regulations. Water quality for domestic/potable use is controlled by the City itself pursuant to State water quality regulations. It is not anticipated that the Project would degrade either surface- or ground-water quality. In addition, the Project would be required to complete a Stormwater Pollution Prevention Plan (SWPPP) prior to construction of the subdivision. Thus, the Project would have a less than significant impact

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact.. Cal Water delivers local groundwater and operates 59 wells across the Visalia service area, which would include the Project site once annexed into the City. According to the Visalia District 2020 Urban Water Management Plan (UWMP), in 2020, the total system demand was 30,152 AF.[29]. In 2020, single family uses used 19,359 AF, which accounted for 64 percent of the total water used.

The UWMP projected water demands for potable and non-potable water. Projected water demand from 2025 through 2045 are shown in Table 4-16.

[29] (California Water Service 2021)

Table 4-16: Use for Potable and Non-Potable Water – Projected

Use for Potable and Non-Potable Water – Projected						
Use Type	Additional Description (*as needed*)	Projected Water Use (AF)				
		2025	2030	2035	2040	2045
Single Family		20,815	22,593	24,604	26,513	28,705
Multi-Family		1,583	1,686	1,815	1,945	2,070
Commercial		5,634	6,009	6,448	6,891	7,364
Institutional/Governmental		2,854	3,152	3,483	3,819	4,164
Industrial		308	308	308	308	308
Other Potable		223	223	223	223	223
Landscape	(b)	0	0	0	0	0
Losses	(c)	1,102	1,304	1,429	1,559	1,695
	Total	**32,520**	**35,276**	**38,310**	**41,258**	**44,529**
NOTES: (a) District's billing system does not track this use type separate from other use types (b) Real and apparent losses						
Source: (California Water Service 2021)						

The Project consists of 117 dwelling units and the average household size in Visalia is 2.99; therefore, the Project would house approximately 350 people.[30] , According to the UWMP, the amount of groundwater pumped during the year 2020 was 30,152 AF or 26.9 MGD. Therefore, the Project would result in an estimated water demand of 108,186 gallons per day (350 people x 219 gallons/day = 76,650 gallons/day) or 85.9 acre-feet per year).

Although the Project would utilize groundwater for domestic purposes, the amount of water use is not considered significant and would not significantly lower the groundwater table of the aquifer or interfere substantially with the recharge of the underground aquifer.

The Project would pay its fair share of installation of improvements and pay all development fees related to water service. Therefore, impacts would be less than significant.

In addition, Cal Water provided a "Will Serve" letter, dated March 22, 2022, stating that they will provide water service to the Project. Impacts would be less than significant.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

[30] (California Water Service 2021)

i. result in substantial erosion or siltation on- or off-site;

See section iv.

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

See section iv.

iii. 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;

See section iv.

iv. impede or redirect flood flows?

c-i-iv) Less than Significant Impact. The Project would result in some soil erosion and the loss of topsoil due to Project related construction activities. The drainage pattern of the new subdivision would be altered to flow to the existing stormwater basin maintained by the City southwest of the Project site, located at the southeast corner of Linwood Street and Houston Avenue. Through the completion of a SWPPP and the implementation of the applicable best management practices, any potential impacts from the altering of drainage patterns would be limited to less than significant.

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations?

Less than Significant Impact. There are no streams or rivers onsite or in the immediate vicinity of the Project. The nearest 100-year flood zone is 1,019 feet from the site. In order to minimize erosion and run-off during construction activities, a SWPPP would be implemented, and the contractor would comply with all Cal/OSHA regulations regarding regular maintenance and inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances onsite. There is no potential for inundation by seiche, tsunami, or mudflow. Any impacts would be less than significant.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project is within the Greater Kaweah Groundwater Sustainability Agency's boundary, whose Groundwater Sustainability Plan (GSP) was adopted in January 2020. As the Project would not result in a significant decrease in groundwater compared to baseline conditions, and would follow the policies of the GSP, the Project would not conflict with or obstruction implementation of the GSP. Impacts would be less than significant impact.

Figure 4-2: FEMA Map

4.11 LAND USE AND PLANNING

Table 4-17: Land Use and Planning Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☒	☐
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

4.11.1 Baseline Conditions

The Project site is currently a pomegranate orchard. The Project site is surrounded by two subdivisions to the north and south; and residential properties to the east and west. The City of Visalia General Plan designates the Project site as Low Density Residential and Parks and Recreation. General Plan land use designations and Zone Districts of the Project site and surrounding areas are illustrated in Figure 2-4 and Figure 2-5.

4.11.2 Applicable Regulations

Federal

There are no federal land use regulations that apply to the Project.

State

There are no State land use regulations that apply to the Project.

Local

City of Visalia General Plan

- Policy LU-P-20: Allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary at any time, consistent with the City's Land Use Diagram.

City of Visalia Municipal Code

The purpose and intent of the R-1-5 (Single-family residential zone- 5,000 square foot minimum site area) zone is to provide an area within the City where development is limited to low density concentrations of single-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

The purpose and intent of the QP (Quasi-public) zone is to allow for the location of institutional, academic, community service, governmental, and nonprofit uses. According to Municipal Code section 17.52.020, "Permitted uses in this zone include public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public building, structures and facilities; public playgrounds, parks and community centers."[31]

4.11.3 Impact Analysis

a) Would the project physically divide an established community?

Less than Significant Impact. The Project involves the subdivision and development of 117 single-family residential lots adjacent to two existing residential subdivisions in northwest Visalia. The Project will create an extension of existing residential housing in a manner that would encourage unification and expansion of an established community. The site of the proposed subdivision is currently a pomegranate orchard located adjacent to existing residential subdivisions. Development of the site into a residential subdivision would reduce commuter obstacles by expanding roads and sidewalks. Implementation of the Project would provide additional housing and an expansion of services. Therefore, the Project would not physically divide an established community, and the impacts would be less than significant.

b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. The Project would not conflict with or cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project is proposing to subdivide and develop 117 single family low density residential units and a neighborhood park within the approximately 23.7-acre Project area. As illustrated in Figure 2-4 and Figure 2-5, the City of Visalia General Plan Update land use diagram designates the Project site as Low Density Residential and Parks and Recreation[32]. The Project will not conflict with any City of Visalia General Plan policies, therefore, the Project would not cause a significant environmental conflict with any land use plan, policy, or regulation since it would be consistent with land use designation standards. Therefore, any impacts would be less than significant.

[31] (American Legal Publishing Legal Code Library 2022)
[32](City of Visalia 2014). Figure 2-2, Land Use Diagram.

4.12 MINERAL RESOURCES

Table 4-18: Mineral Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

4.12.1 Baseline Conditions

Visalia is part of the Central Valley region one of several geomorphic provinces in California. The most economically significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate (road materials and other construction). The two major sources of aggregate are alluvial deposits (riverbeds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills. Surface mining in California is regulated through the Surface Mining and Reclamation Act (SMARA), a State law adopted in 1975 to address the dual goals of protecting the state's need for a continuing supply of mineral resources, while protecting public and environmental health. SMARA requires that all cities incorporate into their general plans mapped mineral resource designations approved by the State Mining and Geology Board. The Visalia Planning Area contains three former sand and gravel mines, but no currently operating mines and no designated Mineral Resource Zones.[33]

4.12.2 Applicable Regulations

Federal

There are no federal regulations pertaining to mineral resources relevant to the Project.

State

There are no State regulations pertaining to mineral resources relevant to the Project.

Local

There are no local regulations pertaining to mineral resources relevant to the Project.

[33] (Calfornia Department of Conservation 2022)

4.12.3 Impact Analysis

a) Would the project 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?

No Impact. According to the City of Visalia General Plan Update Draft Environmental Impact Report, the City of Visalia Planning Area, including the Project site, does not contain land designated as mineral resource zone. Additionally, there are no active mining operations. Therefore, there would be no impact.

b) Would the project 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?

No Impact. As discussed above in Impact "a", there are no active mining operations or lands designated as a mineral resource zone in the City of Visalia's Planning Area, therefore the Project would not 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. There would be no impact.

4.13 NOISE

Table 4-19: Noise Impacts

Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or 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?	☐	☐	☐	☒

4.13.1 Baseline Conditions

The Project site is located in an area that has historically been used for agricultural purposes, substantially surrounded by urban uses on all sides. Single family residences area located on all sides, with some remaining agricultural land to the east. In addition, Oak Grove Elementary School (400 feet southwest) and Manuel F Hernandez Elementary School (1,200 feet southeast) are located nearby. The nearest intersection to the Project site is the intersection of North Demaree Street and West Ferguson Avenue. West Ferguson Avenue is an existing collector roadway, and North Demaree Street is an existing arterial roadway as designated by the City of Visalia General Plan Circulation Element.

4.13.2 Applicable Regulations

Federal

There are no federal regulations, plans, programs, and guidelines associated with noise that are applicable to the Project.

State

State of California General Plan Guidelines

The State of California General Plan Guidelines (OPR 2003) identify guidelines for the noise elements of local GPs, including a sound level/land use compatibility chart that categorizes, by land use, outdoor Ldn ranges in up to four categories (normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable). For many land uses, the chart shows overlapping Ldn ranges for two or more compatibility categories. The noise element guideline chart identifies the normally acceptable range of Ldn values for low-density residential uses as less than 60 dB and the conditionally acceptable range as 55–70

dB. The normally acceptable range for high-density residential uses is identified as Ldn values below 65 dB, and the conditionally acceptable range is identified as 60–70 dB. For educational and medical facilities, Ldn values below 70 dB are considered normally acceptable, and Ldn values of 60–70 dB is considered conditionally acceptable. For office and commercial land uses, Ldn values below 70 dB are considered normally acceptable, and Ldn values of 67.5–77.5 are categorized as conditionally acceptable. When noise levels are in the conditionally acceptable range new construction should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation requirements are included in the design. These overlapping Ldn ranges are intended to indicate that local conditions (existing sound levels and community attitudes toward dominant sound sources) should be considered in evaluating land use compatibility at specific locations.

Local

City of Visalia General Plan

The current Noise Element of the City's GP establishes goals and policies intended to limit community exposure to excessive noise levels. Visalia's current GP identifies noise sources such as roadways, rails, and airports within the city and includes land use compatibility guidelines. In addition, Implementation Policy 2.2 states that an acoustical analysis may be required if existing or projected future noise exposure at the exterior of buildings which would contain noise sensitive uses or within proposed outdoor activity areas exceeds 65 dB, Ldn, or I interior noise levels resulting from offsite noise are estimated to exceed 45 dBA.

Noise Ordinance

Section 8.36 of the City's Municipal Code contains the City's noise ordinance, which establishes exterior and interior noise level standards. Exterior and interior noise levels may not exceed any of the categorical noise level standards shown in **Table 4-20**:

Table 4-20: City of Visalia - Noise Level Standards

City of Visalia's Noise Level Standards			
Categories	**Cumulative number of minutes in any one-hour time period**	**Evening and daytime (6:00 a.m. to 7:00 p.m.)**	**Nighttime (7:00 p.m. to 6:00 a.m.)**
Exterior Levels			
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65
Interior Levels			
1	5	45	35
2	1	50	40
3	0	55	45

4.13.3 Impact Analysis

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact. The construction for the Project will create a temporary increase in ambient noise levels in the vicinity of the Project in excess of the standards established in the local general plan,

noise ordinance, or applicable standards of other agencies for approximately 21 months. The construction required for the completion of this Project would temporarily increase noise levels above what is allowed by the City's Noise Ordinance (**Table 4-20**); however, construction related activities are allowed between 6 am – 7 pm during the week and between 9 am – 7 pm on the weekends. Construction related noise would be temporary and would cease upon completion of the Project. Additionally, the Project involves the construction of six-foot high retaining wall and landscape wall around the subdivision, this will further create a noise buffer between existing residences in surrounding neighborhoods and the construction of the homes, as well as provide a buffer for traffic noise. The Project site is currently has varying levels of noise due to agricultural equipment historically being utilized on-site and traffic on W Ferguson Avenue. In addition, according to the inverse square law, noise diminishes from its source by six dBA with each doubling of distance from origin. As a result, any noise generated from the Project site would have a diminished effect when heard from people in the surrounding area. Therefore, impacts would be less than significant.

b) Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

Less than Significant Impact. Construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. Construction and agricultural activities can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures, and soil type. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels. Ground-borne vibration or ground-borne noise levels from construction would be temporary in nature and further buffered from surrounding residences by the subdivision wall and landscape wall. In addition, vibration levels subside with increased distance from the source, diminishing the effect the Project would have. Therefore, impacts would be less than significant.

c) For a project located within the vicinity of a private airstrip or 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?

No Impact. The Project is not located in the vicinity of a private airstrip or within an airport land use plan. The nearest airport or airstrip to the Project site Visalia Municipal Airport approximately 3.75 miles southwest of the Project site. Therefore, there would be no impact.

4.14 POPULATION AND HOUSING

Table 4-21: Population and Housing Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for Sample, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

4.14.1 Baseline Conditions

The existing site does not contain any residential dwelling units and is currently a pomegranate orchard. A residential subdivision lies immediately to the south and north of the Project site. There are residential homes to the west, and agricultural land to the east. According to the California Department of Finance, the City has an estimated population of 139,254 in 2021. In 2021, there were 49,257 housing units, of which 20 percent were multifamily units and 80 percent were single-family units. Approximately 5.9 percent of these units were vacant.[34]

According to 2020 U.S. Census data, the City's population was 141,384. As of 2015-2019, there was an average of 43,250 households with an average 3.02 persons per house. [35]

4.14.2 Applicable Regulations

There are no federal, State, or local regulations, plans, programs, and guidelines associated with population or housing that are applicable to the Project.

4.14.3 Impact Analysis

a) Would the project induce substantial unplanned population growth in an area, either directly (for Sample, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact. Implementation of the project would result in the development of 117 lot single-family residential subdivision on approximately 23.7 acres of undeveloped agricultural land. The Project will build new local streets which will provide street connectivity to the residential neighborhood

[34] (State of California Department of Finance 2022)
[35] (United States Census Bureau 2022)

directly to the north, build new homes, and connect to the City's public utility infrastructure located adjacent to the Project site. The Project is consistent with the General Plan land use designation. Therefore, the Project will have a less than significant impact.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project site is located on approximately 23.7 acres of land historically used for agriculture. It is currently planted with trees, there is no housing located on the site and the Project would not displace any existing people or housing. The Project is proposing to develop new a new residential subdivision on-site. Furthermore, there would be no impact.

4.15 PUBLIC SERVICES

Table 4-22: Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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:	☐	☐	☒	☐
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

4.15.1 Baseline Conditions

The Project site is located on the north side of West Ferguson Avenue between North Demaree and North Linwood Streets. It is a 23.7 acre pomegranate orchard property. The Project site is served by City of Visalia, Fire Station 55, Visalia Unified School District, and the Visalia Police Substation District 1.

Fire Protection: The City of Visalia, Fire Station 55, located 1.9 miles west of the Project, provides fire suppression and prevention, emergency and non-emergency medical services.

Police Protection: The Visalia Police Substation District 1, located 3.2 miles southeast of the Project site, provides 24-hour policing services within the city limits.

Schools: The Visalia Unified School District (VUSD) serves the project site. Oak Grove Elementary School is located approximately 0.17 miles southwest of the Project.

Parks: The City has 23 neighborhood parks located throughout the city. Soroptimist Park is the closest park to the Project site located 0.25 miles southwest of the Project. The park includes picnic tables, barbeque stations, a playground, a basketball court, multi-purpose field, and an open play area.

4.15.2 Applicable Regulations

Federal

There are no federal regulations, plans, programs, or guidelines that are applicable to the Project.

State

State Open Space Standards

State planning law (Government Code Section 65560) provides a structure for the preservation of open space by requiring every city and county in the state to prepare, adopt, and submit to the Secretary of Resources Agency a "local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction." This is commonly achieved by incorporating an "Open Space" Element as part of the City and County long range GPs. The following open space categories are identified by the State for preservation:

- Open space for public health and safety, including, but not limited to, areas that require special management or regulation due to hazardous or special conditions.
- Open space for the preservation of natural resources, including, but not limited to, natural vegetation, fish and wildlife, and water resources.
- Open space for resource management and production, including, but not limited to, agricultural and mineral resources, forests, rangeland, and areas required for the recharge of groundwater basins.
- Open space for outdoor recreation, including, but not limited to, parks and recreational facilities, areas that serve as links between major recreation and open space reservations (such as trails, easements, and scenic roadways), and areas of outstanding scenic and cultural value.
- Open space for the protection of Native American sites, including, but not limited to, places, features, and objects of historical, cultural, or sacred significance such as Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property (further defined in California Public Resources Code Sections 5097.9 and 5097.993).

Local

City of Visalia General Plan: Parks, Schools, Community Facilities, and Utilities

The Parks, Schools, Community Facilities, and Utilities Element of the City's GP was last comprehensively updated in 2014. Regarding parks and recreation, the element presents City's policies and programs for the development and maintenance of parks, schools, and other fundamental building blocks for new neighborhoods to be built over the next two decades. The Element objectives and goals pertaining to public services are as follows:

Fire:

- Policy S-O-4: Protect Visalia's residents and businesses from potential fire hazards.
- Policy S-P-22: Manage vegetation in areas within and adjacent to public rights-of-way and in close proximity to critical facilities in order to reduce the risk of tree failure and property damage and avoid creation of wind acceleration corridors within vegetated areas.
- Policy S-P-27: Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the Fire Department for review and approval prior to beginning construction.

- Policy S-P-29: Ensure availability of adequate water supplies to meet public health and safety needs, and for resource protection, by maintaining the following order of priority for water use:
  - Potable water supply, fire protection, and domestic use
  - Resource protection and preservation
  - Industrial, irrigation and commercial uses
  - Water-oriented or water-enhanced recreation
  - Air conditioning.

Police:

- Policy S-O-5: Provide a comprehensive program of safety services including police, fire and medical response in all parts of the Visalia Planning Area.
- Policy S-P-30: Integrate the Tulare County Hazard Mitigation Plan, in particular the hazard analysis and mitigation strategy sections, into the development review process, the emergency operations plan, and capital improvement program, as appropriate.

Parks:

- Policy PSCU-O-1: Design parks and recreation facilities that will enhance community identity and serve the recreation and social needs of Visalians of all ages, economic situations and physical abilities.
- Policy PSCU-O-2: Continue to develop and expand special recreation amenities and programs for teens, senior citizens, and ethnic populations.
- Policy PSCU-O-6: Maximize opportunities for joint use of public land and facilities involving schools, stormwater ponding basins and other areas under public jurisdiction suitable for recreation.
- Policy PSCU-P-25: Encourage cooperative agreements with the City and the Kaweah Water Conservation District, levee districts, irrigation companies, school district, College of the Sequoias, Southern California Edison Company and other public agencies and utilities to explore innovative recreation open space facilities throughout the Visalia planning area.
- Policy PSCU-P-2: Strive to achieve and maintain a citywide standard of at least five acres of neighborhood and community parks per 1,000 residents.
- Policy PSCU-P-3: Reserve land and develop parks and public open spaces and recreation facilities consistent with designated Parks and Open Space land on the Land Use Diagram.
- Policy PSCU-P-13: Design parks to enhance neighborhood character and minimize negative impacts.
  - Locate neighborhood parks with local or collector street frontages on at least three sides, and sidewalks and crossings designed for safe and easy pedestrian access.
  - Where a neighborhood park is part of a neighborhood node, it should be designed to promote visual connections and pedestrian movement between the park and adjacent uses such as schools and commercial uses.
- Policy PSCU-P-23: Promote innovative park design that responds to neighborhood needs and user groups.
- Policy PSCU-P-24: Provide shade in parks by using arbors and other landscaping techniques.
- Policy PSCU-P-46: Adopt and implement a Water Efficient Landscaping Ordinance for new and/or refurbished development that exceeds mandated sizes, and ensure that all new City parks,

streetscapes, and landscaped areas conform to the Ordinance requirements. The Ordinance should include provisions to optimize outdoor water use by:

- Promoting appropriate use of plants and landscaping;
- Establishing limitations on use of turf including size of turf areas and use of cool-season turf such as Fescue grasses, with exceptions for specified uses (e.g., recreation playing fields, golf courses, and parks);
- Establishing water budgets and penalties for exceeding them;
- Requiring automatic irrigation systems and schedules, including controllers that incorporate weather-based or other self-adjusting technology;
- Promoting the use of recycled water; and
- Minimizing overspray and runoff.

- Policy PSCU-P-47: Implement a program of irrigation water use analyses, irrigation surveys, irrigation audits or similar techniques using available technology to evaluate water use in existing City parks and landscape areas, and undertake improvements to reduce water use to a level that does not exceed the Maximum Applied Water Allowance as calculated under the Water Efficient Landscaping Ordinance under Policy CO-P-3.

Other Public Facilities:

- Policy PSCU-P-59: Require new developments to incorporate flood water detention basins into project designs where consistent with the Stormwater Master Plan and the Groundwater Recharge Plan.
- Policy PSCU-P-60: Control urban and stormwater runoff, and point and non-point discharge of pollutants. As part of the City's Stormwater Management Program, adopt and implement a Stormwater Management Ordinance to minimize stormwater runoff rates and volumes, control water pollution, and maximize groundwater recharge. New development will be required to include Low Impact Development features that reduce impermeable surface areas and increase infiltration. Such features may include, but are not limited to:
  - Canopy trees or shrubs to absorb rainwater;
  - Grading that lengthens flow paths over permeable surfaces and increases runoff travel time to reduce the peak hour flow rate;
  - Partially removing curbs and gutters from parking areas where appropriate to allow stormwater sheet flow into vegetated areas;
  - Use of permeable paving in parking lots and other areas characterized by significant impervious surfaces;
  - On-site stormwater detention, use of bioswales and bioretention basins to facilitate infiltration; and
  - Integrated or subsurface water retention facilities to capture rainwater for use in landscape irrigation and other non-potable uses.

City of Visalia Fire Department Plan Check and Hydrant Ordinance

Visalia's requirements for new construction include provisions for the fire department to review building and site plans prior to the issuance of any permit. The fire department ensures that the Project would be adequately served by water and accessible to emergency vehicles. The VFD also enforces the City's Hydrant Ordinance, which states that subdividers are responsible for the installation of water mains and hydrants, and determines the minimum spacing for fire hydrants. Street dimensions are scrutinized to ensure that space would be preserved for ladder trucks to be stabilized and for emergency vehicles to turn around.

4.15.3 Impact Analysis

a) 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:

i. Fire Protection:

Less than Significant Impact. New construction projects are required to submit building and site plans for Fire Department review prior to the issuance of any permit. The Fire Department would ensure that the Project would be adequately served. Fire Department review would also include requirements for new fire hydrants and provide specifications for required fire flows. The Fire Department currently has an average response time of 5 minutes and 37 seconds, and the closest service station is 1.9 miles west of the Project. Subject to Fire Department review and with incorporation of the fire related conditions, the Project will have a less than significant impact on fire service facilities and will not warrant the need for new or physically altered fire facilities to maintain acceptable service ratios and meet performance objectives.

ii. Police Protection:

Less than Significant Impact. The closest existing City of Visalia Police Substation, District 1, is located at 204 NW Third Street, approximately 3.2 miles southeast of the Project site. The Visalia Police Department does not establish service standards either in terms of officers per thousand residents or in incident response time. While the Project may result in the need for additional police staff, the police facility is adequate in size to support additional officers, and within a distance that would allow the Department to maintain acceptable response times. Therefore, the Project will have a less than significant impact on police facilities and will not warrant the need for new or physically altered police facilities to maintain acceptable service ratios and meet performance objectives.

iii. Schools:

Less than Significant Impact. The Project would be served by VUSD. The Nearest Schools are summarized in the table below:

Table 4-23: School Distance from Project Site

School	Grades	Address	Distance from Project
Oak Grove Elementary School	K-8	4445 W Ferguson Avenue	0.23 mi SW
Manuel F. Hernandez Elementary	K-6	2133 N Leila Street	0.43 mi SE
Mt. Whitney High School	9-12	900 S Conyer St	3.4 mi SE
Redwood High School	9-12	1001 W Main St	2.9 mi SE

iv. Parks:

Less than Significant Impact. The Project site would be served by the City of Visalia Parks which offers 23 neighborhood parks located throughout the city. Soroptimist Park is the closest park to the Project site located 0.25 miles southwest of the Project, and Woodland Park is 1.3 miles southeast of the site. Additionally, the Project proposes a 2.02-acre Neighborhood Park. The city's General Plan proposes a 5.1 acres per 1,000 residents, the construction of the Project would include a 2.02-acre park and would maintain the current ratio of 5.1. Therefore, impacts would be less than significant.

v. Other public facilities:

Less than Significant Impact. Other public facilities include the Tulare County Superior Court-Visalia Courthouse, libraries, and hospitals. Though the Project may necessitate some increased maintenance for these public facilities, this potential increase can be paid for by property taxes generated by this development. Therefore, the Project would not 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 other public facilities. Impacts would be less than significant.

4.16 RECREATION

Table 4-24: Recreation Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

4.16.1 Baseline Conditions

Visalia classifies parks and public open space into five general categories. Facilities at each park type vary according to size. Most neighborhood parks have picnic tables, play equipment, and drinking fountains. Community and regional parks have these amenities as well as a combination of sports fields/courts, barbecue areas, parking, restrooms and facilities for other types of recreation. Parks are classified as follows:

- Pocket Park: A park typically between one-half acre and two acres in size intended to serve the needs of a specific neighborhood within a half-mile radius.
- Neighborhood Park: A park typically two to five acres in size that provides basic recreation activities for one or more neighborhoods. The service area ranges from a half-mile to a one-mile radius. These parks may include facilities such as children's playgrounds, picnic tables, benches, and walkways. Many neighborhood parks are planned adjacent to new schools, and actual neighborhood park sizes may be as large as 10 acres depending on neighborhood size and need.
- Community Park: A park typically ranging from 5 to 12 acres in size or larger, depending on the needs of the quadrant. Community parks are intended to serve the recreational needs of a larger area of the city, and particularly those residents living or working within a two-mile radius. These parks may include facilities such as sport fields, exercise courses, recreation buildings, and restrooms. Other facilities may include community centers, swimming pools, tennis courts, and concession stands.
- Large City Park: A park generally larger than 40 acres in size intended to serve the recreational needs of all city residents and to create opportunities for contact with the natural environment. These parks may include a concentration of sports fields, golf courses, and areas for picnicking and passive enjoyment of open space. The proposed Project would fall into this category.
- Natural Corridors and Greenways: A network of greenways of varying size intended to serve the recreational needs of city residents. These parks may include facilities such as bikeways, walkways, and riding trails, and are primarily developed along the city's waterways. Mill Creek and Packwood passing through the Project site fall into this category.

Currently, Visalia has 37 parks dispersed throughout the City. Four community parks (Fairview Village Park, Recreation Park, Seven Oaks Park, and Whitendale Park) provide a fuller range of community amenities or are co-located with community centers and range from approximately 9 to 14 acres. Three larger facilities, Mooney's Grove Park (County), Plaza Park and Riverway Sports Park, are located at the periphery. The St. John's Trail (St. John's Riverway) forms much of the northern edge of the City. Altogether, there are 678 acres of parkland within the City. Tulare County's Cutler Park provides another 50 acres just outside of the City; this acreage is not counted as park acreage for the City of Visalia.

4.16.2 Applicable Regulations

Federal

There are no federal regulations pertaining to recreation that apply to the Project.

State

State Open Space Standards

State planning law (GC Section 65560) provides a structure for the preservation of open space by requiring every city and county in the state to prepare, adopt, and submit to the Secretary of the Resources Agency a "local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction." The following open space categories are identified for preservation:

- Open space for public health and safety, including, but not limited to, areas that require special management or regulation due to hazardous or special conditions.
- Open space for the preservation of natural resources, including, but not limited to, natural vegetation, fish and wildlife, and water resources.
- Open space for resource management and production, including, but not limited to, agricultural and mineral resources, forests, rangeland, and areas required for the recharge of groundwater basins.
- Open space for outdoor recreation, including, but not limited to, parks and recreational facilities, areas that serve as links between major recreation and open space reservations (such as trails, easements, and scenic roadways), and areas of outstanding scenic and cultural value.
- Open space for the protection of Native American sites, including, but not limited to, places, features, and objects of historical, cultural, or sacred significance such as Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property (further defined in PRC Sections 5097.9 and 5097.993).

Quimby Act

The 1975 Quimby Act (GC Section 66477) authorizes cities and counties to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. The Act states that the dedication requirement of parkland can be a minimum of three acres per thousand residents or more and up to five acres per thousand residents if the existing ratio is greater than the minimum standard. Revenues generated through in-lieu fees collected and the Quimby Act cannot be used for the operation and maintenance of park facilities. In 1982, the Act was substantially amended. The amendments further defined acceptable uses of, or restrictions on Quimby funds, provided acreage/ population standards and formulas for determining the exaction, and indicated that the exactions must be closely tied (i.e. via nexus) to project impacts as identified through studies required by CEQA.

Local

City of Visalia General Plan

The Parks, Schools, Community Facilities, and Utilities Element of Visalia's GP was last comprehensively updated in 2014. Regarding parks and recreation, the element presents Visalia's policies and programs for the development and maintenance of parks, schools, and other fundamental building blocks for new neighborhoods to be built over the next two decades. The Element objectives and goals pertaining to recreation are as follows:

- Policy PSCU-O-1: Design parks and recreation facilities that will enhance community identity and serve the recreation and social needs of Visalians of all ages, economic situations and physical abilities.
- Policy PSCU-O-2: Continue to develop and expand special recreation amenities and programs for teens, senior citizens, and ethnic populations.
- Policy PSCU-O-6: Maximize opportunities for joint use of public land and facilities involving schools, stormwater ponding basins and other areas under public jurisdiction suitable for recreation.
- Policy PSCU-P-25: Encourage cooperative agreements with the City and the Kaweah Water Conservation District, levee districts, irrigation companies, school district, College of the Sequoias, Southern California Edison Company and other public agencies and utilities to explore innovative recreation open space facilities throughout the Visalia planning area.
- Policy PSCU-P-2: Strive to achieve and maintain a citywide standard of at least five acres of neighborhood and community parks per 1,000 residents.
- Policy PSCU-P-3: Reserve land and develop parks and public open spaces and recreation facilities consistent with designated Parks and Open Space land on the Land Use Diagram.
- Policy PSCU-P-13: Design parks to enhance neighborhood character and minimize negative impacts.
    - Locate neighborhood parks with local or collector street frontages on at least three sides, and sidewalks and crossings designed for safe and easy pedestrian access.
    - Where a neighborhood park is part of a neighborhood node, it should be designed to promote visual connections and pedestrian movement between the park and adjacent uses such as schools and commercial uses.
- Policy PSCU-P-23: Promote innovative park design that responds to neighborhood needs and user groups.
- Policy PSCU-P-24: Provide shade in parks by using arbors and other landscaping techniques.
- Policy PSCU-P-46: Adopt and implement a Water Efficient Landscaping Ordinance for new and/or refurbished development that exceeds mandated sizes, and ensure that all new City parks, streetscapes, and landscaped areas conform to the Ordinance requirements. The Ordinance should include provisions to optimize outdoor water use by:
    - Promoting appropriate use of plants and landscaping;
    - Establishing limitations on use of turf including size of turf areas and use of cool-season turf such as Fescue grasses, with exceptions for specified uses (e.g., recreation playing fields, golf courses, and parks);
    - Establishing water budgets and penalties for exceeding them;
    - Requiring automatic irrigation systems and schedules, including controllers that incorporate weather-based or other self-adjusting technology;

- Promoting the use of recycled water; and
- Minimizing overspray and runoff.

- Policy PSCU-P-47: Implement a program of irrigation water use analyses, irrigation surveys, irrigation audits or similar techniques using available technology to evaluate water use in existing City parks and landscape areas, and undertake improvements to reduce water use to a level that does not exceed the Maximum Applied Water Allowance as calculated under the Water Efficient Landscaping Ordinance under Policy CO-P-3.

4.16.3 Impact Analysis

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?

Less than Significant Impact. The Project is located within two miles from an existing public community park and a regional park, Fairview Village Park and Riverway Sports Park, respectively. Additionally, the Project would include the development and dedication of public open spaces in the form of a Neighborhood Park, which will be located within the project and constructed with development.

Currently, the Project site is active farmland, and it is not used as park space. The Project would include park space by constructing a 2.02-acre neighborhood park. According to the City of Visalia General Plan, a goal for the City is to have a neighborhood park within a quarter-mile walk for every residence.[36] The inclusion of a Neighborhood Park would assist in satisfying that goal. Residents in the vicinity of the Project site could utilize the proposed park. The City's park space goal is to have five acres of park space per 1,000 residents. As noted in the General Plan, the current ratio is 5.1 acres per 1,000 residents. The Project-proposed 2.02-acre park would maintain the current ratio of 5.1. Therefore, impacts would be less than significant.

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?

Less than Significant Impact. The Project site currently consists of irrigated farmland. The Project would include the development and dedication of public open spaces in the form of a Neighborhood Park, which is proposed to be constructed with development. No off-site park space is required to be constructed. Impacts related to the construction of the Neighborhood Park is included in the physical impacts evaluated as part of the Project. In addition to construction of park facilities, the Project may also be responsible for the payment of in-lieu fees for park land dedication/reservation. Therefore, impacts related to the construction or expansion of recreational facilities would be less than significant.

[36] (City of Visalia 2014)

4.17 TRANSPORTATION

Table 4-25: Transportation Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

4.17.1 Baseline Conditions

The Project site would be located on an approximately 23.7-acre pomegranate orchard along West Ferguson Avenue, approximately 750 feet west of the West Ferguson Avenue and North Demaree Street intersection. West Ferguson Avenue is an existing collector roadway, and North Demaree Street is an existing arterial roadway as designated by the City of Visalia General Plan Circulation Element. Arterial streets in Visalia are designed to transition traffic from freeways and expressways to smaller collector streets, and vice versa. State Routes (SR) in and within the immediate vicinity of the City of Visalia include SR 63, 99, 198, and 216. The Project's Ferguson Avenue frontage contains a bicycle route.

4.17.2 Thresholds

The City of Visalia VMT Thresholds and Implementation Thresholds provide details on appropriate "screening thresholds" that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed VMT analysis.[37] Screening thresholds include:

1. Residential and office projects within a Transit Priority Area
2. Locally serving retail projects up to 50,000 square feet
3. Residential, office, or mixed-use projects within low-VMT generating areas
4. 100 percent affordable housing projects
5. Projects that are consistent with the City's General Plan and generating fewer than 1,000 daily trips

[37] (LSA Associates 2021)

A land use project need only meet one of the above screening thresholds to result in a less than significant impact.

4.17.3 Impact Analysis

a) Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. The Project would not conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The Project would not be in conflict with the standards and goals set forth in the City of Visalia General Plan Circulation Element. The Project is required to submit improvement plans, including roadway improvements, for review and approval by the City Engineer to ensure improvements will be consistent with City standards. Therefore. there would be no impact.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

Less than Significant Impact. The Project would result in the addition of 117 new homes to the City of Visalia, resulting in an increase of population for the City. A rise in population for the area would result in an increased amount of VMT being produced from a rise in population. The City of Visalia has identified the area as being located within a Low VMT-generating area as illustrated on the site plan map in Appendix F: Site Plan.[38] As a result, the Project meets one of the five screening thresholds identified in Section 4.17.2 above. These screening thresholds limits the Project's impacts relating to VMT generation to a less than significant level. Therefore, impacts would be less than significant.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. The Project would not increase hazards due to a geometric design feature or incompatible use. The Project would result in one point of access along West Ferguson Avenue and would result in a connection to North Fontana Street and the existing neighborhood to the north of the Project site. Roadway design and width would be required to be approved by the City Engineer before construction could commence. Compliance with all applicable safety standards would be required and confirmed during the review of improvement plans. Therefore, impacts would be less than significant.

d) Would the project result in inadequate emergency access?

Less than Significant Impact. The Project would not result in inadequate emergency access as it proposes two points of access and provides for future connectivity to the property to the east. While the construction for the Project would result in truck deliveries, hauling of materials, and construction crews, improvement plans and any work completed in existing roadways would be required to be approved by the City Engineer before they could occur. Therefore, impacts would be less than significant.

[38] (LSA Associates 2021)

4.18 TRIBAL CULTURAL RESOURCES

Table 4-26: Tribal Cultural Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐
ii. 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. In applying the 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.	☐	☒	☐	☐

4.18.1 Baseline Conditions

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14) requires that a lead agency, within 14 days of determining that it would undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement would be made.

The City of Visalia, as the public lead agency, received a letter from the Santa Rosa Rancheria Tachi Yokut Tribe pursuant to PRC § 21080.3.1 (AB 52) officially requesting notification of Projects within the Santa Rosa Rancheria's geographic area of traditional and cultural affiliation.

Records Search

A records search from the SSJVIC of CHRIS, located at California State University, Bakersfield was conducted in February 2022. The SSJVIC records search includes a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest, the California Historical Landmarks, the California Register of Historical Resources, the National Register of Historic Places, and the California State Built Environment Resources Directory listings were reviewed for the above referenced APE and an additional ½ mile radius. Due to the sensitive nature of cultural resources, archaeological site locations are not released. (Appendix C).

Additional sources included the State Office of Historic Preservation Historic Properties Directory, Archaeological Determinations of Eligibility, and the California Inventory of Historic Resources.

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14)

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14) requires that a lead agency, within 14 days of determining that it would undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement would be made.

Native American Outreach

The NAHC in Sacramento was also contacted in February 2022. They were provided with a brief description of the Project and a map showing its location and requested that the NAHC perform a search of the Sacred Lands File to determine if any Native American resources have been recorded in the immediate APE. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act, among many other powers and duties.

4.18.2 Impact Assessment

a) 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:

i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or

Less than Significant Impact with Mitigation Incorporated. A record search of the NAHC Sacred Lands File was completed for the project area and the results were negative for the presence of Native American tribal cultural resources. A records search from CHRIS at SSJVIC also confirmed that there are

no recorded cultural or historical resources within the project area. Additionally, there are no recorded cultural resources within the project area or the one-mile radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks. Less than significant impacts, with mitigation incorporated, to tribal resources are expected. Mitigation Measures CUL-1 and CUL-2, described above in Section 4.5, as well as TCR-1 and TCR-2 are recommended in the event tribal cultural materials or human remains are unearthed during excavation or construction.

ii. 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. In applying the 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.

Less than Significant Impact with Mitigation Incorporated. The City of Visalia, as the public lead agency, received a letter from the Santa Rosa Rancheria Tachi Yokut Tribe pursuant to PRC § 21080.3.1 (AB 52) officially requesting notification of Projects within the Santa Rosa Rancheria's geographic area of traditional and cultural affiliation. On March 18, 2022, the City sent the Tribe a formal letter including a Project description. In accordance with the law, the letter provided 30 days from receipt of the letter to request consultation in writing. One request for tribal consultation was made for the Project. The requests from the Tribe have been incorporated into this document as mitigation measures TCR-1, TCR-2, and TCR-3. Implementation of TCR-1, TCR-2, and TCR-3 mitigation measures outlined below will reduce any impacts to Tribal Cultural Resources will be less than significant.

In addition, although there is little chance the Project would cause a substantial adverse change to the significance of a tribal cultural resource as defined. Mitigation Measure CUL-1 and CUL-2, described in Section 4.5 is recommended in the event cultural materials or human remains are unearthed during excavation or construction.

4.18.3 Mitigation

TCR-1 (Tribal Cultural Resource Presentation): Due to Tribal history and knowledge of the project area, the Santa Rosa Rancheria Tachi Yokut Tribe has concerns and is requesting to be retained for a cultural presentation to all construction staff of the Project, prior to start of construction activities.

TCR-2 (Tribal Cultural Monitoring): An approved Tribal Monitor or representative appointed by the Santa Rosa Rancheria Tachi Yokut Tribe shall be retained to be on site to monitor during all project-related ground-disturbing construction activities within the Cultural APE (i.e., grading, excavation, etc.).

TCR-3 (Curation of Archaeological Collections): A curation agreement shall be entered into with the Santa Rosa Rancheria Tachi Yokut Tribe. Materials and documents would be professionally curated as outlined in the agreement and made available to other archaeologists or researchers for further study. The collections and associated records shall be transferred, to an appropriate curation facility as outlined in agreement with Santa Rosa Rancheria Tachi Yokut Tribe, to be accompanied by payment.

4.19 UTILITIES AND SERVICE SYSTEMS

Table 4-27: Utilities and Service Systems Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

4.19.1 Baseline Conditions

The Project site is located on the north side of West Ferguson Avenue, between North Demaree and North Linwood Streets in the City of Visalia.

Wastewater

The City of Visalia's existing sanitary sewer system consists of over 468 miles of gravity-flow sanitary sewer pipe ranging in size from four to 48 inches, with 12 Supervisory Control and Data Acquisition connected lift stations. The system currently serves most developed areas of the city limits. The Visalia Department of Public Works develops and maintains the sewer systems. The City of Visalia typically utilizes a wastewater generation factor of 100 to 125 gallons per day per capita. The nearest sewer main is located in the Project's Ferguson Avenue frontage.

Solid Waste

Solid waste disposal is provided to the City by the Tulare County Resource Management Agency, which operates the Visalia Landfill approximately 5.4 miles northwest of the Project. The facility is located at 8614 Avenue 328 in Visalia and serves the cities of Visalia, Farmersville, Dinuba, Exeter, Tulare, Woodlake,

Fresno, and unincorporated areas of northern Tulare and southern Fresno Counties. The approximate amount of waste disposed at Visalia in 2003 was estimated to be 120,000 tons.[39] This landfill has a maximum permitted throughput of 2,000 tons per day, a maximum permitted capacity of 18,630,666 cubic yards, and a remaining capacity of 16,145,591 cubic yards. The Visalia Landfill is expected to cease operation in January of 2024.[40] Solid waste collection is provided by the City and recyclable material processing is provided to the City by Sunset Waste Systems.

Electricity

Power is provided to the City by SCE. SCE is a subsidiary of Edison International and provides electricity to over 15 million Californians. It is one of the largest electric utilities in the nation, and the nation's single largest purchaser of renewable power. The electrical facilities network includes both overhead and underground lines, with new development required to install underground service lines.

Natural Gas

Natural gas service in the City is provided by the SoCalGas.

Communications

There are three major companies that provide communications services in Visalia: AT&T, Sprint, and Verizon. Comcast is the primary cable television and internet provider.

Water Service Company

The California Water Service Company Visalia district (Cal Water) is the primary water purveyor in the City of Visalia. The nearest water main is located adjacent to the Project's Ferguson Avenue frontage.

4.19.2 Applicable Regulations

Federal

Clean Water Act

The CWA was enacted by Congress in 1972 and has been amended several times since its adoption. It is the primary federal law regulating water quality in the U.S. and forms the basis for several state and local laws throughout the country. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA prescribes the basic federal laws for regulating discharges of pollutants and sets minimum water quality standards for all surface waters in the United States. At the federal level, the CWA is administered by the EPA. The EPA published final regulations regarding stormwater discharges on November 16, 1990. The regulations require that MS4 discharges to surface waters to be regulated by a NPDES permit. At the State and regional levels, the CWA is administered and enforced by the SWRCB and the RWQCBs.

[39] (Tulare County 2010)
[40] (City of Visalia 2014)

Municipal Urban (Area-wide) Storm-Water Discharges

A MS4 systems defined by the EPA must obtain an NPDES permit by a certain date according to the population served by the system. Operators the stormwater system must submit an NPDES permit application and supporting information to the respective RWQCB. The CWA provides for delegating certain responsibilities for water-quality control and planning to the states. California has been authorized by the EPA to administer and enforce portions of the CWA, including the NPDES program. Section 208 of the CWA is designated to provide a comprehensive planning framework for both point- and non-point-source water pollution. Specific planning requirements include, but are not limited, to the following:

- Identification of needed treatment works to meet anticipated requirements over a 20-year period;
- Identification of construction priorities for the region; and

Procedures and methods to control non-point-source pollution emanating from agriculture, mining, and other sources. Most owners or operators of facilities that discharge waste into a municipal sanitary sewer system need to obtain an NPDES permit. The EPA, the SWRCB, and the respective RWQCB or the local wastewater management agency might require some industries to treat industrial hazardous wastes before such wastes are discharged to a municipal sanitary sewer system. The local wastewater management agency advises industries of those requirements.

State

State Water Resources Control Board – Waste Discharge Requirements Program

State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirement (WDR) Program (sometimes also referred to as the "Non Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g. sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDR Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27[41]. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery

The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track wastes generated in California. In 2015, statewide disposal was 33.2 million tons of solid waste. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40000, et seq.) or AB 939, administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

[41] (State of California Water Resources Control Board 2022)

National Pollutant Discharge Elimination System Permit

As authorized by the CWA, the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of SWRCB and RWQCBs to preserve and enhance the quality of the States waters through the development of water quality control plans and the issuance of WDR. WDRs for discharges to surface waters also serve as NPDES permits.[42] NPDES permits also regulate the requirements of the MS4 discharges to surface waters.

Construction Stormwater NPDES Permit

A CGP for Discharges of Storm Water Associated with Construction Activity CGP, Water Quality Order No. 2009-0009-DWQ) is required for dischargers or projects who disturb one acre or more of soil or whose project disturbs less than one acre, but which is part of a larger common plan of development that in total disturbs one acre or more. The SWRCB established the CGP program to reduce surface water impacts from construction activities. This CGP was adopted in September 2009 and went into effect July 2010.

The CGP requires the development of PRDs which include the development and implementation of a SWPPP. The SWPPP must contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list/describe BMPs the discharger would use to prevent polluted stormwater runoff and show the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Attachment B of the CGP describes the elements that must be contained in a SWPPP. Additional PRD requirements are described in Attachments C-E in the CGP.

Central Valley Regional Water Quality Control Board

The primary responsibility for the protection of water quality in California rests with the SWRCB and nine RWQCB. The SWRCB sets statewide policy for the implementation of state and federal laws and regulations. The RWQCBs adopt and implement Water Quality Control Plans (Basin Plans) which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

The City is located within the jurisdiction of the Central Valley RWQCB in an area identified as the Tulare Lake Basin, which comprises the drainage area of the San Joaquin Valley south of the San Joaquin River. According to the Water Quality Control Plan for the Tulare Lake Basin, the basin consists of approximately 10.5 million acres, and includes the metropolitan areas of Bakersfield, Fresno, Porterville, Hanford, Tulare, and Visalia.[43] The Regional Board has set water quality objectives for both surface and ground water, which it achieves through an implementation plan. The RWQCB efforts emphasize the importance of controlling toxic discharges and address ground water salinity, which is identified as the greatest long-term problem facing the basin.[44]

The Regional Board identifies the elimination of groundwater overdraft as an important tool to use to combat the increasing salinity of the basin, as continued overdraft would deplete good quality water

[42] (State of California Water Resources Control Board 2022)
[43] (State of California Water Boards - Central Valley Region 5 2022)
[44] Ibid.

supplies and introduce salts from poorer quality aquifers. Groundwater recharge is recommended as a major mechanism to prevent further groundwater overdraft.[45]

Local

City of Visalia General Plan

- Objective PSCU-O-14: Provide for long-range community water needs by adopting best management practices for water use, conservation, groundwater recharge and wastewater and stormwater management.
- Objective PSCU-O-15: Preserve groundwater resources.
- Policy PSCU-P-47: Adopt and implement a Water Efficient Landscaping Ordinance for new and/or refurbished development that exceeds mandated sizes, and ensure that all new City parks streetscapes, and landscaped areas conform to the Ordinance's requirements. The Ordinance should include provisions to optimize outdoor water use by:
    - Promoting appropriate use of plants and landscaping;
    - Establishing limitations on use of turf including size of turf areas and use of cool-season turf such as Fescue grasses, with exceptions for specified uses (e.g., recreation playing fields, golf courses, and parks);
    - Establishing water budgets and penalties for exceeding them;
    - Requiring automatic irrigation systems and schedules, including controllers that incorporate weather-based or other self-adjusting technology;
    - Promoting the use of recycled water; and
    - Minimizing overspray and runoff.

City of Visalia Municipal Code

- City of Visalia Water Conservation Ordinance
  The City's Water Conservation Ordinance was adopted in 1989 and can be found in Chapter 13.20 of the Municipal Code. The Ordinance sets regulations to minimize outdoor water use and reduce unnecessary consumption of potable water. It defines and places restriction on wasteful uses of water and establishes water conservation alert stages to be enacted during periods of water shortage.
- The Visalia Municipal Code contains regulations related to solid waste and recycling in Chapter 8.28. The City, in order to promote and protect the public and refuse worker health and safety and to reduce the danger and hazards of fires and conflagrations, reserves unto itself the exclusive right and power to collect, transport, and dispose of, or to authorize, regulate, permit and control said collections, transportation and disposition of all refuse and rubble produced or found within the corporate limits of said city.
- The Visalia Municipal Code contains regulations related to solid waste and recycling in Chapter 8.29. The purpose of this chapter is to increase the recycling and reuse of construction and demolition debris, consistent with the goals of the California Integrated Waste Management Act of 1989.

[45] Ibid.

4.19.3 Impact Analysis

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact. The Project is surrounded by urban and developed areas of the City. Therefore, the Project would connect to existing water, wastewater, and stormwater infrastructure within the City, located in the Project's Ferguson Avenue frontage. CalWater has provided a Will Serve letter stating they would have adequate water supplies to serve the Project. Therefore, the Project would not require the relocation or construction of new or expanded water facilities. Additionally, the Project would be served by the existing wastewater treatment provider and would not require the construction of new or expanded wastewater facilities. The Project would connect to existing natural gas, and existing power lines in the project vicinity. Natural gas and electricity connections would be coordinated with SoCalGas. Therefore, the Project would not require the relocation or construction of new water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. Therefore, impacts would be less than significant.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The Project area is not located in an adjudicated subbasin, and the 2020 UWMP indicates that CalWater has no issue meeting demands of this project or future projects during normal, dry, and multiple dry years. Impacts would be less than significant.

c) Would the project 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?

Less than Significant Impact. The Project will be connecting to existing City sanitary sewer lines, consistent with the City Sewer Master Plan. The Visalia wastewater treatment plant has a current rated capacity of 22 million gallons per day, but currently treats an average daily maximum month flow of 12.5 million gallons per day. The City has adequate wastewater capacity to serve the Project in addition to its existing commitments, therefore the Project will have a less than significant impact on wastewater capacity.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. The Visalia Landfill approximately 5.4 miles northwest of the Project, is the primary landfill serving the area. The facility is located at 8614 Avenue 328 in Visalia and serves the cities of Visalia, Farmersville, Dinuba, Exeter, Tulare, Woodlake, Fresno, and unincorporated areas of northern Tulare and southern Fresno Counties. The approximate amount of waste disposed at Visalia in 2003 was estimated to be 120,000 tons. This landfill has a maximum permitted throughput of 2,000 tons per day, a maximum permitted capacity of 18,630,666 cubic yards, and a remaining capacity of 16,145,591 cubic yards. The Visalia Landfill is expected to cease operation in January of 2024. A typical residence disposes of approximately 10 pounds of solid waste each day. The 117 residences proposed by the Project would generate approximately 694 cubic yard of waste per year Assuming the current maximum daily throughput of solid waste were committed to the landfill each day through its closure date, the Project's incremental contribution of 6,941 cubic yards of solid waste would not result in the need for new or

physically altered landfill facilities to meet service objectives, and thus there would be a less than significant impact.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. The Project will be required to comply with all regulations applicable to solid waste generation for residential projects. In order for the Project to comply with local regulations, the Project would be provided with basic container service. Each property owner will receive a container for solid waste, green waste, and recyclable materials. Impacts will be less than significant.

4.20 WILDFIRE

Table 4-28: Wildfire Impacts

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

4.20.1 Baseline Conditions

The Project site would be located in an area that is not designated as being a very high fire hazard severity zone by CalFire's California Fire Hazard Severity Zone Viewer.[46] The Project site is also not located in an area that has been designated as an SRA by the California Board of Forestry and Fire Protection's State Responsibility Area Viewer.[47] The site is considered a local responsibility area and is served by City of Visalia Fire Stations. The nearest fire stations to the Project site are the City of Visalia Fire Station 55, approximately 1.63 miles to the northwest, and the City of Visalia Fire Station 54, approximately 2.25 miles to the east of the Project site. The Project site is relatively flat and is considerably surrounded by urban uses.

[46] (California Department of Forestry and Fire Protection - Fire and Resource Assessment Program (FRAP) 2022)
[47] (California Department of Forestry and Fire 2021)

4.20.2 Impact Analysis

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

See Section d below for analysis.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

See Section d below for analysis.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

See Section d below for analysis.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project would not be located within an area that has been designated as a very-high fire hazard severity zone, nor has it been designated as an SRA. The nearest designated SRA is located approximately 12 miles northeast, northwest of Woodlake. The nearest Very High Fire Hazard Severity Zone is located approximately 23.5 miles northeast near Three Rivers. Therefore, there would be no impact.

4.21 CEQA MANDATORY FINDINGS OF SIGNIFICANCE

Table 4-29: CEQA Mandatory Findings of Significance

Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) 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)?	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

4.21.1 Statement of Findings

a) Does the project have 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact with Mitigated Incorporated. The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the Project, with incorporation of mitigation measures, will have a less than significant effect on the environment. The potential for impacts to agricultural resources, biological resources, cultural resources, geological and tribal cultural resources from the implementation of the proposed Project will be less than significant with the incorporation of the mitigation measures discussed in this analysis. Accordingly, the proposed Project will involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory.

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)?

Less than Significant Impact. CEQA Guidelines Section 15064(i) States that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. The proposed Project would include an annexation, prezone and subdivision for purposes of allowing the development of a new residential subdivision and associated infrastructure to connect the subdivisions to the City of Visalia. The Project site was anticipated for urbanization with the development of the City's General Plan. Therefore, implementation of the Project would not result in significant cumulative impacts and all potential impacts would be reduced to less than significant through the implementation of mitigation measures and basic regulatory requirements incorporated into Project design.

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

Less than Significant Impact. The analysis conducted in this Initial Study results in a determination that the Project would have a less than a substantial adverse effect on human beings, either directly or indirectly.

CHAPTER 5 MITIGATION, MONITORING, AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project in the City of Visalia. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 5-1: Mitigation, Monitoring, and Reporting Program presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of Table 5-1: Mitigation, Monitoring, and Reporting Program identifies the mitigation measure. The second column, entitled "When Monitoring is to Occur," identifies the time the mitigation measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring of the mitigation measure. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the Lead and Responsible Agencies to ensure that individual mitigation measures have been complied with and monitored.

Table 5-1: Mitigation, Monitoring, and Reporting Program

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Agricultural and Forestry Resources						
AGR-1	AGR-1 Prior to development, the Williamson Act Contract shall be cancelled and applicable cancellation fees shall be paid to the County Treasure in accordance with Government Code Section 51283(b). In the event that the City exercises the option of not succeeding to the Contract pursuant to Government Code Section 51243.5(d), and such action is approved by the Local Agency Formation Commission, the Contract will be terminated, no cancellation is required, and no cancellation fees are required to be paid.	Prior to recordation of Final Map	Once	Applicant/Contractor		
Biological Resources						
BIO-1	The Project's construction activities will occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.	Prior to construction	Once	Applicant/Contractor		
BIO-2	If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist would conduct a pre-construction survey for all nesting birds within the Project boundary and an additional 50 feet surrounding the Project, no more than 7 days prior to the start of construction. All raptor nests would be considered "active" upon the nest-building stage.	Prior to construction	Once	Applicant/Contractor		
BIO-3	On discovery of any active nests or breeding colonies near work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW and/or USFWS guidelines and/or the biology of the species in question. Construction buffers will be	Upon discovery of active nests or colonies near work areas	Once	Applicant/Contractor		

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	identified with flagging, fencing, or other easily visible means, and will be maintained until the biologist has determined that the nestlings have fledged and are no longer dependent on the nest.					
Cultural Resources						
CUL-1	Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.	During construction	Continuously	Applicant/Contractor		
CUL-2	In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.	Upon discovery of human remains	Continuously	Applicant/Contractor		
Geology and Soils						
GEO-1	Should paleontological resources be encountered on the Project site, all ground disturbing activities in the area shall stop. A qualified paleontologist shall be contacted to assess the discovery. Mitigation may include	Upon discovery of paleontological resources	Continuously	Applicant/Contractor		

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	monitoring, recording the fossil locality, data recovery and analysis, a final report. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City of Visalia for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.					
	Tribal Cultural Resources					
TCR-1	(Tribal Cultural Resource Presentation): Due to Tribal history and knowledge of the project area, the Santa Rosa Rancheria Tachi Yokut Tribe has concerns and is requesting to be retained for a cultural presentation to all construction staff of the Project, prior to start of construction activities.	Prior to commencement of construction activities	Continuously	Applicant/Contractor		
TCR-2	(Tribal Cultural Monitoring): An approved Tribal Monitor shall be retained to be on site to monitor during all project-related ground-disturbing construction activities within the Cultural APE (i.e., grading, excavation, etc.).	Prior to commencement of construction activities	Continuously	Applicant/Contractor		
TCR-3	Curation of Archaeological Collections): A curation agreement shall be entered into with the Santa Rosa Rancheria Tachi Yokut Tribe, materials and documents would be professionally curated as outlined in agreement and made available to other archaeologists or researchers for further study. The collections and associated records shall be transferred, to an appropriate curation facility as outlined in agreement with Santa Rosa Rancheria Tachi Yokut Tribe, to be accompanied by payment.	Prior to commencement of construction activities	Continuously	Applicant/Contractor		

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Appendix A: CalEEMod Output Files

Appendix B: Biological Review

Appendix C: Cultural Resources Information

Appendix D: Transportation Analyses

Appendix E: LESA Analysis

Appendix F: Site Plan