

AGENDA

TULARE PLANNING COMMISSION

7:00 p.m.

MONDAY, July 13, 2015

TULARE PUBLIC LIBRARY & COUNCIL CHAMBERS

491 NORTH "M" STREET

MISSION STATEMENT

TO PROMOTE A QUALITY OF LIFE MAKING TULARE THE MOST DESIRABLE
COMMUNITY IN WHICH TO LIVE, LEARN, PLAY, WORK, WORSHIP AND
PROSPER

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

*III. CITIZEN COMMENTS- This is the time for citizens to comment on items within the jurisdiction of the Planning Commission. The Planning Commission cannot legally discuss or take official action on citizen comments that are introduced tonight. Each speaker will be allowed **three minutes**, with a maximum time of 10 minutes per item, unless otherwise extended by the Planning Commission.*

IV. COMMISSIONER COMMENTS

V. STAFF COMMUNICATIONS

VI. CONSENT CALENDAR:

(1) Minutes of the June 8, 2015 Planning Commission Meeting

VII. GENERAL BUSINESS- PUBLIC HEARING

(1) Final Environmental Impact Report-Cali Cheese:

Adopt Resolution 5151, certifying the Final Environmental Impact Report and adopting findings and statement of overriding considerations for a request by CCC Property, LLC to construct a 300,000 sq. ft. cheese manufacturing plant located on the property at the northeast corner of Paige Avenue and Enterprise Street.

Traci Myers, Community Development Deputy Director

(2) Conditional Use Permit No. 2015-10:

Adopt Resolution 5152, approving a request by CCC Property, LLC to operate a cheese processing facility in heavy industrial zoning district and to allow the calculation of the parking requirements at one and two-tenths spaces per employee during maximum shift on the property located at the northeast corner of Paige Avenue and Enterprise Street.

Traci Myers, Community Development Deputy Director

VIII. GENERAL BUSINESS-NON PUBLIC HEARING ITEMS

None

IX. TEENS ON BOARD REPORTS

X. ITEMS OF BOARD INTERESTS

XI. ADJOURNMENT

In compliance with the Americans with Disabilities and Brown Act, if you need special assistance to participate in the meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the City Manager's Office (559) 684-4200. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35, 104 ADA Title II), and allow for the preparation of documents in the appropriate alternate format.

[Note: Pursuant to Government Code 54957.5- Effective 7/1/08 Documents produced and distributed less than 72 hours prior to or during an open session of a regular meeting to a majority of the legislative body regarding any item on the agenda will be made available for public inspection at the meeting and at the Planning Department at City Hall located at 411 East Kern Avenue during normal business hours.]

CITY OF TULARE PLANNING COMMISSION

REGULAR MEETING MINUTES

**Council Chambers
491 North M Street**

June 8, 2015

COMMISSIONERS PRESENT: Miller, Crase, Rocha, Herrera, Miguel,
Chairman Killion

TEENS ON BOARD PRESENT: None

STAFF PRESENT: Rob Hunt, Community Development Director
Traci Myers, Community Development Deputy
Director
Lucie Sylvester, Administrative Assistant

CALL TO ORDER:

Chairman Killion called the regular meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Commissioner Miguel led us in the flag salute.

CITIZEN COMMENTS:

None

COMMISSIONER COMMENTS:

Commissioner Herrera stated that there has been nothing done about the weeds and dilapidated condition of the old fire station on West Street.

Director Hunt stated that he will forward this information to Code Enforcement.

Commissioner Rocha stated that several people have brought to her attention the Stage 4 ordinance which states that you are not able to wash you cars at home they must be taken to a commercial car

wash. She asked if the residents were allowed to wash their cars on their laws during their permitted watering days.

Director Hunt encouraged her to let residents know to contact the Board of Public Utilities and our Public Works Director, Joe Carlini, for answers and clarification to these types of questions.

Commissioner Rocha also noted that while traveling on Tulare Avenue near the High School and Elementary School she was going slightly over the speed limit and was still passed by a City of Tulare transit bus.

Director Hunt stated that he would forward this to Darlene Thompson who oversees public transit.

Commissioner Miguel stated that he seen an article in which it depicted water usage by cities around the state and it has Tulare as already one of the more frugal cities. He asked if the state is making allowances for the cities who already conserve water.

Director Hunt, stated that the Public Works Director is trying to get some type of allowances made.

STAFF COMMUNICATIONS:

None

CONSENT CALENDAR:

It was motioned by Commissioner Crase and seconded by Commissioner Miguel to approve item on the Consent Calendar

Motion carried by unanimous vote.

PUBLIC HEARING:

Conditional Use Permit No. 2015-03:

Rob Hunt, Community Development Director, reviewed with the Commission a request by Eunice Kim for an ABC License (beer and wine) in conjunction with a restaurant at property located at 2089 E. Prosperity Avenue.

Director Hunt requested that Condition #2 read"The permit is limited to on-sale beer and wine in conjunction with restaurant" **not** "on-sale general liquor".

Chairman Killion opened the public hearing.

Commissioner Miller asked what type of food would be served there.

Director Hunt stated that he was not sure but believed it to be Korean food.

Commissioner Miguel noted that it is always good to see a wide variety of food in our city.

It was motioned by Commissioner Miguel and seconded by Commissioner Rocha to adopt Resolution 5149, approving Conditional Use Permit No. 2015-03 based on the findings and subject to the conditions as listed in the staff report with the correction to Condition #2 as noted above.

COMMISSIONERS

AYES: Miller, Miguel, Crase
Rocha, Herrera, Chairman Killion

ABSENT: Nunes

NOES: None

ABSTAIN: None

Conditional Use Permit No. 2015-06:

Rob Hunt, Community Development Director, reviewed with the Commission a request by Hespier Seals to operate a large family daycare (up to 14 children) on property located at 167 E. Gannon Drive.

Chairman Killion opened the public hearing.

There being no one to speak in favor of or against the project the public hearing was closed.

Commissioner Miller asked if the daycare is already in operation.

Director Hunt stated that she currently is not operating but had a daycare approximately 7 years ago.

It was motioned by Commissioner Miguel and seconded by Commissioner Rocha to adopt Resolution 5150, approving Conditional Use Permit No. 2015-06 based on the findings and subject to the conditions as listed in the staff report.

COMMISSIONERS

AYES: Miller, Miguel, Crase
Rocha, Herrera, Chairman Killion

ABSENT: Nunes

NOES: None

ABSTAIN: None

GENERAL BUSINESS- NON PUBLIC HEARING ITEMS:

Historic Preservation Ordinance/ Ad Hoc Committee Selection:

Director Hunt provided the Commission with a memo giving them a brief background and staff comments regarding the selection of an Ad Hoc Committee. Director Hunt stated that there should be a few things the Commission should give thought to when forming this Committee, specific purpose/goal of the Committee, duration of the Committee, size of the Committee and members of the Committee.

Commissioner Miller asked what the Planning Commission needs to do if they decide to form a Committee.

Director Hunt stated that if the majority of the Commission decide to form a Committee then the things he mentioned above need to be considered.

Commissioner Herrera stated that there are several things that need to be identified first what are the Goals, what is it that the Committee wants to accomplish. Second what is the definition of Historic, also as a community what will it gain by formation of this Ad Hoc Committee and also the selection of the Committee.

Chairman Killion stated that there a quite a few people interested in serving on the Committee and feels that the Committee should be required to report back to the Commission their findings and then the commission will review and then report to the City Council.

Commissioner Miller stated that the primary idea for forming this committee is to gather information. She stated that the committee should research historical preservation ordinances in other cities, bring back information to the Commission on a regular basis once all the information is gathered then if the Planning Commission feels there is sufficient information this can then be presented to the City Council.

Chris Harrel provided the Planning Commission with a letter he wrote outlying possible recommendations for Planning Commission to make to the City Council. He noted that he is not advocating the creation of something new but merely trying to fully utilize the process which has previously been set in place and possibly expand on those guidelines.

Don Lebaron, noted that he would love to sit on such a committee.

Commissioner Miguel stated that there needs to be some type of incentive approach to this.

Commissioner Miller stated that the first step is to form a Committee to do the leg work so that if and when the decision is made to go to City Council there is a well thought out plan to present.

Commissioner Crase stated that this community has been known as a "can do community" and believes that we have plenty of service organizations to draw from to get people to serve on the committee who are willing to do research and get the ball rolling.

Commissioner Rocha stated that another thing to consider is how this will affect existing property owners of parcels that may be designated historical.

Chairman Killion suggested a group of about 7 people to start doing the research.

Commissioner Rocha stated that there needs to be research done as to how residents feel about historical preservation on specific properties.

Chairman Killion motioned that the Planning Commission form an Ad Hoc Committee consisting of 7 members for a duration of 12 months to research and develop procedures for historical preservation to meet the needs of the City of Tulare.

Commissioner Miller seconded the motion adding that she would like to see a member of the Planning Commission be a non-voting member of the Committee as well.

Director Hunt stated that the first step is forming the committee, deciding on number of people in the committee and who should be on the committee. He suggested that the committee start off with simple questions such as, is this something the public is interested in? He suggested meeting with the private sector to find out what the private sector wants, maybe include building developers, property owners, people with rental properties, etc. Some of the reportable items would be to check with other communities similar in size and see if they have a historical ordinance, how it is handled, what does the ordinance contain and maybe what are the good things and bad things associated with historical preservation. Once this information is gathered and presented to the Commission it will provide some sense of direction on where the Commission wants this to go. Start off with a broad range and then narrow it down until the ultimate goal is achieved. Maybe it is adding a Historical Element to the General Plan.

Chairman Killion stated that is his intent on forming the Ad Hoc Committee to gather information and report back.

It was a majority consensus of the Planning Commission members to form an Ad Hoc Committee consisting of 7 members and one non-voting Planning Commission member for a term of 12 months to research, develop and report back to the Commission information pertaining to Historical Preservation.

Chairman Killion announced that he has been asked to speak at a meeting for the Historical Society regarding the Women's Clubhouse and that there may be people at those meetings interested in serving on the Committee. He further noted that he is expecting a phone call from a reporter at the Times Delta regarding the outcome of tonight's meeting and this is an opportunity to also get the word out to the public.

Chairman Killion asked who the public would contact.

Director Hunt suggested that maybe one or two members of the Commission be a point of contact.

Chairman Killion stated that he could be a point of contact and Chris Harrel also stated that he would not mind being a point of contact as well.

Director Hunt stated that as a point of clarification regarding the Woman's Clubhouse, action by the City Council was to pay the rent on the property for one year to see if there was any interest in the private sector to step up and purchase the property.

Chairman Killion asked if there has been any action on acquiring the property from the Railroad.

Director Hunt stated that there is an upcoming property management meeting and he will ask for an update at that time and report back to the Commission.

TEENS ON BOARD REPORTS:

None

ITEMS OF BOARD INTEREST:

Commissioner Crase asked about the new security guard at the library.

Director Hunt stated that there have been some issues in the restroom area such as vandalism and inappropriate behavior and felt the need to hire a security guard to deter this type of activity.

Commissioner Miguel asked about the status of the Cartmill Interchange.

Director Hunt stated that it is on schedule and that there should be one lane open in each direction over the bridge sometime in late September. Project is estimated to be complete by the end of December or early January.

AJOURNMENT:

There being no other items to come before the Commission, the meeting was adjourned at 8:01 p.m.

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

ATTEST:



ROB HUNT, SECRETARY
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

July 13, 2015

CONDITIONAL USE PERMIT NO. 2015-10

PRESENTED BY: Traci Myers, Community Development
Deputy Director

PREPARED BY: Traci Myers, Community
Development Deputy Director

APPLICANT: CCC Property, LLC

AGENT: CCC Property, LLC

LOCATION: 60 acre parcel on NE corner of Paige
Ave. and Enterprise St. adjacent to
WWTP

APN: 174-040-001

GENERAL PLAN DESIGNATION: Heavy Industrial

ZONING CLASSIFICATION: M-2 (Heavy Industrial)

SURROUNDING LAND USES AND ZONING:

North: Agricultural	A
South: Treatment Ponds	PL
East: Vacant	M-2
West: County	AE-40

REQUESTED PROPOSAL:

Applicant proposes to construct and operate a 300,000 sf cheese processing facility in the heavy industrial zoning district (M-2) and requests a conditional use permit to allow the calculation of the parking requirements at one and two-tenths spaces per employee during maximum shift. (*Chapter 10.192 of the Tulare Zoning Ordinance*)

PROJECT DETAILS AND STAFF COMMENTS:

The project (dairy food processing) is a permitted use in the M-2 zoning district as provided in *Chapter 10.64.030 of the Tulare Zoning Ordinance* but requires a

Conditional Use Permit to allow for a calculation of required parking to be based upon maximum number of employees per shift rather than one space per 1,000 sf of gross floor area. (*Chapter 10.192 of the Tulare Zoning Ordinance*)

The Project facility will produce Cheddar Cheese and associated byproducts from approximately 4 million pounds per day of milk, in a 300,000 square foot building. Associated byproducts include whey cream, whey protein concentrate and permeate powder. Plant water supply will be from two site-adjacent City wells – well No. 21 and No. 41. These wells service only the waste water treatment plant and are not connected to the City's domestic water supply system. This project will pose no impact on the domestic water system as it relates to water service to the existing residents and businesses.

The project's reliance on these wells will have no adverse impact on the groundwater. Usage is estimated to be 225,000 gallons per day because of in-plant process water recirculation. Wastewater will, after any essential pretreatment, be discharged to the site-adjacent City water reclamation facility. Tanker-type and sealed truck traffic for milk delivery, supplies and product shipment will average 120 trucks, 240 trips per day. All processing equipment will be located under a closed roof with exception of two 130' drying towers.

On-site utilities will include water piping system, wastewater piping system, storm water retention system, fire protection water storage tank and pumping system. Both natural gas and electric power will be extended to the site. Heavy duty asphalt paving will be installed on all truck roads, truck/trailer parking and maneuvering areas, while light duty paving will be installed for automobile parking areas and roads. Concrete paving will be installed at docking areas. A central utility plant will provide the utility services required to operate the production process and storage environments. The central utilities consist of: a steam system, a refrigeration system, chilled water system, tower water system, compressed air system and sanitation system.

The project has been reviewed by the Site Plan Review Committee on May 13, 2015 and preliminary comments provided. Any substantial changes to the site plan will require Planning Commission approval.

Operations and Job Creation

The proposed Project will operate 7 days a week and will consist of 3 operational employee shift periods. They are as follows:

- Shift #1: 7:00 AM to 3:00 PM (60% of employees);
- Shift #2: 3:00 PM to 11:00 PM (20% of employees); and
- Shift #3: 11:00 PM to 8:00 AM (20% of employees).

The proposed Project will provide approximately 212 new jobs that will consist of 11 management positions, 14 administration positions, 17 supervisory positions and 170 manufacturing positions.

The current site plan depicts 192 parking stalls. Parking at a minimum of 1.2 parking spaces per employee on maximum shift equate to 152. With the granting of this CUP, the project will provide more than required parking.

Traffic

The proposed Project is accessed at one location along Enterprise Street (trucks) and one location on Paige Avenue (employees and visitors). Added truck and employee traffic will impact the intersection of Paige Avenue and SR 99 as well as Paige Avenue and Blackstone Street. Findings as stated in the Environmental Impact Report determine upon completion of the identified improvements established by Caltrans, the impact would be reduced to less than significant by attaining acceptable levels of service on the identified roadways and intersections and through the applicant paying its fair share fee for the future intersection improvements.

Utilities

The proposed project has been reviewed by the Public Works Director and City Engineer and determined that the proposed project will not have a significant impact on the existing water, wastewater or storm water system with the mitigation measures set forth in the conditions of approval.

ENVIRONMENTAL FINDINGS:

A larger food processing facility on the same site was environmentally evaluated with an EIR, SCH #2006081126, in 2007 and was certified. To the extent appropriate and feasible, data and analyses from that EIR was utilized as a basis for the environmental evaluation of this proposed facility.

A Notice of Preparation and Environmental Impact Report (EIR) were prepared for this project, consistent with the California Environmental Quality Act (CEQA). EIRC recommended an EIR be prepared for the project.

The attached CEQA findings and statement of overriding considerations are attached to this staff report.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to **Conditional Use Permit No. 2015-10.**

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the zoning in which the site is located.

- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That for this project a Notice of Preparation and Environmental Impact Report (EIR) were prepared, including public noticing, consistent with the California Environmental Quality Act of 1970, as amended (CEQA).

RECOMMENDATIONS:

Staff makes the following recommendations that Planning Commission:

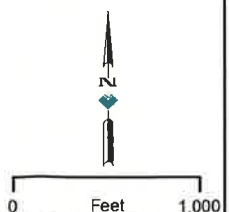
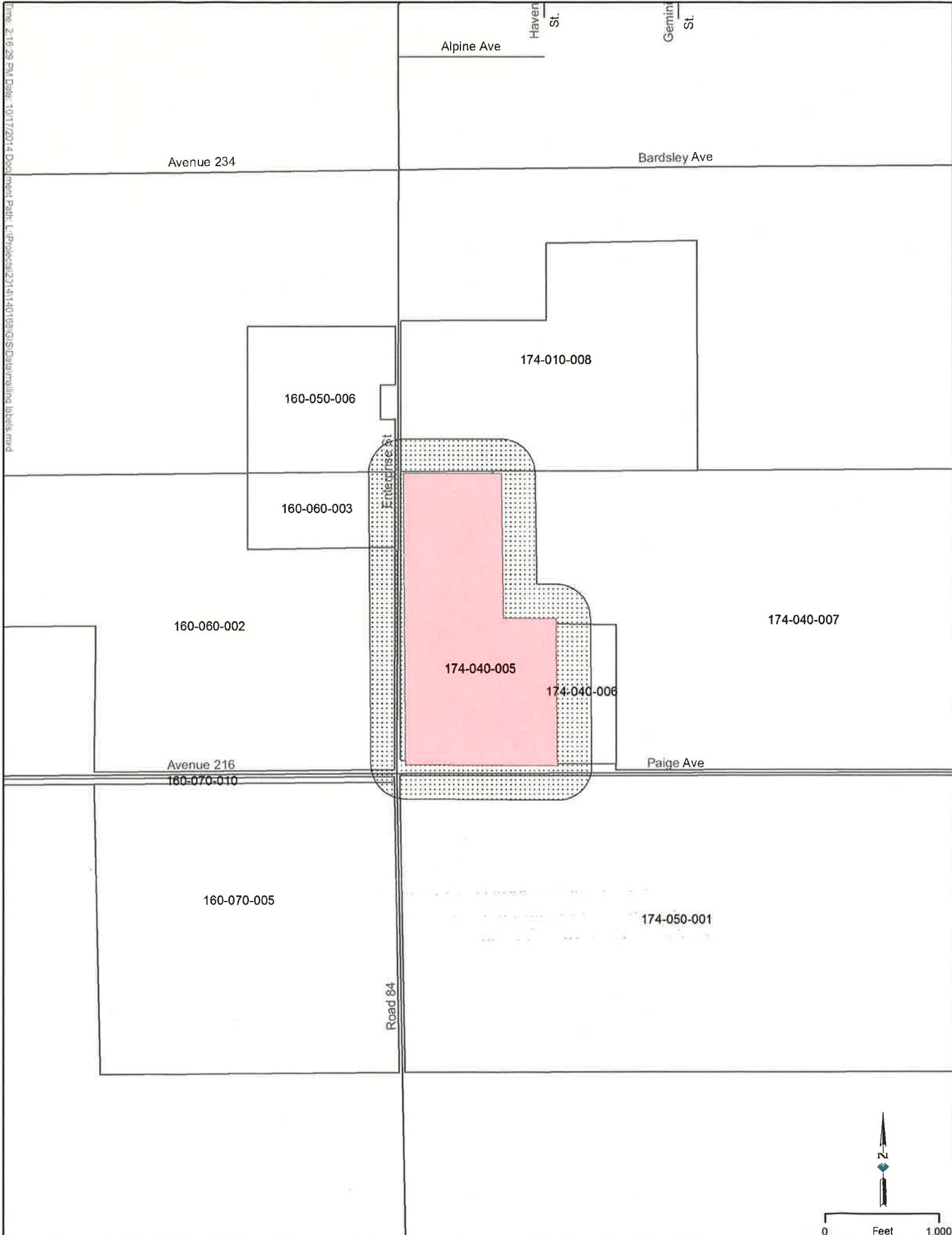
- A. Certify the Environmental Impact Report and adopt the attached CEQA findings and statement of overriding considerations.
 - 1) Applicant to comply with mitigation measures as set forth in the Environmental Impact Report.
- B. Based on the approved findings, staff recommends that Conditional Use Permit No.2015-10 be approved subject to the following conditions:
 - 1) Construction shall be in accordance with the plans approved by the Planning Commission. Any substantial changes to the approved site plan, as determined by the Community Development Director, shall warrant further review and approval by Planning Commission.
 - 2) Construction of the project shall be in accordance with all applicable adopted California Building Codes at the time of plans submittal for building permit.
 - 3) All requirements of Title 10 shall be met.
 - 4) Applicant to provide a minimum of 1.2 parking spaces per employee on maximum shift.
 - 5) Applicant to submit three copies of a Landscape/Irrigation plan consistent with the City Landscape Ordinance. Landscape plans shall be subject to approval by the Community Development Department.

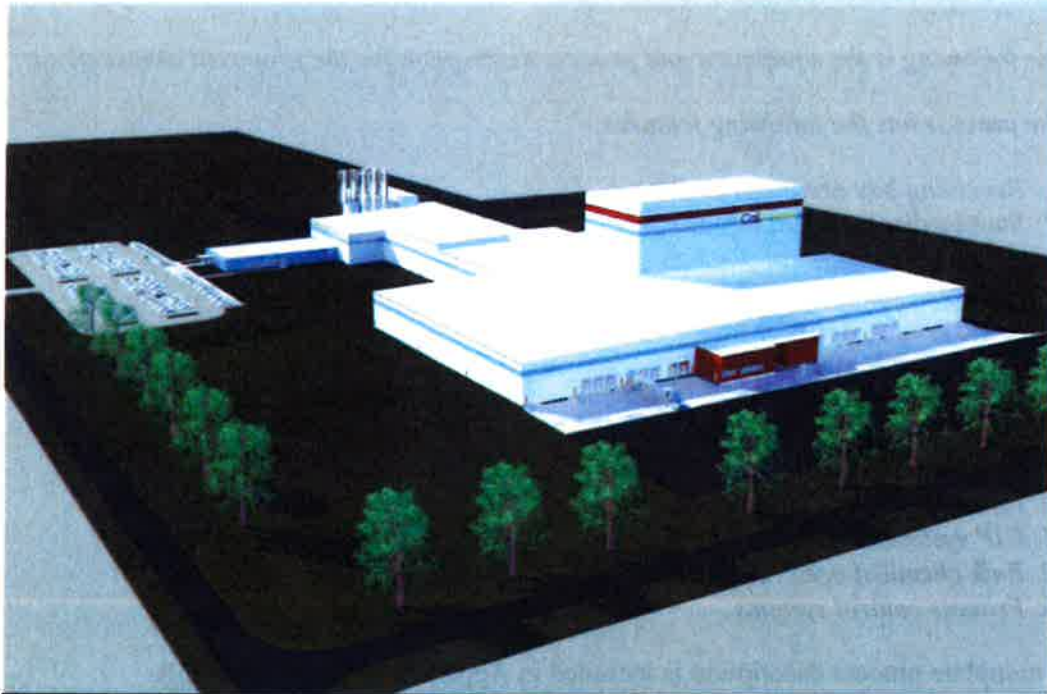
- 6) The applicant shall apply for and maintain an active business license with the City at all times of operation.
- 7) Applicant shall comply with the attached conditions established by the Engineering Division, Fire Department and Parks Department.
- 8) Applicant shall continue to work with the City Public Works department to identify mitigation measures to reduce impact to the City's wastewater treatment plant, including but not limited to, the lowering of the bowls on wells 21 & 41; placement of a new Variable Frequency Drive (VFD) on well 21; and the addition of a new reclaim water system for the wastewater treatment plant.
- 9) If any conditions of approval are violated, this conditional use permit may be revoked as prescribed in the Municipal Code.
- 10) Any change in licensing status or increase in the number of on-site employees is subject to approval by the Planning Commission.

Attachments:

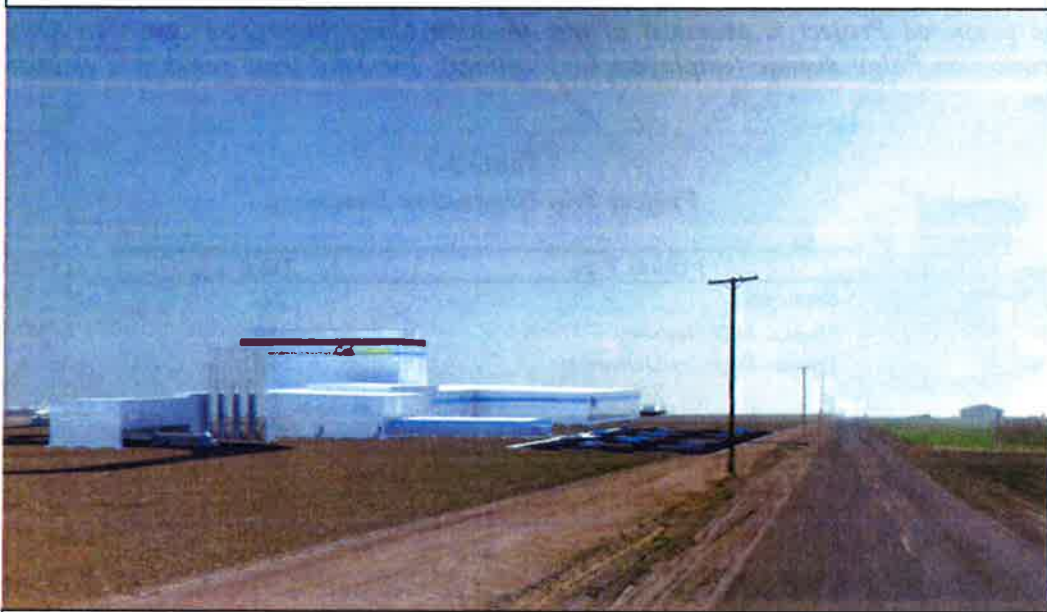
- I. Vicinity Map
- II. 3-D rendering
- III. Site Plan
- IV. Elevations
- V. Fire Department preliminary comment letter
- VI. Engineering preliminary comment letter
- VII. Parks preliminary comment letter
- VIII. Executive Summary Environmental Impact Report

Time: 2:18:29 PM Date: 10/17/2014 Document Path: L:\Projects\2714\140108\GIS\Date\trailing_labels.mxd





Northwest view of proposed Project

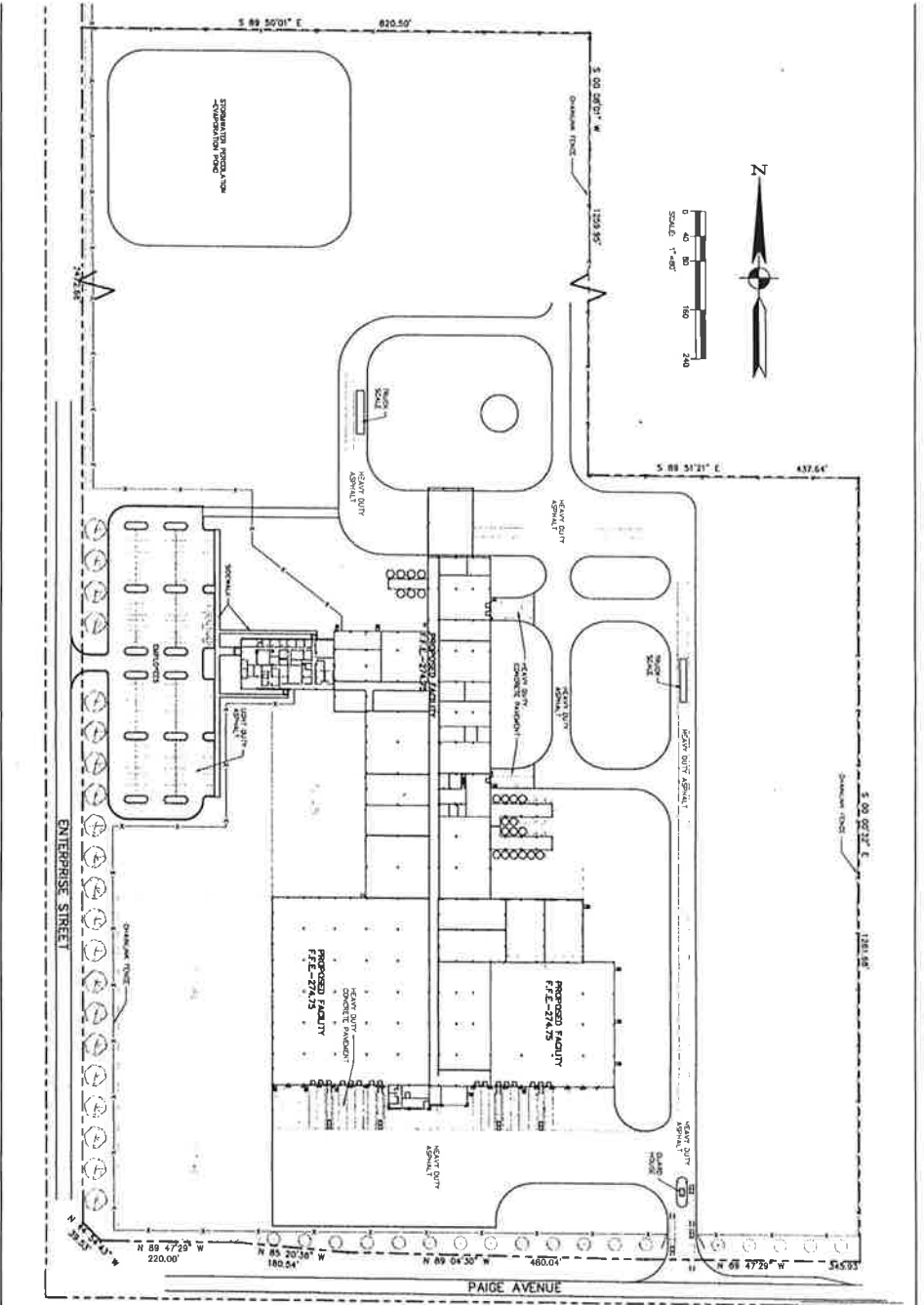


South view of proposed Project

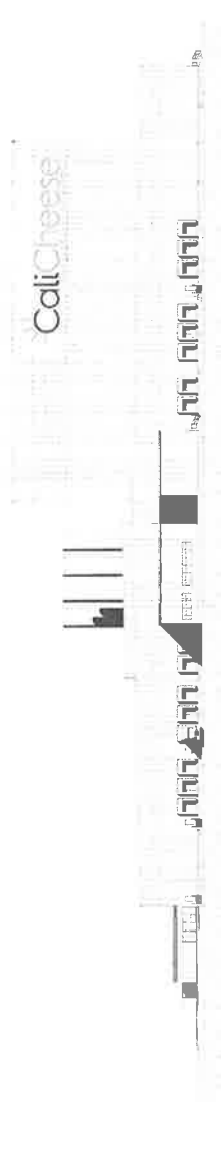


3-D MODEL OF PROPOSED PROJECT

Figure
2 - 4



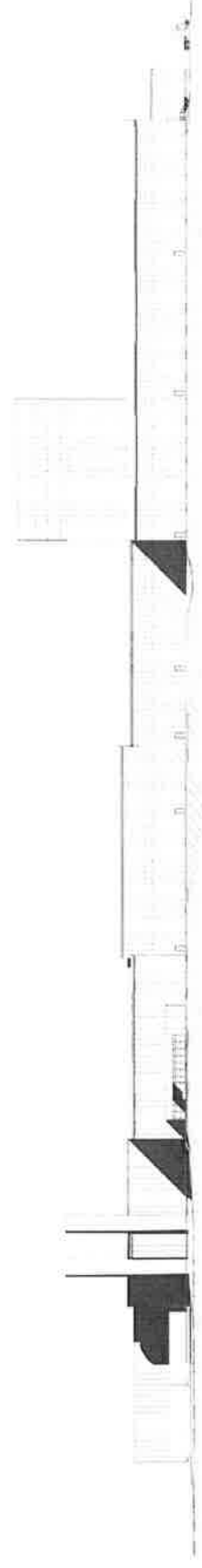
	<p>SITE PLAN</p>	<p>Figure 2 - 3</p>
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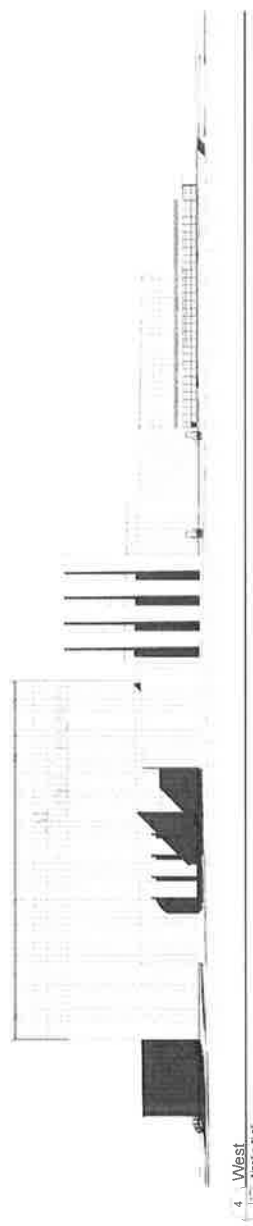
1 East
 1/8" = 1'-0"



2 North
 1/8" = 1'-0"



3 South
 1/8" = 1'-0"



4 West
 1/8" = 1'-0"

**TULARE FIRE DEPARTMENT
FIRE PREVENTION BUREAU**

SITE ADDRESS: Paige Ave & West St.

DATE: July 7, 2015

DBA: Cali Cheese

OWNER: Cali Cheese

ARCHITECT/ENGINEER: Facility Design Group, Inc.

PLAN CORRECTION COMMENTS

The Fire Prevention Bureau conveys the **following preliminary comments** regarding Cali Cheese. Requirements are subject to change as complete plans are submitted.

- FD-1) The size of the proposed building(s) will require an "Automatic Sprinkler System" (fire sprinklers.) Plans for such shall be submitted for approval to the City of Tulare Fire Dept. CFC SEC 903
- FD-2) **The Fire Department Connection shall be within fifty (50) feet of a fire hydrant, so that it may be supplied from the hydrant. A new fire hydrant shall be installed to meet this requirement.**
- FD-3) The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with CFC Appendix B. Fire Hydrants shall be provided in accordance with a CFC Appendix C for the protection of buildings, or portions of buildings hereafter constructed. CFC Appendix B & C
- FD-4) Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit. CFC 903.4
- FD-3) A utility plan showing underground plumbing for Fire Hydrants, Fire Suppression Systems, Back-Flow-Prevention Devices, FDC's, and components shall be submitted to the Fire Prevention Bureau for approval
- FD-4) One Class 2-A rated fire extinguisher shall be provided for each 6,000 square feet of light hazard fuel load or one Class 2-A extinguisher for each 3,000 square feet of ordinary hazard fuel load. Travel distance not to exceed 75 feet. CFC Sec. 906.3

- FD-5) Extinguishers shall be manually inspected at least monthly by the building owner or occupant, or electronically monitored. T19 Sec. 574.1
- FD-6) Fire extinguishers shall be subjected to maintenance annually as described in Title 19 CCR. With exceptions, this type of service does not require internal examination of the extinguisher. T19 Sec. 575.1
- FD-7) Fire extinguishers shall not be obstructed or obscured from view. T19 Sec. 906.6
- FD-8) Egress doors shall swing in direction of egress travel where serving an occupant load of 50 or more persons. CFC Sec. 1008.1.2
- FD-9) Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied. Security devices affecting means of egress shall be subject to approval of the fire code official. CFC Sec. 1030.2
- FD-10) Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC Sec. 1011.4 – 1011.5
- FD-11) In the event of power supply failure, an emergency electrical system shall automatically illuminate aisles, stairways, corridors, and other egress components in area that require two or more exits. CFC Sec. 1006.3
- FD-12) Combustible material shall not be stored in boiler rooms, mechanical rooms, or electrical equipment rooms. CFC Sec. 315.2.3
- FD-13) Storage shall be maintained 2 feet or more below the ceiling in non sprinklered areas of buildings or a minimum of 18 inches below sprinkler deflectors in sprinklered areas of buildings. CFC Sec. 315.3.1
- FD-14) Extension cords and flexible cords shall not be used as a substitute for permanent wiring. CFC Sec. 605.5
- FD-15) A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Storage is prohibited within the designated working space. CFC Sec. 605.3
- FD-16) Posts, fences, vehicles, trash, storage, or other materials, shall not be placed or kept near fire hydrants, or Fire Dept. sprinkler connections, in a manner that would prevent such hydrants or FDC's from being immediately discernible. CFC Sec. 507.5.4

- FD-17) Fire access roads shall not be obstructed in any manner, including the parking of vehicles. CFC Sec. 503.4
- FD-18) Fire alarm systems shall be tested and maintained in working condition in accordance with Chapter 14 of NFPA 72. CFC Sec. 901.6 & Sec 907.9.5
- FD-19) Fire sprinkler and standpipe systems shall be inspected tested and maintained in accordance with Chapter 5 of Title 19. T19 Sec. 904
- FD-20) Where access to or within structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. **An application can be obtained at the City of Tulare Fire Station #1, 800 S. Blackstone, Tulare.**
- FD-21) Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility. CFC Sec 503.3

Shelli Vinson
Fire Inspector III



INTEROFFICE MEMORANDUM

Engineering Department

Michael W. Miller, City Engineer

TO: Planning and Building

FROM: Engineering

SUBJECT: Conditional User Permit No.: 2015-10

LOCATION: NE Corner of Paige Avenue and Enterprise Street

OWNER/DEVELOPER: CCC Property, LLC

DATE: May 13, 2015

1. All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
2. Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license. Separate encroachment permits are also required from the following agencies for work within their rights-of-way or on their facilities: County of Tulare: _____, State: _____, Tulare Irrigation District.
3. All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.
4. Easements will be required for all utilities to be located outside of dedicated rights-of-way. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.
5. New City standard curb and gutter shall be installed along the following street frontage(s): Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
6. New City standard sidewalk shall be constructed as indicated below. The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For areas located within a

Landscape and Lighting District, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1. Deferred Public Improvement Agreement.

<u>Location</u>	<u>Configuration</u>	<u>Width</u>
Paige Avenue	adjacent to curb	6-ft
Enterprise Street	adjacent to curb	6-ft

7. New City standard ramped curb returns and/or pedestrian ramps shall be installed at the corner of Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
8. New City standard commercial driveway approach(es) shall be constructed along Paige Avenue and Enterprise Street with asphalt concrete paveout as required to connect existing edge of roadway to drive approach.
9. The following minimum street improvements are required:
 - a. Full paveout from lip of gutter to the existing edge of pavement along the project's frontages of Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
 - b. Reconstruction or rehabilitation of the existing pavement by methods approved by the City Engineer on Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
 - c. Provide a pavement transition from the existing roadway cross-section to the new roadway cross-section, of a width and length as approved by the City Engineer along Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.

Roadway structural section design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the design criteria provided below:

<u>Roadway</u>	<u>Classification, Design T.I.</u>
Paige Avenue	Minor Arterial, T.I. = 10.5
Enterprise Street	Minor Arterial, T.I. = 10.5

10. On-site A.C. pavement design shall be based upon the results of "R" Value tests on a 400-ft grid, and the following traffic index requirements: 4.0 for parking areas, 4.5 for travel lanes, and 6.5 for truck routes (including solid waste collection vehicles).
11. Street Lights (Standard Concrete Marbelite Pole) shall be installed at locations designated by the City Engineer, and shall comply with the following general requirements:
 - High Pressure Sodium Vapor, SCE Owned/Maintained
70 Watt (5,800 Lumen) H.P.S.V.: _____
100 Watt (9,500 Lumen) H.P.S.V.: _____
150 Watt (16,000 Lumen) H.P.S.V.: _____
200 Watt (22,000 Lumen) H.P.S.V.: _____
 - LED, City Owned/Maintained on a metered service on the following roadways: Paige Avenue and Enterprise Street. Design of the LED street lighting system shall be approved by City Engineer. The AutoCAD drawing files used for the basis of the proposed street light layout shall be provided to the City. Deferred Public Improvement Agreement.
12. Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.
13. The proposed development shall incorporate the following bicycle/pedestrian facilities: It is recommended that secure bike storage and shower/locker facilities be provided to promote bicycling as a commute alternative for employees.

14. The proposed development shall incorporate City standard bus turnout(s) at the following location(s): As directed by the Transit Coordinator. Deferred Public Improvement Agreement.
15. A Transportation Impact Study (TIS) identifying the project impacts and proposed mitigation measures shall be submitted to the City for review, and shall be subject to the approval of the City Engineer. The TIS shall conform to current CEQA "state of the practice" standards, the Caltrans "Guide For The Preparation of Traffic Impact Studies", and City of Tulare General Plan requirements. The TIS shall address provisions for pedestrian, bicycle and transit access to the project. In evaluating the project's impact to existing roadway facilities, the TIS shall utilize the current transportation modeling forecasts provided by the Tulare County Association of Governments (TCAG), and shall specifically address the project impacts and any appropriate mitigations to the following facilities: street improvements, mitigation measures, and any fair share contributions.
16. The proposed development shall remove or relocate as per serving utility company requirements, any existing utility which conflicts with the installation of required improvements.
17. The proposed development shall be responsible for the following water main extensions and connections: As required to connect to city water system.
18. Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
19. The current emergency drought condition in the City and the entire State, as well as reduced production of certain wells in the City's system due to contamination, along with significant rise in water service demand on the City's system, has created a need for ensuring that future connections to the system do not adversely affect the City's ability to deliver safe water supply to all of its customers. A full analysis of project impacts to the City's overall water system shall be completed at Developer's expense. The analysis shall be based upon the City's official hydraulic model of the system, and shall be performed by the City's selected consultant. The scope and final determination of the analysis shall be subject to the approval of the Public Works Director, whose decision can be appealed to the Board of Public Utilities. Should the hydraulic model show that connection of the project shall have adverse impacts on the City overall water system, the Developer shall be required to mitigate the adverse impacts to the satisfaction of the Public Works Director and City Engineer prior to approval being granted for connection to the system.
20. The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
21. Water sampling stations shall be installed as follows: As directed by the Water Superintendent.
22. Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
23. The proposed development shall be responsible for the following sanitary sewer main extensions and connections: As required to connect to the city sewer system.
24. The proposed development shall connect to City sewer.
25. Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
26. A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property. On-site retention of storm water runoff is required not required.

A letter certifying that construction was completed according to the approved grading/ drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of final occupancy permits. The Engineer or Architect shall affix their stamp and seal to the letter.

27. All unused culverts shall be abandoned and plugged in a manner acceptable to the City Engineer.
28. A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
29. A Public Works Inspection Fee is required prior to the construction of improvements.
30. A landscaping plan subject to the review and approval of the Director of Parks and Community Services shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.
31. If applicable, existing irrigation ditches and/or canals shall be piped, developed into a trail, or relocated outside the project boundaries per the direction of the City Engineer and affected irrigation district. Related irrigation facilities shall be subject to the same requirements for piping or relocation.
32. In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
33. All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - Sewer front foot charges of \$ 25.00 per front foot for frontages on _____.
 - Sewer lift station fee of \$ _____ per acre.
 - Water front foot charges of \$ 17.50 per front foot for frontages on _____.
 - Street front foot charges of \$ _____ per front foot for frontages on _____.
 - Benefit district creation fee (if applicable): \$ 1,008.19 per district.
 - Traffic signal in-lieu fee of \$ _____.
 - TID ditch piping In-lieu fee of \$ _____.
 - Sewer main construction in-lieu fee of \$ _____.
 - Water main construction in-lieu fee of \$ _____.
 - Street construction in-lieu fee of \$ _____.
 - Engineering inspection fee based on a percentage of the estimated cost of construction.
 - Development impact fees to be paid with building permit.
 - Engineering plan check fee to be paid at time of plan submittal.
 - Final map plan check fee to be paid at time of map submittal.
 - Other: _____

34. Additional Conditions:

Prepared By: Michael W. Miller, City Engineer

INTEROFFICE MEMORANDUM

TO: Development Services Division
FROM: Parks Division
SUBJECT: CUP 2015-10, Variance No. 455 / Cali Cheese
DATE: June 16, 2015

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained.

Development projects should include the following basic standards from the City's landscape Ordinance:

1. Four (4) sets of detailed landscape and irrigation plans that meet the City of Tulare's standards are required to be submitted prior to building permit issuance.
2. All areas not set aside for parking, storage, driveways, and walkways or loading areas shall be landscaped. A minimum of 5% of the developed area shall be landscaped.
3. Landscaped areas over 2,500 sq. ft. must comply with AB 1881 Water Efficient Landscape Standards and be certified by the developer.
4. Landscaped areas that front onto a street shall have a minimum tree density of one tree for every 200 sq. ft. of planter area.
5. Shrubs: At least 50% of shrubs within planter areas are to be 5 gallon size and spaced in such a way as to achieve a minimum of 1 plant per 20 square feet.
6. Trees used in parkways shall be from the approved City of Tulare Street Tree list.
7. All parking lots with a capacity of 20 cars or more shall contain shade trees, which within 10 years from installation, shall shade 50% of the parking lot.
8. For each ten parking spaces, a minimum of one 15-gallon shade tree shall be installed, but more may be required to meet the 50% shading requirement.
9. A minimum of 25% of the trees planted shall be 24 inch box trees or larger. The remaining trees shall be 15 gallon or larger and double staked per City Standards.
10. Shade trees planted within a parking lot shall be evenly distributed throughout the lot.
11. A minimum of 2" of forest humus or walk-on bark shall be applied to all planting areas except turf.
12. An approved back-flow device is required upstream of the irrigation system.
13. An automated irrigation controller is required, as well as an automatic rain shut-off device on irrigation systems with seven (7) or more valves.

A complete copy of the City's landscape standards may be viewed on-line at www.ci.tulare.ca.us. If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Recreation and Parks Department at 559-684-4310.

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Introduction

Under the California Environmental Quality Act (CEQA), when discretionary projects are undertaken by public agencies, an Environmental Impact Report (EIR) is required if the Lead Agency determines that the project may cause a significant environmental impact. The purpose of an EIR is to provide full disclosure of the potentially significant environmental effects of the project to the public and their decision-makers and explore means to mitigate (i.e., reduce, avoid, or eliminate) these impacts through alternatives to the project or special mitigation measures. CEQA intends that preparation of an EIR will be a public process that provides meaningful opportunities for public input with regard to environmental effects.

Project Description and Location

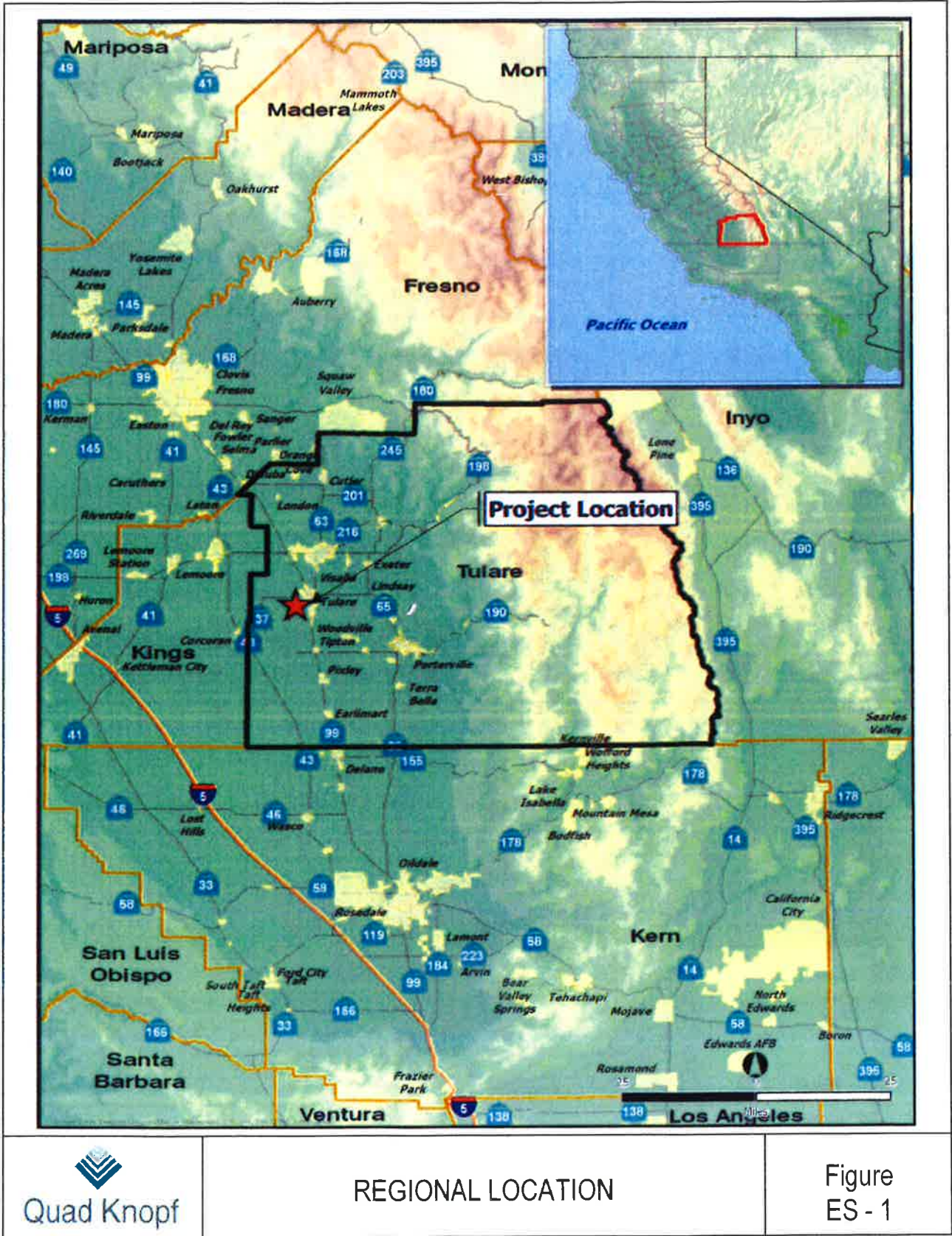
The proposed Project is located in the City of Tulare, in western Tulare County. The Project site is within the Tulare USGS 7.5-minute quadrangle in Section 16, Township 20 south, Range 24 east, Mount Diablo Base and Meridian and is on a 60-acre parcel (Assessor Parcel Number 174-040-001). [Figure ES - 1 and ES - 2]

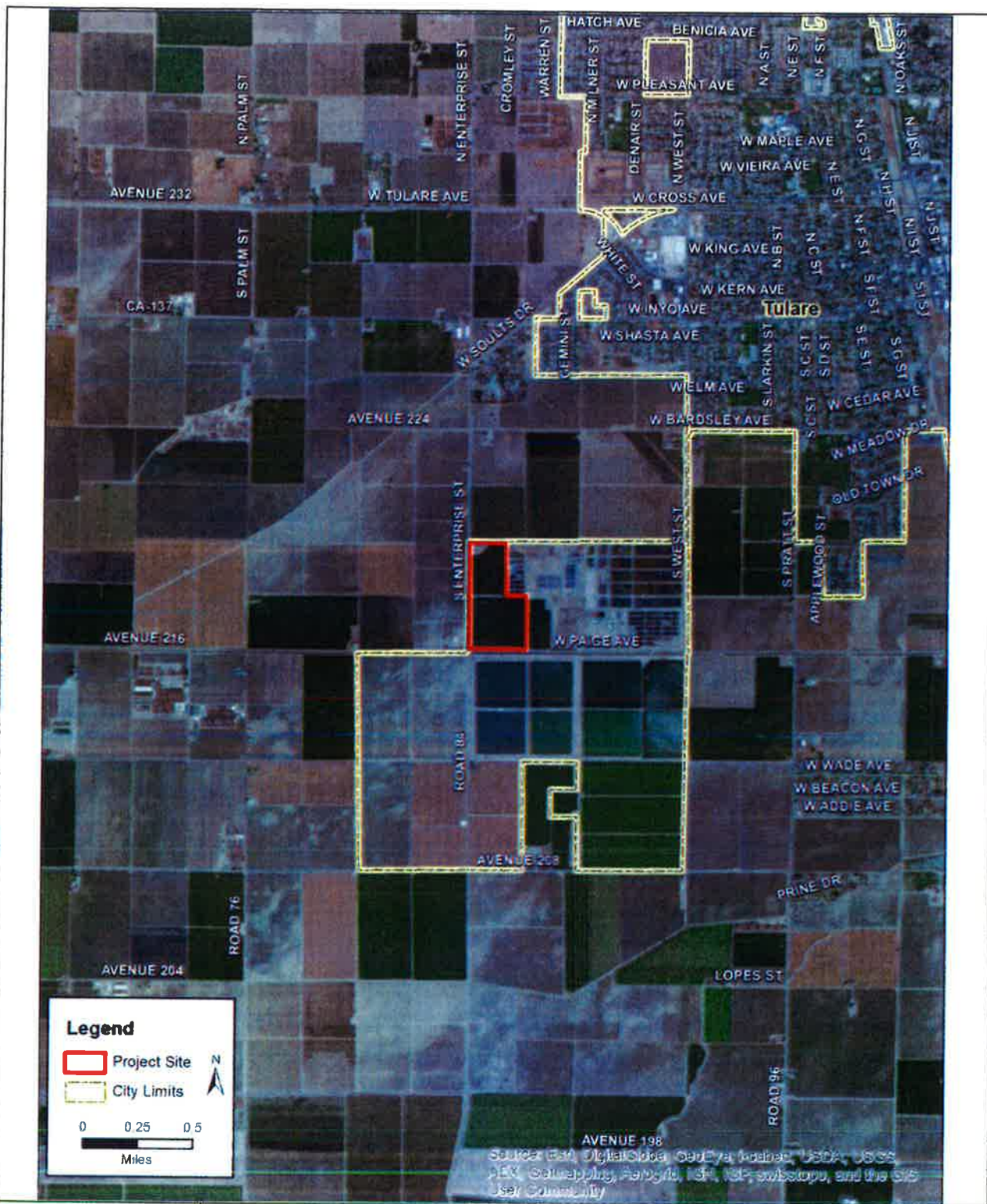
The City of Tulare has determined that the permitting, construction and operation of a cheese production facility (herein referred to as “CaliCheese” or “Project”), north of Paige Avenue and east of Enterprise Street must be environmentally evaluated with an Environmental Impact Report (EIR).

The Project includes the issuance of a conditional use permit for the construction and operation of a cheese processing facility. The Project facility will produce Cheddar Cheese and associated byproducts from approximately 4 million pounds per day of milk, in a 300,000 square feet building. Associated byproducts include whey cream, whey protein concentrate and permeate powder. CaliCheese will employ an estimated 212 people.

Project Objective

It is the objective of the Project to build and operate an economically viable and competitive cheese production facility in compliance with applicable laws and regulations, optimally utilizing the available land resource, and mitigating any environmental impacts to the extent feasible and as required by CEQA.





VICINITY MAP

Figure ES - 2

Summary of Impacts and Mitigation Measures

Section 15123(b)(1) of the *Guidelines for Implementation of the California Environmental Quality Act* (State CEQA Guidelines) provides that the summary shall identify each significant effect with proposed mitigation measures that would reduce or avoid that effect. This information is summarized in Table ES-1 Summary of Impacts Which Remain Significant after Mitigation.

Potential Areas of Concern and Issues to be Resolved

Based in part on the comments received from the scoping process with public agencies and by review of the EIR for another, recent, project on the Project site, the following impacts were identified as potential areas of concern:

- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Hydrology/Water Quality
- Noise
- Transportation/Traffic
- Utilities/Service Systems

Alternatives to the Proposed Project

Section 15126.6 of the State CEQA Guidelines requires the EIR to describe a reasonable range of alternatives to the Project or to the location of the Project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the Project, and to evaluate the comparative merits of the alternatives. Alternatives that would reduce or avoid significant impacts represent environmentally superior alternatives to the proposed Project. However, if the environmentally superior alternative is the ‘no project’ alternative, the EIR must also identify an environmentally superior alternative among the other alternatives.

The EIR evaluates the following alternatives:

- **No Project** - With this alternative, the Cheese Processing Plant would not be built. This alternative does not achieve the basic objective of the Project although project-related environmental impacts are eliminated.
- **Alternate Site Alternative** – This alternative evaluates the impacts of the Project at a site in Visalia. No significant impact reductions compared to the Project could be identified.
- **Reduced Project Size Alternative** – The reduced Project size alternative effects roughly proportional reduction in impacts. This alternative only partially meets the Project’s objectives.

Based upon the analysis contained and documented in this EIR, the no-project alternative is environmentally superior. Apart from this alternative, a Reduced Project Size Alternative is, based upon the analysis contained and documented in this EIR, determined to be the second most environmentally superior alternative, although it only partially achieves the Project objective.

Table ES-1
Summary of Impacts Which Remain Significant After Mitigation

Agricultural Resources		
3.2.1	Conversion of Farmland to Non-Agricultural Use	Significant and Unavoidable
Traffic & Transportation		
3.16.1	Substantial Increase in Traffic	Significant and Unavoidable
Utilities		
3.17.1	Electricity and Natural Gas	Significant and Unavoidable

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CALICHEESE PROCESSING FACILITY PROJECT, PURSUANT TO SECTION 21081 OF THE PUBLIC RESOURCES CODE AND SECTION 15091 OF THE STATE CEQA GUIDELINES.

I. INTRODUCTION AND PURPOSE

The City of Tulare ("City"), as lead agency, prepared a Final Environmental Impact Report ("Final EIR") for the CaliCheese Processing Facility ("Project"). The Final EIR is a project-level analysis of the Project and has State Clearinghouse Number 2014091049.

The purpose of this document is to summarize the significant, adverse impacts associated with the proposed Project and the mitigation measures adopted to avoid or substantially reduce those impacts. In addition, this document contains findings on the feasibility of these mitigation measures and the options that were evaluated as alternatives to the Project. Finally, the document contains findings that the changes that have been incorporated into the Project substantially lessen the significant environmental effect, reducing the impacts to less than significant.

The CaliCheese Processing Facility is a "project" within the meaning of the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), requiring the preparation of an Environmental Impact Report ("EIR"). The City released a Draft EIR on September 18, 2014, for review by public agencies, organizations and members of the public. The Draft EIR assesses the potentially significant environmental effects resulting from implementation of the Project, identifies potentially feasible means to mitigate those potentially significant environmental effects, and evaluates a reasonable range of alternatives to the proposed Project.

Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at 411 E. Kern Avenue, Tulare, CA 93274. The Community Development Department is the custodian of the administrative record for the project.

II. FINDINGS

Public Resources Code Section 21081 requires that the Planning Commission of the City of Tulare ("Planning Commission") make one of the following findings for each significant impact:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Environmental Impact Report ("EIR");
- Those changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been, or can and should be adopted by that other agency; or

- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The same requirements for adopting these findings are also contained in CEQA Guideline Section 15091(a). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." By this document, the Planning Commission makes the findings required by Public Resources Code Section 21081 with regard to the proposed Project.

Additionally, Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." It also states, "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The three available findings under Section 21081 and Guideline Section 15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting mitigation measures recommended in an EIR; (b) identifying measures that lay outside its control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency's control, findings may be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible. In contrast, where the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." Guideline Section 15091(a).

Where significant impacts are not avoided or significantly lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. CEQA Guidelines §§15093, 15043(b).

The findings below are the Planning Commission's best efforts to set forth the evidentiary and policy bases for its decision to approve the proposed Project in a manner consistent with the requirements of CEQA. These findings are not merely informational but, rather, constitute a binding set of obligations that come into effect with the Planning Commission's approval of the proposed Project. The Planning Commission adopts these findings for the entirety of the actions described in these findings and in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the Planning Commission hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines.

- **Part 1.** Findings regarding the environmental review process and the contents of the Final EIR.
- **Part 2.** Findings regarding the environmental impacts of the proposed Project and the mitigation measures (General Plan policies, etc.) for those impacts identified in the Final EIR and incorporated into the Project.
- **Part 3.** Findings regarding alternatives and the reasons that such alternatives are rejected.
- **Part 4.** Statement of Overriding Considerations determining that the benefits of implementing the proposed Project outweigh the significant and unavoidable environmental impacts that will result and therefore justify approval of the proposed Project despite such impacts.
- **Part 5.** Findings regarding the Mitigation Monitoring and Reporting Program.

The Planning Commission of the City of Tulare certifies that these findings are based on its full appraisal and consideration of all viewpoints expressed in written correspondence and testimony regarding the proposed Project, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The Planning Commission adopts the findings and the statement in Parts 1 through 5 for the approvals that are set forth below.

PART I- ENVIRONMENTAL REVIEW PROCESS

Introduction

This Part 1 provides a brief introduction to the Project as analyzed in the Draft EIR. Information provided in this Part includes a description of the Project, the City's objectives related to the Project, and key milestones in the CEQA process.

Background

The Draft EIR was submitted to the State Clearinghouse (SCH#2014091049) and released for public and agency review on September 18, 2014. The public review and comment period for the Draft EIR closed on November 5, 2014. A notice of availability was also published in the Tulare Advanced Register/Visalia Times Delta, a newspaper of general circulation in the City of Tulare, on September 18, 2014. Additionally, the Draft EIR and Draft General Plan update were made available for public review at City offices and on the Internet.

Following public review of the Draft EIR, the City began preparing the Final EIR. The Final EIR provides copies of the comments made on the Draft EIR and provides written responses to all significant environmental issues raised in comments on the Draft EIR. See Public Resources Code § 21091(d)(2)(B);

CEQA Guidelines Section 15088(c). The Final EIR also meets the content requirements of a Final EIR, as specified in CEQA.

The Final EIR was made available for public review on July 2, 2015. Pursuant to Public Resources Code Section 21092.5, the City of Tulare sent the Final EIR to those individuals and public agencies who submitted comments and provided the minimum 10-day notice to those public agencies.

The Proposed Project

The Project facility will produce Cheddar Cheese and associated byproducts from approximately 4 million pounds per day of milk, in a 300,000 square foot building. Associated byproducts include whey cream, whey protein concentrate and permeate powder. Plant water supply will be from two site-adjacent City wells; groundwater usage is estimated to be 225,000 gallons per day because of in-plant process water recirculation. Wastewater will, after any essential pretreatment, be discharged to the site-adjacent City water reclamation facility. Tanker-type and sealed truck traffic for milk delivery, supplies and product shipment will average 120 trucks, 240 trips per day.

On-site utilities will include water piping system, wastewater piping system, storm water retention system, fire protection water storage tank and pumping system. Both natural gas and electric power will be extended to the site. Heavy duty asphalt paving will be installed on all truck roads, truck/trailer parking and maneuvering areas, while light duty paving will be installed for automobile parking areas and roads. Concrete paving will be installed at docking areas. A central utility plant will provide the utility services required to operate the production process and storage environments. The central utilities consist of: a steam system, a refrigeration system, chilled water system, tower water system, compressed air system and sanitation system.

Operations and Job Creation

The proposed Project will operate 7 days a week and will consist of 3 operational employee shift periods. They are as follows:

- Shift #1: 7:00 AM to 3:00 PM (60% of employees);
- Shift #2: 3:00 PM to 11:00 PM (20% of employees); and
- Shift #3: 11:00 PM to 8:00 AM (20% of employees).

The proposed Project will provide approximately 212 new jobs that will consist of 11 management positions, 14 administration positions, 17 supervisory positions and 170 manufacturing positions

Traffic

The proposed Project is accessed at one location along Enterprise Street (trucks) and one location on Paige Avenue (employees and visitors).

Objectives of Proposed Project

“It is the objective of the Project to build and operate an economically viable and competitive cheese production facility in compliance with applicable laws and regulations, optimally utilizing the available land resource, and mitigating any environmental impacts to the extent feasible and as required by CEQA.”

Differences of Opinion Regarding the Impacts of the Project

In deciding to certify the Final EIR and to approve the Project, the Planning Commission recognizes that the Project implicates a number of environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR, and the responses to those comments in the Final EIR as well as testimony, letters, and reports regarding the Final EIR and the merits of the Project. The Planning Commission of the City of Tulare has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, and City staff, addressing these comments.

The Planning Commission has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In sum, the understanding has enabled the Planning Commission to make its decisions after weighing and considering the various viewpoints on these important issues. The Planning Commission accordingly certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

PART 2 - FINDINGS ON SIGNIFICANT IMPACTS

These findings provide the written analysis and conclusions of the Planning Commission regarding the environmental impacts of the proposed Project and the mitigation measures included as part of the Final EIR and adopted by the Planning Commission as part of the proposed Project. The EIR sets forth environmental impacts of the Project that would be significant in the absence of mitigation measures.

In making these findings, the Planning Commission considered the opinions of other agencies and members of the public. The Planning Commission finds that the determination of significance thresholds is a judgment decision within the discretion of the Planning Commission; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects.

FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Set forth below are any significant effects that cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the EIR.

In adopting these findings, the City is also adopting a Statement of Overriding Considerations setting forth public health and safety, economic, social, environmental, and other benefits of the proposed Project that will render these significant impacts acceptable. See Statement of Overriding Considerations, Part 4, below.

The City of Tulare, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 and CEQA Guidelines 15091, that:

- Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
- Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained works, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

1. Significant Unavoidable Effect (Agricultural Impacts)

AG- #3.2.1: The proposed project will result in the loss of approximately 60 acres of prime farmland.

FINDING

The City's measures for mitigating farmland loss impacts resulting from development within the City are contained in the existing City's General Plan policies and summarized in the Program EIR for the General Plan. These include the policies encouraging infill growth, establishment of an Urban Reserve Line, requirements for buffers between agricultural and urban development, and encouragement of businesses and services necessary to support agriculture. The City's strategies for mitigating farmland loss impacts are contained in the General Plan Program EIR. Those which apply to the Project will be adhered to. These include maintaining a concentric growth pattern which encourages contiguous development and adopting of

a right to farm ordinance to preserve adjacent agricultural lands (adopted in 1995 as Municipal Code Chapter 10.160 – Farming).

Apart from these listed policies or development standards, the proposed 2035 General Plan Update Final EIR does not identify any other additional feasible mitigation measures that would lessen farmland loss resulting from the Project. Therefore, the conversion of prime agricultural lands related to the Project is considered significant and unavoidable.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

SUPPORTIVE EVIDENCE

Moreover, the proposed 2035 General Plan has policies and measures for further lessening impacts related to conversion of prime agricultural lands as part of COS-P3.12 Mitigation for Agricultural Land Conversion. These measures include:

- Requiring a 1:1 ratio of agricultural land preserved for every acre of land converted;
- Requiring land to be preserved be equivalent to the land converted, e.g. Prime Farmland, and further require that the land to be preserved has adequate existing water supply to support agricultural use, is designated and zoned for agriculture, is located outside of a city UDB, and is within the southern San Joaquin Valley;
- Requiring mitigation prior to or at time of impact;
- Allowing mitigation to be provided either by purchase of agricultural easements or by payment of agricultural mitigation fees, but state that purchase of conservation easements is the preferred form of mitigation. Both purchase of easements and payment of mitigation fees should cover not only the cost of an agricultural easement, but additional costs of transactional fees and administering, monitoring, and enforcing the easement;
- Requiring easements to be held by and/or mitigation fees to be transferred to a qualifying entity, such as a local land trust with demonstrated experience administering, monitoring and enforcing agricultural easements;
- Requiring the qualifying entity to submit annual status and monitoring reports to the City and to Tulare County;
- Allowing stacking of conservation and agricultural easements if habitat needs of species on conservation easement are compatible with agricultural activities/use on agricultural easement; and
- Allowing exemptions for conversion of land to agricultural tourism uses, agricultural processing uses, agricultural buffers, public facilities, and roadways.

However, as allowed by the proposed 2035 General Plan, “agricultural processing uses” are specifically exempted from the measures listed within Policy COS-P3 related to agricultural conservation measures. The Project would process approximately 4 million pounds per day of milk created by dairy and other agricultural operations located within the region surrounding the City of Tulare. Therefore, the Project, as an agricultural processing use as identified in the General Plan, is not required to implement the measures listed with Policy COS-P3.12.

The City of Tulare Municipal Code Chapter 10.76 does list standards for industrial use that are adjacent to non-industrial uses. Those measures include setbacks, screening and landscaping as part of site design in order to reduce or eliminate potential impacts between adjacent properties. However, they do not specifically mitigate for the loss or conversion of farmland and only mitigate impacts to adjacent uses.

2. Significant Unavoidable Effect (Traffic Impacts)

TR- #3.16.1: Intersections with unacceptable levels of service (LOS) for the Existing plus Project conditions include:

- Paige Avenue and the northbound SR 99 ramps – LOS F
- Paige Avenue and Blackstone Street – LOS D *

For the Cumulative 2035 plus Project conditions:

- Paige Avenue at Laspina Street – LOS F
- Paige Avenue at I Street – LOS F
- Paige Avenue at K Street – LOS D

Road segments with unacceptable levels of service for the Existing plus Project conditions include:

- Paige Avenue from K Street to Blackstone Avenue – LOS D *
- Paige Avenue from Blackstone Avenue to Laspina Street, which includes the bridge crossing over SR 99 – LOS D

For the Cumulative 2035 plus Project conditions:

- Paige Avenue from K Street to Blackstone Avenue – LOS F

FINDING

Upon completion of the identified improvements, the impact would be reduced to less than significant by attaining acceptable levels of service on the identified roadways and intersections. Though the applicant will pay its fair share fee for the improvements, the City cannot ensure that the improvements will be fully funded sufficient to facilitate

construction prior to the Project's contribution to the impact. If a proposed improvement is not fully funded and constructed before completion of the Project, significant impacts to the intersection or roadway, in the form of delays and unacceptable levels of service, could occur until the City completes the improvements. If such funding cannot be relied upon, it will be incumbent upon the City to require Fair Share contributions to the cost of improvements as they are funded and installed. Pending such installation, under either funding method, the impact will be significant and unavoidable.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

SUPPORTIVE EVIDENCE

Mitigation Measure #3.16.1 will reduce impacts to the extent feasible. The following formula was used to calculate the proposed Project's equitable share responsibility for the improvements identified above:

Equitable Share = (Project Trips) / (Future Year Plus Project Traffic – Existing Traffic)

Table 3.16-2 of the Draft EIR shows the Project's equitable share responsibility to for improvements identified in the Project's study area. Prior to issuance of building permits, the applicant shall deposit all required funds as outlined in Table 3.16-2. The traffic impact study prepared for this EIR used the best information currently available to estimate the Project's traffic volume as a percentage of the future cumulative traffic volume at the intersections and roadways. If the identified improvements are provided for in any alternative funding program, or if any other intensive land use projects are subsequently approved that will measurably affect the intersection operation, it is possible that the Project's fair share percentage would differ from the estimated percentage of the cumulative traffic volume shown in Table 3.16-2. The Project applicant may request recalculation of the estimated percentages and improvement costs and shall be responsible for funding all costs associated with recalculating said percentages and improvement costs, including preparation of any necessary updated traffic analysis.

3. Significant Unavoidable Effect (Electricity and Natural Gas)

UT- #3.17.1: The previously-cited (Beef Harvesting Plant) EIR for the larger project on the project site evaluated the availability of energy service and the absences of environmental effects on their site service. This project has lesser demands, but includes no onsite energy generation.

FINDING

Mitigation measure #3.17.1 has been incorporated into the project to reduce impacts to the extent feasible. There will still be, despite mitigation, a significant and unavoidable project energy impact.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

SUPPORTIVE EVIDENCE

The following mitigation measures shall be implemented in Project construction and operation:

Mitigation Measures # 3.17.1:

- Project design shall incorporate energy-efficient lighting and meters throughout the facility.
- Design shall incorporate switch-off programs and turn-off sensors to turn off or power-down lights and equipment when not in use.
- Facilities shall incorporate high R-factor insulation on roofing, pipework, and heating or cooling systems.
- Waste heat shall be, to the extent feasible, recovered from piped effluent streams, vents, exhausts and compressors.
- Employees shall be trained to be aware of energy conservation goals.

FINDINGS ON CUMULATIVE IMPACTS

The Planning Commission finds that the following cumulative impacts are significant and unavoidable. Nevertheless, these impacts are found to be acceptable due to overriding considerations as discussed in Part 4.

1. Significant Unavoidable Effect

CUM-AG- #3.2.3: The 1993 Tulare General Plan Update Draft EIR identified approximately 5,160 acres of land remaining in agricultural use within the City's Planning Area which was approximately 26 percent of the land inventory. The Project site was included in the 5,160 acres. For the proposed Project, the total loss of agricultural land will be 60 acres.

FINDING

The Proposed 2035 General Plan FEIR designates approximately 6,419 acres of farmlands of concern under CEQA for non-agricultural uses. The Project site is included within the area designated for conversion and therefore the additional loss of agricultural land in and around the City is unknown; however, the loss of the Project land and other lands in the Planning Area, as denoted in both the current General Plan and Proposed 2035 General Plan, is a significant and unavoidable cumulative impact.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

FINDINGS ON LESS-THAN-SIGNIFICANT IMPACTS

Pursuant to Section 15126.4 of the CEQA Guidelines, the City is not required to adopt mitigation measures for impacts that are less than significant. Nonetheless, the Planning Commission restates the following impacts below that are mitigated to a level of less than significance. Only those impact areas that included mitigation measures are listed below. As outlined in the project Draft EIR, the remainder impact areas were determined to be less than significant and did not require mitigation.

1. Less-than-Significant Effect With Mitigation (Air Quality)

AQ- #3.3.2: The project could cause a violation of air quality standards or contribute substantially to an existing or projected air quality violation.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure AQ- #3.3.2 (See Mitigation Monitoring Program)

2. Less-than-Significant Effect With Mitigation (Biology)

BIO- #3.4.1: The project could have a potentially significant impact on special status species.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure BIO- #3.4.1 (See Mitigation Monitoring Program)
- Mitigation Measure BIO- #3.4.2 (See Mitigation Monitoring Program)

3. Less-than-Significant Effect With Mitigation (Cultural Resources)

CUL- #3.5.1: The project could cause a substantial adverse change in the significance of a historical or archaeological resource.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure CUL- #COS-P5.9 (See Mitigation Monitoring Program)
- Mitigation Measure CUL- #COS-P5.10 (See Mitigation Monitoring Program)

4. Less-than-Significant Effect With Mitigation (Hydrology)

HYD- #3.9.1: The project could potentially have an adverse impact on water quality standards or waste discharge requirements violations; or result in a substantial degradation of water quality.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure HYD- #3.9.1.1 (See Mitigation Monitoring Program)
- Mitigation Measure HYD- #3.9.1.2 (See Mitigation Monitoring Program)

5. Less-than-Significant Effect With Mitigation (Hydrology)

HYD- #3.9.2: The project could result in depletion of groundwater supplies or interfere with groundwater recharge.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure HYD- #3.9.2.1 (See Mitigation Monitoring Program)
- Mitigation Measure HYD- #3.9.2.2 (See Mitigation Monitoring Program)

6. Less-than-Significant Effect With Mitigation (Hydrology)

HYD- #3.9.3: The project could potentially have an adverse impact on storm drainage capacity.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure HYD- #3.9.3.1 (See Mitigation Monitoring Program)
- Mitigation Measure HYD- #3.9.3.2 (See Mitigation Monitoring Program)

7. Less-than-Significant Effect With Mitigation (Noise)

NOI- #3.12.1: The project could result in adverse construction noise impacts on sensitive receptors.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure NOI- #3.12.1 (See Mitigation Monitoring Program)

8. Less-than-Significant Effect With Mitigation (Noise)

NOI- #3.12.2: The project could result in adverse operational noise impacts on sensitive receptors.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure NOI- #3.12.2 (See Mitigation Monitoring Program)

PART 3 — FINDINGS ON ALTERNATIVES TO THE PROPOSED PROJECT

When a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first

determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. In accordance with State CEQA Guidelines, Section 15126.6, an EIR must describe a range of reasonable alternatives to the proposed program/ project or to its location that could feasibly attain the program's or project's basic objectives and reduce the impacts of the program/ project.

The Draft EIR evaluates a broad range of potential alternatives to the proposed Project. The Draft EIR examines the environmental impacts of each alternative in comparison to those of the proposed Project and the relative ability of each alternative to satisfy the project objectives. Those project objectives include:

“It is the objective of the Project to build and operate an economically viable and competitive cheese production facility in compliance with applicable laws and regulations, optimally utilizing the available land resource, and mitigating any environmental impacts to the extent feasible and as required by CEQA.”

The Draft EIR also compares the environmental impacts of the Project and each of the alternatives. The Draft EIR considered the following three alternatives to the proposed Project:

1. No Project
2. Alternate Site
3. Reduced Project
4. Additional Reduced Project

The alternatives were selected because of their potential to reduce the significant impacts of the proposed project. Each alternative was evaluated to determine whether it has the ability to meet the basic project objectives developed for the proposed Project. The environmental impacts of the alternatives are summarized in Table 4-1 of the Draft EIR. The alternatives are summarized below:

ALTERNATIVE 1 — NO PROJECT

Under the no project alternative, the proposed Project would not be built. The Project site is currently zoned M-2 (Heavy Industrial). According to the City of Tulare Zoning Ordinance: *“The purpose of the Heavy Industrial (M-2) district is to provide locations for heavy industrial uses unsuited to other locations in the community; protect industrial areas from the intrusion of incompatible types of land uses; adhere to performance standards provided for the protection of Tulare residents and the environment, and to provide industrial employment opportunities for residents of the City of Tulare.”*

FINDING

This alternative would eliminate all the significant unavoidable impacts of the project. However, the No Project Alternative would not satisfy any of the project objectives nor would it realize the project benefits.

ALTERNATIVE 2 — ALTERNATE SITE

A number of sites were evaluated for use as an alternate site. The utilization of some of these sites might involve impacts not present on the Project site – incompatible land uses or significant transportation/traffic effects, for example. Because of the status of the air quality in the San Joaquin Valley Air Basin, there is no evidence that there are any other sites in Tulare County, or adjacent counties, which would not have comparable air quality impacts. To allow a thorough analysis, a similar site in Tulare County has been selected for comparative alternative analysis, even though this site is not currently under the control of the Project applicant.

The alternate site selected for evaluation is located at the southwest corner of Plaza Drive and Ferguson Avenue in the master planned Midstate 99 Industrial Park within the City of Visalia (see Figure 4-1 of the DEIR). This 114 acre site would have been divisible for the project to 60-80 acres. This site is zoned Heavy Industrial (IH) and currently consists of vacant (dirt) land. A railroad runs along the southern border of this site.

FINDING

This alternative would not eliminate all the significant unavoidable impacts of the project. In addition, this alternative would not fully achieve the project objectives and the City of Tulare would not realize the project benefits.

ALTERNATIVE 3 — REDUCED PROJECT

Under the reduced project alternative, the size of the cheese operation would be reduced in regards to facility size and amount of people employed. Table 4-2 of the DEIR compares the Project and the reduced project scenarios. Under the reduced project alternative, the proposed Project would be reduced in size by approximately 35 % as would total truck trips and total water usage.

FINDING

This alternative would not eliminate all the significant unavoidable impacts of the project. In addition, this alternative would not fully achieve the project objectives and the City of Tulare would not realize the full project benefits.

ALTERNATIVE 4 — ADDITIONAL REDUCED PROJECT

Alternative 3, the Reduced Project Alternative, would reduce the operational capacity of the project by approximately 35%. Alternative 3 would result in a reduction in footprint impacts due to reduction in the amount of land occupied by the

facility, and would result in a reduction in operational impacts generally in proportion to the reduction in operations.

A range of other potential reduced Project alternatives are available, based upon the concept of further reducing the size of the facility. As shown by the analysis of Alternative 3, a reduced size project would reduce operational impacts essentially in proportion to the reduction in plant capacity. The same reduction in operational impacts (such as air quality, traffic, water use, wastewater) in proportion to reduction in operations can be roughly estimated for other reduced project alternatives from the data provided for Alternative 3. For example, potential air quality, traffic, water use and wastewater impacts would be reduced by roughly 50% by an alternative that involved limiting the project to half the size that is proposed. This and other reduced size scenarios that are variations on the Reduced Project Alternative may be considered by decision makers as further alternatives to the project as proposed.

FINDING

This alternative would not eliminate all the significant unavoidable impacts of the project. In addition, this alternative would not fully achieve the project objectives and the City of Tulare would not realize the full project benefits.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that in addition to the analysis of individual alternatives, the alternatives must be ranked according to which alternatives have the lesser environmental effects. The ranking is shown in Table 4-1 of the DEIR. The no project alternative is environmentally superior, followed by the reduced project size alternative. Only the no project alternative would eliminate the significant and unavoidable impacts identified in the EIR for agricultural resources and utilities. All of the other alternatives would include an impact in one or more of these issue areas.

FINDING

The Planning Commission hereby rejects Alternatives 1, 2, 3 and 4 and selects the proposed Project because the project alternatives do not fully meet the project objectives and will not completely eliminate significant and unavoidable impacts (other than the No Project Alternative). In making this determination, the City finds that when compared to the alternatives described and evaluated in the Final EIR, the project, as mitigated, provides a reasonable balance between satisfying the project objectives and reducing potential environmental impacts to an acceptable level.

The Planning Commission of the City of Tulare hereby finds that benefits of this project outweigh Alternatives 1, 2, 3 and 4 identified in the Draft and Final EIR.

PART 4 — STATEMENT OF OVERRIDING CONSIDERATION

As previously described, the City has found that certain impacts of the proposed Project remain significant following adoption and implementation of the mitigation measures described in the Final EIR. In accordance with CEQA Guidelines Section

15093, the Planning Commission has, in determining whether or not to approve the Project, balanced the economic, social, technological, financial and other benefits of the Project against its unavoidable environmental risks, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. The following statements identify the reasons why, in the City Planning Commission's judgment, the benefits of the Project outweigh its unavoidable significant effects.

Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Planning Commission will stand by its determination that each individual reason is sufficient.

In developing the proposed Project, the City has evaluated alternatives, balanced the expected environmental impacts against the Project objectives and benefits, and selected the soundest option. Implementation of the proposed Project will provide the following benefits to the City:

1. The project will provide for the long-term social and economic vitality of Tulare by fostering the development of up to 212 new jobs which will help decrease the City's unemployment rate.
2. The project will develop underutilized land that is planned for heavy industrial use and will promote a compatible land use in the area adjacent to the City's wastewater treatment facility.
3. The project will increase the amount of tax base the City could receive.
4. The project will provide efficiencies in local operations due to its proximity to dairy farms around the City and County.
5. The project will provide long-term, consistent revenue to the City's water and sewer funds.

Through the mitigation measures of the EIR, the City is making all reasonable efforts to minimize the environmental impacts of the proposed project. Based on these efforts and the fact that the proposed Project will provide jobs and other economic benefits to the City consistent with the City's General Plan, the City finds, based on substantial evidence, that the benefits of the proposed Project outweigh its unavoidable significant environmental impacts.

PART 5 — MITIGATION MONITORING PROGRAM

A Mitigation Monitoring and Reporting Program ("MMRP") was prepared for the Project and was approved by the Planning Commission (see Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097). The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. Consistent with Section 21081.6 (d) of the California Environmental Quality Act, the documents which constitute the record of proceedings for approving this project are located in the Planning and Building Department, 411 E. Kern Avenue, Tulare, CA 93274.

**Table 2-1
Mitigation Monitoring Program**

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.3.2	Mitigation Measure #3.3.2	Applicant	City of Tulare
Violate Air Quality Standards	<p>To reduce mobile emissions, a truck fleet of no older than seven years shall be incorporated into the proposed Project.</p> <p>With the above Project-related mitigation measure the estimated construction and operational emissions from the proposed Project would be less than significant. However, to ensure that project emissions are further minimized, the applicant should implement and comply with a number of measures that are either recommended as a "good operating practice" for environmental stewardship or they are required by regulation. Some of the listed measures are regulatory requirements or construction requirements that would result in further emission reductions through their inclusion in project construction and long-term design. The following measures either have been applied to the project through the CalEEMod model and would be incorporated into the project by design or would be implemented in conjunction with SJVAPCD rules as conditions of approval:</p>		

**Table 3.3-8
Post-project (Operational) Emissions**

Emissions	Source	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Unmitigated							
Area Emissions		1.38	0.00	0.00	0.00	0.00	0.00
Energy Emissions		0.04	0.32	0.27	0.00	0.02	0.02
Mobile Emissions		0.82	44.36	6.30	0.94	0.54	0.49
Stationary Source Emissions ¹		3.58	13.13	76.86	3.20	5.98	5.62
Mitigated							
Area Emissions		1.38	0.00	0.00	0.00	0.00	0.00
Energy Emissions		0.04	0.32	0.27	0.00	0.02	0.02
Mobile Emissions		0.83	8.37	6.72	0.96	0.46	0.43
Stationary Source Emissions ¹		3.58	13.13	76.86	3.20	5.98	5.62
Total Unmitigated Operational Emissions (With Stationary Sources)		5.82	57.81	83.43	4.14	6.55	6.14
Total Mitigated Operational Emissions (With Stationary Sources)		5.83	21.82	83.85	4.16	6.47	6.08

Impact	Mitigation Measures				Implementation	Monitoring Agency
Total Mitigated Operational Emissions (Without Stationary Sources) ²	2.25	8.69	6.99	0.96	0.48	0.45
SJVAPCD and TCPD Threshold	10	10	100	27	15	15
Is Threshold Exceeded After Mitigation?	NO	NO	NO	NO	NO	NO

NOTES:

¹ This emissions are under control and enforcement of the SJVAPCD.

² The stationary source emissions from the production facility require permits from the SJVAPCD to operate and SJVAPCD controls and quantifies the emissions from these sources and they are assumed to be mitigated to the greatest feasible extent. Since the emissions are controlled by the SJVAPCD and accounted for in the State Implementation Plan they are considered *less than significant* from a CEQA standpoint and not utilized when comparing the non-permitted project emissions to annual significant thresholds.

Source: Insight Environmental Consultants 2014

Required PM10 Reduction Measures

As the project would be completed in compliance with SJVAPCD Regulation VIII, dust control measures would be taken to ensure compliance specifically during grading and construction phases. The required Regulation VII measures are as follows:

- Water previously exposed surfaces (soil) whenever visible dust is capable of drifting from the site or approaches 20% opacity;
- Water all unpaved haul roads a minimum of three-times/day or whenever visible dust from such roads is capable of drifting from the site or approaches 20% opacity;
- Reduce speed on unpaved roads to less than 15 miles per hour;
- Install and maintain a track out control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles;
- Stabilize all disturbed areas, including storage piles, which are not being actively utilized for production purposes using water, chemical stabilizers or by covering with a tarp or other suitable cover;
- Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading, or cut and fill operations with application of water or by presoaking;

- When transporting materials onsite, maintain a freeboard limit of at least 6 inches and cover or effectively wet to limit visible dust emissions;
- Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and use of blowers is expressly forbidden);
- Stabilize the surface of storage piles following the addition or removal of materials using water or chemical stabilizer/suppressants;
- Remove visible track-out from the site at the end of each workday; and
- Cease grading or other activities that cause excessive (greater than 20% opacity) dust formation during periods of high winds (greater than 20 mph over a one-hour period).

Recommended Measures to Reduce Equipment Exhaust

In addition, the GAMAQI guidance document lists the following measures as approved and recommended for construction activities. These measures are recommended:

- Maintain all construction equipment as recommended by manufacturer manuals;
- Shut down equipment when not in use for extended periods;
- Construction equipment shall operate no longer than eight (8) cumulative hours per day;
- Use electric equipment for construction whenever possible in lieu of diesel or gasoline powered equipment;
- Curtail use of high-emitting construction equipment during periods of high or excessive ambient pollutant concentrations;
- All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions;

Impact	Mitigation Measures	Implementation	Monitoring Agency
	<ul style="list-style-type: none"> On-Road and Off-Road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines; On-Road and Off-Road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines; All construction workers shall be encouraged to shuttle (car-pool) to retail establishments or to remain on-site during lunch breaks; All construction activities within the project area shall be discontinued during the first stage smog alerts; and Construction and grading activities shall not be allowed during first stage O3 alerts. First stage O3 alerts are declared when the O3 level exceeds 0.20 ppm (1-hour average). 		
	<p>Other Measures to Reduce Project Impacts</p> <p>The following measures are recommended to further reduce the potential for long-term emissions from the project. These measures are required as a matter of regulatory compliance to ensure that the proposed project emissions are not exceeded:</p> <ul style="list-style-type: none"> The project design shall comply with applicable standards set forth in Title 24 of the Uniform Building Code to minimize total consumption of energy; Applicants shall be required to comply with applicable mitigation measures in the AQAP, SJVAPCD Rules, Traffic Control Measures, Regulation VIII and Indirect Source Rules for the SJVAPCD; The applicant shall comply with the provisions of SJVAPCD Rule 4601 - Architectural Coatings, during the construction of all buildings and facilities. Application of architectural coatings shall be completed in a manner that poses the least emissions impacts whenever such application is deemed proficient; and The applicant shall comply with the provisions of SJVAPCD Rule 4641 during the construction and pavement of all roads and parking areas within the project area. Specifically, the applicant shall not allow the use of: <ul style="list-style-type: none"> - Rapid cure cutback asphalt; - Medium cure cutback asphalt; 		

- Slow cure cutback asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.3); or Emulsified asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.4); and
- The applicant shall comply with applicable provisions of SJVAPCD Rule 9510 (Indirect Source Review).

Impact #3.4.1 Mitigation Measure #3.4.1:

Applicant
City of
Tulare

Impact on Special Status Species
San Joaquin Kit Fox, American Badger, Swainson's Hawk, Western Burrowing Owl; Migratory Birds and Raptors: *The Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be followed (USFWS 2011). The measures that are listed below have been excerpted from those guidelines and will protect San Joaquin kit foxes from direct mortality and from destruction of active dens and natal or pupping dens. These measures will also protect the American badger.

- Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

Potential Den	50 foot radius
Known Den	100 foot radius
Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance
Atypical Den	50 foot radius

If dens must be removed, they shall be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens will be required. Destruction of natal dens and other "known" kit fox dens shall not occur until authorized by USFWS.

- Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-foot deep shall be covered at the close of each working

day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted below.

- Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe shall be moved only once to remove it from the path of construction activity, until the fox has escaped.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or project site.
- No firearms shall be allowed on the project site.
- No pets, such as dogs or cats, shall be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
- Use of rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.
- A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.
- An employee education program shall be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program shall consist of a brief presentation by persons knowledgeable in kit fox

Impact	Mitigation Measures	Implementation Agency
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biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the project site.

- Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Wildlife (CDFW), and revegetation experts.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the Service shall be contacted for guidance.
- Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service shall be contacted at the numbers below.
- The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification shall include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Scott Osborn at 1812 9th Street, Sacramento, California 95811, (916) 445-0411. The above listed measures would also protect American badgers.
- New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
 2800 Cottage Way, Suite W2605
 Sacramento, California 95825-1846
 (916) 414-6620 or (916) 414-6600

Swainson's Hawk

Protocol surveys shall be conducted for the Swainson's hawk in accordance with the protocol outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). If potential Swainson's hawk nests or nesting substrates are located within 0.5 mile of the Project site, then those nests or substrates shall be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. The protocol recommends that ten visits be made to each nest or nesting site: one during the period from January 1 to March 20 to identify potential nest sites, three during the period of March 20 to April 5, three during the period from April 5 to 20, and three during period from June 10 to July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to ground disturbance activities.

Western Burrowing Owl

Standard measures for the protection of burrowing owls provided in the CDFW's March 7, 2012 *Staff Report on Burrowing Owl Mitigation* shall be implemented. Active burrows should be avoided, compensation shall be provided for the displacement of burrowing owls, and habitat acquisition and the creation of artificial dens for any burrowing owls removed from construction areas shall be provided. These measures are:

1. Pre-construction surveys for western burrowing owls shall be conducted. Pre-construction surveys of construction areas, including a 150-meter buffer, should be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey shall be completed, including but not limited to a final survey conducted within 24 hours prior to ground disturbance.
2. If western burrowing owls are present on the construction site (or within 150 meters of the construction site) during the breeding season (February 1 through August 31), and appear to be engaged in nesting behavior,

exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. This buffer could be removed once it is determined by a qualified biologist that the young have fledged. Typically, the young fledge by August 31st. This date may be earlier than August 31st, or later, and would have to be determined by a qualified biologist.

3. If western burrowing owls are present in the non-breeding season and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st. Passive relocation may only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity shall be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.
4. Compensation for the loss of burrowing owl habitat shall be based upon the number of owls or pairs of owls located on the construction area during pre-construction surveys following the CDFW's March 7, 2012 Staff Report on Burrowing Owl Mitigation. The areas identified as land retirement areas and enhancement areas shall be used as compensation for the loss of habitat and for relocation of burrowing owls.

Recommended restricted activity dates and setback distances by level of disturbance for burrowing owls are:

Location	Time of Year	Level of Disturbance (meters)		
		Low	Medium	High
Nesting sites	April 1 – Aug 15	200 m	500 m	500 m
Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m

Migratory Birds and Raptors

Preconstruction surveys shall be conducted on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and other migratory birds to occur if construction is initiated during the breeding season (February 1 to August 31). These include all areas that are suitable for the establishment of nests, such as trees, power poles, and shrubs. These areas shall also include grassland and disked habitat, within which ground-nesting birds such as northern harriers (*Circus cyaneus*) and horned larks (*Eremophila alpestris actia*) could nest. The pre-construction survey shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. Raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet; however, these buffers may be adjusted through consultation with the CDFW.

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.4.2	Mitigation Measures #3.4.2:	Applicant	City of Tulare
Cumulative Biological Impacts	The habitat on the project site is considered to be low quality. Mitigation measure #3.4.1 described above (for biological resources) will serve to reduce the project's incremental contribution to any cumulative impact to a less than significant level.	Applicant	City of Tulare
Impact #3.5.1	Mitigation Measure #3.5.1	Applicant	City of Tulare
Cause a Substantial Adverse Change in the Significance of a Historical or Archeological Resource	<p>Implementation of the 2030 General Plan Policies COS-P5.9 and COS-P5.10 as stated below:</p> <p>COS-P5.9 Discovery of Archaeological Resources. In the event that archaeological/paleontological resources are discovered during site excavation, grading, or construction, the City shall require that work on the site be suspended within 100 feet of the resource until the significance of the features can be determined by a qualified archaeologist /paleontologist. If significant resources are determined to exist, an archaeologist shall make recommendations for protection or recovery of the resource. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the City.</p> <p>COS-P5.10 Discovery of Human Remains. Consistent with Section 7050.5 of the California Health and Safety Code and CEQA Guidelines (Section 15064.5), if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). If any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> • The Tulare County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; • If the remains are of Native American origin, - The descendants of the deceased Native Americans have made a timely recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; 	Applicant	City of Tulare

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.9.1	<ul style="list-style-type: none"> The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission, or; The landowner or his or her authorized representative rejects any timely recommendations of the descendant, and mediation conducted by the Native American Heritage Commission has failed to provide measures acceptable to the landowner. 	Applicant	City of Tulare
Water quality standards or waste discharge requirements; violations; substantial degradation of water quality	<p>Mitigation Measure #3.9.1.1: The characteristics of the project's effluent discharge to the City of Tulare's industrial waste treatment facilities shall comply with the City's industrial wastewater influent requirements.</p> <p>Mitigation Measure #3.9.1.2: Any offsite disposal of solids, either for use as an agricultural nutrient or as a high total dissolved solids waste material, will be subject to the regulatory purview of the Regional Water Quality Control Board. Offsite disposal outside the San Joaquin Valley, will be required by the Regional Board for high Ec concentrates.</p>	Applicant	City of Tulare
Impact #3.9.2	<p>Mitigation Measure #3.9.2.1: The project shall incorporate and employ provisions for onsite utilization of recycled waste water or non-contact cooling water wherever feasible, shall equip all washdown equipment with shutoff devices, shall use dry cleaning techniques to pre-clean process areas and floors before washing with water, and shall use high pressure/low volume rather than high volume/low pressure for cleaning surfaces.</p> <p>Mitigation Measure #3.9.2.2: The project shall, in accord with the City's water recharge development fee ordinance, pay an impact fee of \$102,540 (60 acres x \$1,709 per acre) to assist the City and the Tulare Irrigation District in the construction of recharge basins for groundwater replenishment.</p>	Applicant	City of Tulare
Depletion of Groundwater Supplies or Interference with Groundwater Recharge		Applicant	

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.9.3	Mitigation Measure #3.9.3.1:	Applicant	City of Tulare
Storm Drainage Capacity	<p>The Project applicant shall design, construct, and maintain an onsite storm drainage basin adequate to hold a 100 acre storm, in accord with City standards. The applicant will design and construct a collection system on his 60-acre site to convey all drainage from such a 100-year storm event to such basin.</p> <p>Mitigation Measure #3.9.3.2:</p> <p>The applicant shall design the truck unloading area so that flushing/cleaning runoff and storm drainage from the area is discharged to the plant's wastewater treatment system and not to the storm drainage system.</p>	Applicant	City of Tulare
Impact #3.12.1	Mitigation Measure #3.12.1:	Applicant	City of Tulare
Construction Noise Impacts on Sensitive Receptors	<p>1. Construction activities shall be limited to hours between 6:00 a.m. and 10:00 p.m. If nighttime construction is required, spot noise monitoring is required to assure that noise levels from construction activities do not exceed 65 Lmax at the property line of the nearest residence, as permitted by the City Planning and Building Department. Measures to reduce nighttime construction noise levels may include using noise barriers or reducing the amount of construction activity until noise levels are below the nighttime significance criterion.</p> <p>2. Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer's specifications) and by shrouding or shielding impact tools. All equipment shall have sound-control devices no less effective than those provided by the manufacturer.</p> <p>3. Material stockpiles and vehicle staging areas shall be located as far as practicable from residences.</p>	Applicant	City of Tulare

Impact	Mitigation Measures	Implementation Applicant	Monitoring Agency
Impact #3.12.2	Mitigation Measure #3.12.2		City of Tulare
Operational Noise Impacts on Sensitive Receptors	<p>In order to accurately evaluate, and mitigate if required, operational noise impacts, the Project applicant shall, at the time of submittal of facility plans for building permit approval, concurrently submit an operational noise analysis prepared by a qualified noise consultant. The implementation of feasible mitigation measures recommended therein to reduce operational noise to less than significant shall be the responsibility of the Project applicant and shall be monitored by the City.</p>		
Impact #3.16.1	Mitigation Measure #3.16.1:	City of Tulare	City of Tulare
Substantial Increase in Traffic	<p><u>Existing plus Project Conditions</u></p> <p>Paige Avenue at SR 99 NB Ramps:</p> <ul style="list-style-type: none"> ▪ Install Traffic Signal <p><u>Cumulative Year 2035 No Project Conditions</u></p> <p>Paige Avenue at Laspina Street:</p> <ul style="list-style-type: none"> ▪ Install Traffic Signal <p>Paige Avenue between K Street and Blackstone Street:</p> <ul style="list-style-type: none"> ▪ 2 travel lanes in the eastbound direction (adding 1 travel lane) ▪ 2 travel lanes in the westbound direction (adding 1 travel lane) <p><u>Cumulative Year 2035 plus Project Conditions</u></p> <p>Paige Avenue at I Street:</p> <ul style="list-style-type: none"> ▪ Install Traffic Signal 		

Paige Avenue at K Street

- Widen the northbound approach to 1 left turn lane, 2 through lanes, and 1 right turn lane with right-turn overlap phasing (adding 1 right turn lane and overlap phasing)
- Widen the southbound approach to 1 left turn lane, 2 through lanes, and 1 right turn lane (adding 1 right turn lane)

Paige Avenue at Laspina Street:

- Install Traffic Signal

Paige Avenue between K Street and Blackstone Street:

- 2 travel lanes in the eastbound direction (adding 1 travel lane)
- 2 travel lanes in the westbound direction (adding 1 travel lane)

Equitable Share Responsibility

The following formula was used to calculate the proposed Project's equitable share responsibility for the improvements identified above:

$$\text{Equitable Share} = (\text{Project Trips}) / (\text{Future Year Plus Project Traffic} - \text{Existing Traffic})$$

Table 3.16-2 shows the Project's equitable share responsibility to for improvements identified in the Project's study area. Prior to issuance of building permits, the applicant shall deposit all required funds as outlined in Table 3.16-2 below. The traffic impact study prepared for this EIR used the best information currently available to estimate the Project's traffic volume as a percentage of the future cumulative traffic volume at the intersections and roadways. If the identified improvements are provided for in any alternative funding program, or if any other intensive land use projects are subsequently approved that will measurably affect the intersection operation, it is possible that the Project's fair share percentage would differ from the estimated percentage of the cumulative traffic volume shown in Table 3.16-2. The Project applicant may request recalculation of the estimated percentages and improvement costs and shall be responsible for funding all costs associated with recalculating said percentages and improvement costs, including preparation of any necessary updated traffic analysis.

Table 3.16-2

Equitable Share Responsibility

INTERSECTION	MITIGATION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2035 PLUS PROJECT	FAIR SHARE PERCENTAGE
Paige Avenue / I Street	Signalization	AM	417	119	993	20.7%
		PM	494	114	1,111	18.5%
Paige Avenue / K Street	Intersection Improvements	AM	828	119	2,055	9.7%
		PM	1,024	114	2,476	7.9%
Paige Avenue / SR 99	Interchange Reconstruction	AM	1,266	104	2,664	7.4%
		PM	1,203	100	2,678	6.8%
Paige Avenue / Laspina Street	Signalization/ Intersection Improvements	AM	719	26	1,258	4.8%
		PM	945	23	1,636	3.3%
SEGMENTS						
Paige Avenue						
K Street to Blackstone Street	Road Widening	AM	674	111	1,513	13.2%
		PM	677	107	1,406	14.7%

Impact #3.16.2 Mitigation Measure #3.16.2.1:

Road Improvement Deterioration The project applicant shall construct Enterprise Street and Paige Avenue adjacent to the project site's south and west boundaries to full width in accord with City major arterial standards as directed by the City Engineer, prior to initiation of project operations.

Applicant City of Tulare

Mitigation Measures # 3.16.2.2:

The project applicant shall, prior to initiation of plant operations, deposit with the City the funds determined by the City Engineer to represent the project's fair share of the improvement of the Paige Avenue paving cross-section from the project site to State Route 99. Such deposited amount may, at the City's option, include funding for the portions of Paige Avenue within County jurisdiction.

Applicant City of Tulare

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.16.3	Mitigation Measure #3.16.3:	Applicant	City of Tulare
Cumulative Traffic Impacts	<p>This EIR describes the projected amount of traffic and level of service (LOS) to be present in 2035 (with the exception of the Paige Avenue interchange), including traffic from the proposed Project. Intersections with unacceptable levels of service (LOS) for the Cumulative 2035 plus Project conditions include:</p> <ul style="list-style-type: none"> • Paige Avenue at Laspina Street – LOS F • Paige Avenue at I Street – LOS F • Paige Avenue at K Street – LOS D * <p>Road segments with unacceptable levels of service for the Cumulative 2035 plus Project conditions:</p> <ul style="list-style-type: none"> • Paige Avenue from K Street to Blackstone Avenue – LOS F <p>Level of Service D is typically acceptable to the City of Tulare but not acceptable to Caltrans which requires Level of Service C. All other road segments and intersections are expected to operate at acceptable levels of service.</p> <p>The conclusion of the Technical Traffic Memorandum prepared by VRPA (Appendix G of the Draft EIR) is that the existing road network is generally either adequate or can be mitigated to accommodate the proposed development through the year 2035.</p> <p>It is estimated that the proposed CaliCheese Facility will generate a total of approximately 664 truck trips. Two additional proposed projects within the Project site vicinity include an Anaerobic Co-Digestion Facility and the Waste Transfer Facility. For the Anaerobic Co-Digestion Facility, it was estimated that this project would generate a total of 74 truck trips. For the Waste Transfer Facility, it was estimated that this project would generate a total of 130 truck trips. The combined total of truck trips for the proposed Project and the surrounding projects is 868. In comparison, the Beef Harvesting project in the referenced (Appendix G) EIR traffic study was estimated to generate 1,992 trips per day. The Beef Harvesting traffic analysis, with 1,992 truck trips per day and the traffic analysis for this Project, with 130 truck trips per day, have corresponding-ratio employee auto trips (4.38), and the other two projects in the area have lower-ratio employee auto trips. The two Project-site analyses identified essentially the same intersection and street segment mitigation measures, varying only in “fair share” contributions by the analyzed projects. The cumulative truck-auto trips, between the two project analyses, would thus be mitigable with this Project’s identified measures.</p>		

Impact	Mitigation Measures	Implementation	Monitoring Agency
	<p>Thus, the proposed mitigation measures implemented (see Mitigation Measures) for the Project will mitigate cumulative Project impacts to less than significant. The applicant will also pay development impact fees which will contribute to funding needed improvements at the Paige/SR99 intersection.</p>		
Impact #3.17.1	Mitigation Measure # 3.17.1:	Applicant	City of Tulare
Electricity and Natural Gas	<ul style="list-style-type: none"> • Project design shall incorporate energy-efficient lighting and meters throughout the facility. • Design shall incorporate switch-off programs and turn-off sensors to turn off or power-down lights and equipment when not in use. • Facilities shall incorporate high R-factor insulation on roofing, pipework, and heating or cooling systems. • Waste heat shall be, to the extent feasible, recovered from piped effluent streams, vents, exhausts and compressors. • Employees shall be trained to be aware of energy conservation goals. 		

RESOLUTION NO. 5151

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION CERTIFYING ENVIRONMENTAL IMPACT REPORT AND
ADOPTING ENVIRONMENTAL FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS**

WHEREAS, the City of Tulare Planning Commission held a regular meeting on July 13, 2015 to certify the final Environmental Impact Report and to adopt environmental findings and statement of overriding considerations for the construction of a 300,000 sf cheese manufacturing plant to be located on property at the northeast corner of Paige Avenue and Enterprise Street; and

WHEREAS, the City of Tulare Planning Commission finds that the final EIR has been completed in compliance with CEQA; and

WHEREAS, the City of Tulare Planning Commission finds the final EIR reflects the lead agency's independent judgment and analysis; and

NOW, THEREFORE, BE IT RESOLVED that the City of Tulare Planning Commission certifies the Environmental Impact Report and adopts the environmental findings and statement of overriding considerations, as attached, for the project to be located at the northeast corner of Paige Avenue and Enterprise Street, Tulare, CA.

PASSED, APPROVED AND ADOPTED this thirteen day of July, 2015 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

ROB HUNT, SECRETARY
City of Tulare Planning Commission

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CALICHEESE PROCESSING FACILITY PROJECT, PURSUANT TO SECTION 21081 OF THE PUBLIC RESOURCES CODE AND SECTION 15091 OF THE STATE CEQA GUIDELINES.

I. INTRODUCTION AND PURPOSE

The City of Tulare ("City"), as lead agency, prepared a Final Environmental Impact Report ("Final EIR") for the CaliCheese Processing Facility ("Project"). The Final EIR is a project-level analysis of the Project and has State Clearinghouse Number 2014091049.

The purpose of this document is to summarize the significant, adverse impacts associated with the proposed Project and the mitigation measures adopted to avoid or substantially reduce those impacts. In addition, this document contains findings on the feasibility of these mitigation measures and the options that were evaluated as alternatives to the Project. Finally, the document contains findings that the changes that have been incorporated into the Project substantially lessen the significant environmental effect, reducing the impacts to less than significant.

The CaliCheese Processing Facility is a "project" within the meaning of the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), requiring the preparation of an Environmental Impact Report ("EIR"). The City released a Draft EIR on September 18, 2014, for review by public agencies, organizations and members of the public. The Draft EIR assesses the potentially significant environmental effects resulting from implementation of the Project, identifies potentially feasible means to mitigate those potentially significant environmental effects, and evaluates a reasonable range of alternatives to the proposed Project.

Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at 411 E. Kern Avenue, Tulare, CA 93274. The Community Development Department is the custodian of the administrative record for the project.

II. FINDINGS

Public Resources Code Section 21081 requires that the Planning Commission of the City of Tulare ("Planning Commission") make one of the following findings for each significant impact:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Environmental Impact Report ("EIR");
- Those changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been, or can and should be adopted by that other agency; or

- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The same requirements for adopting these findings are also contained in CEQA Guideline Section 15091(a). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." By this document, the Planning Commission makes the findings required by Public Resources Code Section 21081 with regard to the proposed Project.

Additionally, Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." It also states, "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The three available findings under Section 21081 and Guideline Section 15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting mitigation measures recommended in an EIR; (b) identifying measures that lay outside its control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency's control, findings may be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible. In contrast, where the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." Guideline Section 15091(a).

Where significant impacts are not avoided or significantly lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. CEQA Guidelines §§15093, 15043(b).

The findings below are the Planning Commission's best efforts to set forth the evidentiary and policy bases for its decision to approve the proposed Project in a manner consistent with the requirements of CEQA. These findings are not merely informational but, rather, constitute a binding set of obligations that come into effect with the Planning Commission's approval of the proposed Project. The Planning Commission adopts these findings for the entirety of the actions described in these findings and in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the Planning Commission hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines.

- **Part 1.** Findings regarding the environmental review process and the contents of the Final EIR.
- **Part 2.** Findings regarding the environmental impacts of the proposed Project and the mitigation measures (General Plan policies, etc.) for those impacts identified in the Final EIR and incorporated into the Project.
- **Part 3.** Findings regarding alternatives and the reasons that such alternatives are rejected.
- **Part 4.** Statement of Overriding Considerations determining that the benefits of implementing the proposed Project outweigh the significant and unavoidable environmental impacts that will result and therefore justify approval of the proposed Project despite such impacts.
- **Part 5.** Findings regarding the Mitigation Monitoring and Reporting Program.

The Planning Commission of the City of Tulare certifies that these findings are based on its full appraisal and consideration of all viewpoints expressed in written correspondence and testimony regarding the proposed Project, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The Planning Commission adopts the findings and the statement in Parts 1 through 5 for the approvals that are set forth below.

PART I- ENVIRONMENTAL REVIEW PROCESS

Introduction

This Part 1 provides a brief introduction to the Project as analyzed in the Draft EIR. Information provided in this Part includes a description of the Project, the City's objectives related to the Project, and key milestones in the CEQA process.

Background

The Draft EIR was submitted to the State Clearinghouse (SCH#2014091049) and released for public and agency review on September 18, 2014. The public review and comment period for the Draft EIR closed on November 5, 2014. A notice of availability was also published in the Tulare Advanced Register/Visalia Times Delta, a newspaper of general circulation in the City of Tulare, on September 18, 2014. Additionally, the Draft EIR and Draft General Plan update were made available for public review at City offices and on the Internet.

Following public review of the Draft EIR, the City began preparing the Final EIR. The Final EIR provides copies of the comments made on the Draft EIR and provides written responses to all significant environmental issues raised in comments on the Draft EIR. See Public Resources Code § 21091(d)(2)(B);

CEQA Guidelines Section 15088(c). The Final EIR also meets the content requirements of a Final EIR, as specified in CEQA.

The Final EIR was made available for public review on July 2, 2015. Pursuant to Public Resources Code Section 21092.5, the City of Tulare sent the Final EIR to those individuals and public agencies who submitted comments and provided the minimum 10-day notice to those public agencies.

The Proposed Project

The Project facility will produce Cheddar Cheese and associated byproducts from approximately 4 million pounds per day of milk, in a 300,000 square foot building. Associated byproducts include whey cream, whey protein concentrate and permeate powder. Plant water supply will be from two site-adjacent City wells; groundwater usage is estimated to be 225,000 gallons per day because of in-plant process water recirculation. Wastewater will, after any essential pretreatment, be discharged to the site-adjacent City water reclamation facility. Tanker-type and sealed truck traffic for milk delivery, supplies and product shipment will average 120 trucks, 240 trips per day.

On-site utilities will include water piping system, wastewater piping system, storm water retention system, fire protection water storage tank and pumping system. Both natural gas and electric power will be extended to the site. Heavy duty asphalt paving will be installed on all truck roads, truck/trailer parking and maneuvering areas, while light duty paving will be installed for automobile parking areas and roads. Concrete paving will be installed at docking areas. A central utility plant will provide the utility services required to operate the production process and storage environments. The central utilities consist of: a steam system, a refrigeration system, chilled water system, tower water system, compressed air system and sanitation system.

Operations and Job Creation

The proposed Project will operate 7 days a week and will consist of 3 operational employee shift periods. They are as follows:

- Shift #1: 7:00 AM to 3:00 PM (60% of employees);
- Shift #2: 3:00 PM to 11:00 PM (20% of employees); and
- Shift #3: 11:00 PM to 8:00 AM (20% of employees).

The proposed Project will provide approximately 212 new jobs that will consist of 11 management positions, 14 administration positions, 17 supervisory positions and 170 manufacturing positions

Traffic

The proposed Project is accessed at one location along Enterprise Street (trucks) and one location on Paige Avenue (employees and visitors).

Objectives of Proposed Project

“It is the objective of the Project to build and operate an economically viable and competitive cheese production facility in compliance with applicable laws and regulations, optimally utilizing the available land resource, and mitigating any environmental impacts to the extent feasible and as required by CEQA.”

Differences of Opinion Regarding the Impacts of the Project

In deciding to certify the Final EIR and to approve the Project, the Planning Commission recognizes that the Project implicates a number of environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR, and the responses to those comments in the Final EIR as well as testimony, letters, and reports regarding the Final EIR and the merits of the Project. The Planning Commission of the City of Tulare has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, and City staff, addressing these comments.

The Planning Commission has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In sum, the understanding has enabled the Planning Commission to make its decisions after weighing and considering the various viewpoints on these important issues. The Planning Commission accordingly certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

PART 2 - FINDINGS ON SIGNIFICANT IMPACTS

These findings provide the written analysis and conclusions of the Planning Commission regarding the environmental impacts of the proposed Project and the mitigation measures included as part of the Final EIR and adopted by the Planning Commission as part of the proposed Project. The EIR sets forth environmental impacts of the Project that would be significant in the absence of mitigation measures.

In making these findings, the Planning Commission considered the opinions of other agencies and members of the public. The Planning Commission finds that the determination of significance thresholds is a judgment decision within the discretion of the Planning Commission; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects.

FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Set forth below are any significant effects that cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the EIR.

In adopting these findings, the City is also adopting a Statement of Overriding Considerations setting forth public health and safety, economic, social, environmental, and other benefits of the proposed Project that will render these significant impacts acceptable. See Statement of Overriding Considerations, Part 4, below.

The City of Tulare, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 and CEQA Guidelines 15091, that:

- Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
- Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained works, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

1. Significant Unavoidable Effect (Agricultural Impacts)

AG- #3.2.1: The proposed project will result in the loss of approximately 60 acres of prime farmland.

FINDING

The City's measures for mitigating farmland loss impacts resulting from development within the City are contained in the existing City's General Plan policies and summarized in the Program EIR for the General Plan. These include the policies encouraging infill growth, establishment of an Urban Reserve Line, requirements for buffers between agricultural and urban development, and encouragement of businesses and services necessary to support agriculture. The City's strategies for mitigating farmland loss impacts are contained in the General Plan Program EIR. Those which apply to the Project will be adhered to. These include maintaining a concentric growth pattern which encourages contiguous development and adopting of

a right to farm ordinance to preserve adjacent agricultural lands (adopted in 1995 as Municipal Code Chapter 10.160 – Farming).

Apart from these listed policies or development standards, the proposed 2035 General Plan Update Final EIR does not identify any other additional feasible mitigation measures that would lessen farmland loss resulting from the Project. Therefore, the conversion of prime agricultural lands related to the Project is considered significant and unavoidable.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

SUPPORTIVE EVIDENCE

Moreover, the proposed 2035 General Plan has policies and measures for further lessening impacts related to conversion of prime agricultural lands as part of COS-P3.12 Mitigation for Agricultural Land Conversion. These measures include:

- Requiring a 1:1 ratio of agricultural land preserved for every acre of land converted;
- Requiring land to be preserved be equivalent to the land converted, e.g. Prime Farmland, and further require that the land to be preserved has adequate existing water supply to support agricultural use, is designated and zoned for agriculture, is located outside of a city UDB, and is within the southern San Joaquin Valley;
- Requiring mitigation prior to or at time of impact;
- Allowing mitigation to be provided either by purchase of agricultural easements or by payment of agricultural mitigation fees, but state that purchase of conservation easements is the preferred form of mitigation. Both purchase of easements and payment of mitigation fees should cover not only the cost of an agricultural easement, but additional costs of transactional fees and administering, monitoring, and enforcing the easement;
- Requiring easements to be held by and/or mitigation fees to be transferred to a qualifying entity, such as a local land trust with demonstrated experience administering, monitoring and enforcing agricultural easements;
- Requiring the qualifying entity to submit annual status and monitoring reports to the City and to Tulare County;
- Allowing stacking of conservation and agricultural easements if habitat needs of species on conservation easement are compatible with agricultural activities/use on agricultural easement; and
- Allowing exemptions for conversion of land to agricultural tourism uses, agricultural processing uses, agricultural buffers, public facilities, and roadways.

However, as allowed by the proposed 2035 General Plan, “agricultural processing uses” are specifically exempted from the measures listed within Policy COS-P3 related to agricultural conservation measures. The Project would process approximately 4 million pounds per day of milk created by dairy and other agricultural operations located within the region surrounding the City of Tulare. Therefore, the Project, as an agricultural processing use as identified in the General Plan, is not required to implement the measures listed with Policy COS-P3.12.

The City of Tulare Municipal Code Chapter 10.76 does list standards for industrial use that are adjacent to non-industrial uses. Those measures include setbacks, screening and landscaping as part of site design in order to reduce or eliminate potential impacts between adjacent properties. However, they do not specifically mitigate for the loss or conversion of farmland and only mitigate impacts to adjacent uses.

2. Significant Unavoidable Effect (Traffic Impacts)

TR- #3.16.1: Intersections with unacceptable levels of service (LOS) for the Existing plus Project conditions include:

- Paige Avenue and the northbound SR 99 ramps – LOS F
- Paige Avenue and Blackstone Street – LOS D *

For the Cumulative 2035 plus Project conditions:

- Paige Avenue at Laspina Street – LOS F
- Paige Avenue at I Street – LOS F
- Paige Avenue at K Street – LOS D

Road segments with unacceptable levels of service for the Existing plus Project conditions include:

- Paige Avenue from K Street to Blackstone Avenue – LOS D *
- Paige Avenue from Blackstone Avenue to Laspina Street, which includes the bridge crossing over SR 99 – LOS D

For the Cumulative 2035 plus Project conditions:

- Paige Avenue from K Street to Blackstone Avenue – LOS F

FINDING

Upon completion of the identified improvements, the impact would be reduced to less than significant by attaining acceptable levels of service on the identified roadways and intersections. Though the applicant will pay its fair share fee for the improvements, the City cannot ensure that the improvements will be fully funded sufficient to facilitate

construction prior to the Project's contribution to the impact. If a proposed improvement is not fully funded and constructed before completion of the Project, significant impacts to the intersection or roadway, in the form of delays and unacceptable levels of service, could occur until the City completes the improvements. If such funding cannot be relied upon, it will be incumbent upon the City to require Fair Share contributions to the cost of improvements as they are funded and installed. Pending such installation, under either funding method, the impact will be significant and unavoidable.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

SUPPORTIVE EVIDENCE

Mitigation Measure #3.16.1 will reduce impacts to the extent feasible. The following formula was used to calculate the proposed Project's equitable share responsibility for the improvements identified above:

$$\text{Equitable Share} = (\text{Project Trips}) / (\text{Future Year Plus Project Traffic} - \text{Existing Traffic})$$

Table 3.16-2 of the Draft EIR shows the Project's equitable share responsibility to for improvements identified in the Project's study area. Prior to issuance of building permits, the applicant shall deposit all required funds as outlined in Table 3.16-2. The traffic impact study prepared for this EIR used the best information currently available to estimate the Project's traffic volume as a percentage of the future cumulative traffic volume at the intersections and roadways. If the identified improvements are provided for in any alternative funding program, or if any other intensive land use projects are subsequently approved that will measurably affect the intersection operation, it is possible that the Project's fair share percentage would differ from the estimated percentage of the cumulative traffic volume shown in Table 3.16-2. The Project applicant may request recalculation of the estimated percentages and improvement costs and shall be responsible for funding all costs associated with recalculating said percentages and improvement costs, including preparation of any necessary updated traffic analysis.

3. Significant Unavoidable Effect (Electricity and Natural Gas)

UT- #3.17.1: The previously-cited (Beef Harvesting Plant) EIR for the larger project on the project site evaluated the availability of energy service and the absences of environmental effects on their site service. This project has lesser demands, but includes no onsite energy generation.

FINDING

Mitigation measure #3.17.1 has been incorporated into the project to reduce impacts to the extent feasible. There will still be, despite mitigation, a significant and unavoidable project energy impact.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

SUPPORTIVE EVIDENCE

The following mitigation measures shall be implemented in Project construction and operation:

Mitigation Measures # 3.17.1:

- Project design shall incorporate energy-efficient lighting and meters throughout the facility.
- Design shall incorporate switch-off programs and turn-off sensors to turn off or power-down lights and equipment when not in use.
- Facilities shall incorporate high R-factor insulation on roofing, pipework, and heating or cooling systems.
- Waste heat shall be, to the extent feasible, recovered from piped effluent streams, vents, exhausts and compressors.
- Employees shall be trained to be aware of energy conservation goals.

FINDINGS ON CUMULATIVE IMPACTS

The Planning Commission finds that the following cumulative impacts are significant and unavoidable. Nevertheless, these impacts are found to be acceptable due to overriding considerations as discussed in Part 4.

1. Significant Unavoidable Effect

CUM-AG- #3.2.3: The 1993 Tulare General Plan Update Draft EIR identified approximately 5,160 acres of land remaining in agricultural use within the City's Planning Area which was approximately 26 percent of the land inventory. The Project site was included in the 5,160 acres. For the proposed Project, the total loss of agricultural land will be 60 acres.

FINDING

The Proposed 2035 General Plan FEIR designates approximately 6,419 acres of farmlands of concern under CEQA for non-agricultural uses. The Project site is included within the area designated for conversion and therefore the additional loss of agricultural land in and around the City is unknown; however, the loss of the Project land and other lands in the Planning Area, as denoted in both the current General Plan and Proposed 2035 General Plan, is a significant and unavoidable cumulative impact.

The City of Tulare finds this significant impact to be acceptable because the benefits of the project outweigh this and other unavoidable environmental impacts of the proposed project for the reasons set forth in Part 4 of these Findings.

FINDINGS ON LESS-THAN-SIGNIFICANT IMPACTS

Pursuant to Section 15126.4 of the CEQA Guidelines, the City is not required to adopt mitigation measures for impacts that are less than significant. Nonetheless, the Planning Commission restates the following impacts below that are mitigated to a level of less than significance. Only those impact areas that included mitigation measures are listed below. As outlined in the project Draft EIR, the remainder impact areas were determined to be less than significant and did not require mitigation.

1. Less-than-Significant Effect With Mitigation (Air Quality)

AQ- #3.3.2: The project could cause a violation of air quality standards or contribute substantially to an existing or projected air quality violation.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure AQ- #3.3.2 (See Mitigation Monitoring Program)

2. Less-than-Significant Effect With Mitigation (Biology)

BIO- #3.4.1: The project could have a potentially significant impact on special status species.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure BIO- #3.4.1 (See Mitigation Monitoring Program)
- Mitigation Measure BIO- #3.4.2 (See Mitigation Monitoring Program)

3. Less-than-Significant Effect With Mitigation (Cultural Resources)

CUL- #3.5.1: The project could cause a substantial adverse change in the significance of a historical or archaeological resource.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure CUL- #COS-P5.9 (See Mitigation Monitoring Program)
- Mitigation Measure CUL- #COS-P5.10 (See Mitigation Monitoring Program)

4. Less-than-Significant Effect With Mitigation (Hydrology)

HYD- #3.9.1: The project could potentially have an adverse impact on water quality standards or waste discharge requirements violations; or result in a substantial degradation of water quality.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure HYD- #3.9.1.1 (See Mitigation Monitoring Program)
- Mitigation Measure HYD- #3.9.1.2 (See Mitigation Monitoring Program)

5. Less-than-Significant Effect With Mitigation (Hydrology)

HYD- #3.9.2: The project could result in depletion of groundwater supplies or interfere with groundwater recharge.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure HYD- #3.9.2.1 (See Mitigation Monitoring Program)
- Mitigation Measure HYD- #3.9.2.2 (See Mitigation Monitoring Program)

6. Less-than-Significant Effect With Mitigation (Hydrology)

HYD- #3.9.3: The project could potentially have an adverse impact on storm drainage capacity.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure HYD- #3.9.3.1 (See Mitigation Monitoring Program)
- Mitigation Measure HYD- #3.9.3.2 (See Mitigation Monitoring Program)

7. Less-than-Significant Effect With Mitigation (Noise)

NOI- #3.12.1: The project could result in adverse construction noise impacts on sensitive receptors.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure NOI- #3.12.1 (See Mitigation Monitoring Program)

8. Less-than-Significant Effect With Mitigation (Noise)

NOI- #3.12.2: The project could result in adverse operational noise impacts on sensitive receptors.

FINDING

Implementation of the mitigation measure below, together with applicable federal, State and local regulations and proposed Plan policies in the Draft EIR, would result in a less-than-significant effect.

Mitigation measures in the EIR include the following:

- Mitigation Measure NOI- #3.12.2 (See Mitigation Monitoring Program)

PART 3 — FINDINGS ON ALTERNATIVES TO THE PROPOSED PROJECT

When a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first

determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. In accordance with State CEQA Guidelines, Section 15126.6, an EIR must describe a range of reasonable alternatives to the proposed program/ project or to its location that could feasibly attain the program's or project's basic objectives and reduce the impacts of the program/ project.

The Draft EIR evaluates a broad range of potential alternatives to the proposed Project. The Draft EIR examines the environmental impacts of each alternative in comparison to those of the proposed Project and the relative ability of each alternative to satisfy the project objectives. Those project objectives include:

“It is the objective of the Project to build and operate an economically viable and competitive cheese production facility in compliance with applicable laws and regulations, optimally utilizing the available land resource, and mitigating any environmental impacts to the extent feasible and as required by CEQA.”

The Draft EIR also compares the environmental impacts of the Project and each of the alternatives. The Draft EIR considered the following three alternatives to the proposed Project:

1. No Project
2. Alternate Site
3. Reduced Project
4. Additional Reduced Project

The alternatives were selected because of their potential to reduce the significant impacts of the proposed project. Each alternative was evaluated to determine whether it has the ability to meet the basic project objectives developed for the proposed Project. The environmental impacts of the alternatives are summarized in Table 4-1 of the Draft EIR. The alternatives are summarized below:

ALTERNATIVE 1 — NO PROJECT

Under the no project alternative, the proposed Project would not be built. The Project site is currently zoned M-2 (Heavy Industrial). According to the City of Tulare Zoning Ordinance: *“The purpose of the Heavy Industrial (M-2) district is to provide locations for heavy industrial uses unsuited to other locations in the community; protect industrial areas from the intrusion of incompatible types of land uses; adhere to performance standards provided for the protection of Tulare residents and the environment, and to provide industrial employment opportunities for residents of the City of Tulare.”*

FINDING

This alternative would eliminate all the significant unavoidable impacts of the project. However, the No Project Alternative would not satisfy any of the project objectives nor would it realize the project benefits.

ALTERNATIVE 2 — ALTERNATE SITE

A number of sites were evaluated for use as an alternate site. The utilization of some of these sites might involve impacts not present on the Project site – incompatible land uses or significant transportation/traffic effects, for example. Because of the status of the air quality in the San Joaquin Valley Air Basin, there is no evidence that there are any other sites in Tulare County, or adjacent counties, which would not have comparable air quality impacts. To allow a thorough analysis, a similar site in Tulare County has been selected for comparative alternative analysis, even though this site is not currently under the control of the Project applicant.

The alternate site selected for evaluation is located at the southwest corner of Plaza Drive and Ferguson Avenue in the master planned Midstate 99 Industrial Park within the City of Visalia (see Figure 4-1 of the DEIR). This 114 acre site would have been divisible for the project to 60-80 acres. This site is zoned Heavy Industrial (IH) and currently consists of vacant (dirt) land. A railroad runs along the southern border of this site.

FINDING

This alternative would not eliminate all the significant unavoidable impacts of the project. In addition, this alternative would not fully achieve the project objectives and the City of Tulare would not realize the project benefits.

ALTERNATIVE 3 — REDUCED PROJECT

Under the reduced project alternative, the size of the cheese operation would be reduced in regards to facility size and amount of people employed. Table 4-2 of the DEIR compares the Project and the reduced project scenarios. Under the reduced project alternative, the proposed Project would be reduced in size by approximately 35 % as would total truck trips and total water usage.

FINDING

This alternative would not eliminate all the significant unavoidable impacts of the project. In addition, this alternative would not fully achieve the project objectives and the City of Tulare would not realize the full project benefits.

ALTERNATIVE 4 — ADDITIONAL REDUCED PROJECT

Alternative 3, the Reduced Project Alternative, would reduce the operational capacity of the project by approximately 35%. Alternative 3 would result in a reduction in footprint impacts due to reduction in the amount of land occupied by the

facility, and would result in a reduction in operational impacts generally in proportion to the reduction in operations.

A range of other potential reduced Project alternatives are available, based upon the concept of further reducing the size of the facility. As shown by the analysis of Alternative 3, a reduced size project would reduce operational impacts essentially in proportion to the reduction in plant capacity. The same reduction in operational impacts (such as air quality, traffic, water use, wastewater) in proportion to reduction in operations can be roughly estimated for other reduced project alternatives from the data provided for Alternative 3. For example, potential air quality, traffic, water use and wastewater impacts would be reduced by roughly 50% by an alternative that involved limiting the project to half the size that is proposed. This and other reduced size scenarios that are variations on the Reduced Project Alternative may be considered by decision makers as further alternatives to the project as proposed.

FINDING

This alternative would not eliminate all the significant unavoidable impacts of the project. In addition, this alternative would not fully achieve the project objectives and the City of Tulare would not realize the full project benefits.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that in addition to the analysis of individual alternatives, the alternatives must be ranked according to which alternatives have the lesser environmental effects. The ranking is shown in Table 4-1 of the DEIR. The no project alternative is environmentally superior, followed by the reduced project size alternative. Only the no project alternative would eliminate the significant and unavoidable impacts identified in the EIR for agricultural resources and utilities. All of the other alternatives would include an impact in one or more of these issue areas.

FINDING

The Planning Commission hereby rejects Alternatives 1, 2, 3 and 4 and selects the proposed Project because the project alternatives do not fully meet the project objectives and will not completely eliminate significant and unavoidable impacts (other than the No Project Alternative). In making this determination, the City finds that when compared to the alternatives described and evaluated in the Final EIR, the project, as mitigated, provides a reasonable balance between satisfying the project objectives and reducing potential environmental impacts to an acceptable level.

The Planning Commission of the City of Tulare hereby finds that benefits of this project outweigh Alternatives 1, 2, 3 and 4 identified in the Draft and Final EIR.

PART 4 — STATEMENT OF OVERRIDING CONSIDERATION

As previously described, the City has found that certain impacts of the proposed Project remain significant following adoption and implementation of the mitigation measures described in the Final EIR. In accordance with CEQA Guidelines Section

15093, the Planning Commission has, in determining whether or not to approve the Project, balanced the economic, social, technological, financial and other benefits of the Project against its unavoidable environmental risks, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. The following statements identify the reasons why, in the City Planning Commission's judgment, the benefits of the Project outweigh its unavoidable significant effects.

Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Planning Commission will stand by its determination that each individual reason is sufficient.

In developing the proposed Project, the City has evaluated alternatives, balanced the expected environmental impacts against the Project objectives and benefits, and selected the soundest option. Implementation of the proposed Project will provide the following benefits to the City:

1. The project will provide for the long-term social and economic vitality of Tulare by fostering the development of up to 212 new jobs which will help decrease the City's unemployment rate.
2. The project will develop underutilized land that is planned for heavy industrial use and will promote a compatible land use in the area adjacent to the City's wastewater treatment facility.
3. The project will increase the amount of tax base the City could receive.
4. The project will provide efficiencies in local operations due to its proximity to dairy farms around the City and County.
5. The project will provide long-term, consistent revenue to the City's water and sewer funds.

Through the mitigation measures of the EIR, the City is making all reasonable efforts to minimize the environmental impacts of the proposed project. Based on these efforts and the fact that the proposed Project will provide jobs and other economic benefits to the City consistent with the City's General Plan, the City finds, based on substantial evidence, that the benefits of the proposed Project outweigh its unavoidable significant environmental impacts.

PART 5 — MITIGATION MONITORING PROGRAM

A Mitigation Monitoring and Reporting Program ("MMRP") was prepared for the Project and was approved by the Planning Commission (see Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097). The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. Consistent with Section 21081.6 (d) of the California Environmental Quality Act, the documents which constitute the record of proceedings for approving this project are located in the Planning and Building Department, 411 E. Kern Avenue, Tulare, CA 93274.

**Table 2-1
Mitigation Monitoring Program**

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.3.2	Mitigation Measure #3.3.2	Applicant	City of Tulare
Violate Air Quality Standards	<p>To reduce mobile emissions, a truck fleet of no older than seven years shall be incorporated into the proposed Project.</p> <p>With the above Project-related mitigation measure the estimated construction and operational emissions from the proposed Project would be less than significant. However, to ensure that project emissions are further minimized, the applicant should implement and comply with a number of measures that are either recommended as a “good operating practice” for environmental stewardship or they are required by regulation. Some of the listed measures are regulatory requirements or construction requirements that would result in further emission reductions through their inclusion in project construction and long-term design. The following measures either have been applied to the project through the CalEEMod model and would be incorporated into the project by design or would be implemented in conjunction with SJVAPCD rules as conditions of approval:</p>		

**Table 3.3-8
Post-project (Operational) Emissions**

Emissions	Source	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Unmitigated							
Area Emissions		1.38	0.00	0.00	0.00	0.00	0.00
Energy Emissions		0.04	0.32	0.27	0.00	0.02	0.02
Mobile Emissions		0.82	44.36	6.30	0.94	0.54	0.49
Stationary Source Emissions ¹		3.58	13.13	76.86	3.20	5.98	5.62
Mitigated							
Area Emissions		1.38	0.00	0.00	0.00	0.00	0.00
Energy Emissions		0.04	0.32	0.27	0.00	0.02	0.02
Mobile Emissions		0.83	8.37	6.72	0.96	0.46	0.43
Stationary Source Emissions ¹		3.58	13.13	76.86	3.20	5.98	5.62
Total Unmitigated Operational Emissions (With Stationary Sources)		5.82	57.81	83.43	4.14	6.55	6.14
Total Mitigated Operational Emissions (With Stationary Sources)		5.83	21.82	83.85	4.16	6.47	6.08

Impact	Mitigation Measures				Implementation	Monitoring Agency
Total Mitigated Operational Emissions (Without Stationary Sources) ²	2.25	8.69	6.99	0.96	0.48	0.45
SJVAPCD and TCPD Threshold	10	10	100	27	15	15
Is Threshold Exceeded After Mitigation?	NO	NO	NO	NO	NO	NO

NOTES:
¹ These emissions are under control and enforcement of the SJVAPCD.
² The stationary source emissions from the production facility require permits from the SJVAPCD to operate and SJVAPCD controls and quantifies the emissions from these sources and they are assumed to be mitigated to the greatest feasible extent. Since the emissions are controlled by the SJVAPCD and accounted for in the State Implementation Plan they are considered *less than significant* from a CEQA standpoint and not utilized when comparing the non-permitted project emissions to annual significant thresholds.

Source: Insight Environmental Consultants 2014

Required PM10 Reduction Measures

As the project would be completed in compliance with SJVAPCD Regulation VIII, dust control measures would be taken to ensure compliance specifically during grading and construction phases. The required Regulation VII measures are as follows:

- Water previously exposed surfaces (soil) whenever visible dust is capable of drifting from the site or approaches 20% opacity;
- Water all unpaved haul roads a minimum of three-times/day or whenever visible dust from such roads is capable of drifting from the site or approaches 20% opacity;
- Reduce speed on unpaved roads to less than 15 miles per hour;
- Install and maintain a track out control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles;
- Stabilize all disturbed areas, including storage piles, which are not being actively utilized for production purposes using water, chemical stabilizers or by covering with a tarp or other suitable cover;
- Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading, or cut and fill operations with application of water or by presoaking;

Impact	Mitigation Measures	Implementation	Monitoring Agency
	<ul style="list-style-type: none"> When transporting materials offsite, maintain a freeboard limit of at least 6 inches and cover or effectively wet to limit visible dust emissions; 		
	<ul style="list-style-type: none"> Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and use of blowers is expressly forbidden); 		
	<ul style="list-style-type: none"> Stabilize the surface of storage piles following the addition or removal of materials using water or chemical stabilizer/suppressants; 		
	<ul style="list-style-type: none"> Remove visible track-out from the site at the end of each workday; and 		
	<ul style="list-style-type: none"> Cease grading or other activities that cause excessive (greater than 20% opacity) dust formation during periods of high winds (greater than 20 mph over a one-hour period). 		
	<p>Recommended Measures to Reduce Equipment Exhaust</p> <p>In addition, the GAMAQI guidance document lists the following measures as approved and recommended for construction activities. These measures are recommended:</p> <ul style="list-style-type: none"> Maintain all construction equipment as recommended by manufacturer manuals; Shut down equipment when not in use for extended periods; Construction equipment shall operate no longer than eight (8) cumulative hours per day; Use electric equipment for construction whenever possible in lieu of diesel or gasoline powered equipment; Curtail use of high-emitting construction equipment during periods of high or excessive ambient pollutant concentrations; All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions; 		

- On-Road and Off-Road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines;
- On-Road and Off-Road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines;
- All construction workers shall be encouraged to shuttle (car-pool) to retail establishments or to remain on-site during lunch breaks;
- All construction activities within the project area shall be discontinued during the first stage smog alerts; and
- Construction and grading activities shall not be allowed during first stage O3 alerts. First stage O3 alerts are declared when the O3 level exceeds 0.20 ppm (1-hour average).

Other Measures to Reduce Project Impacts

The following measures are recommended to further reduce the potential for long-term emissions from the project. These measures are required as a matter of regulatory compliance to ensure that the proposed project emissions are not exceeded:

- The project design shall comply with applicable standards set forth in Title 24 of the Uniform Building Code to minimize total consumption of energy;
- Applicants shall be required to comply with applicable mitigation measures in the AQAP, SJVAPCD Rules, Traffic Control Measures, Regulation VIII and Indirect Source Rules for the SJVAPCD;
- The applicant shall comply with the provisions of SJVAPCD Rule 4601 - Architectural Coatings, during the construction of all buildings and facilities. Application of architectural coatings shall be completed in a manner that poses the least emissions impacts whenever such application is deemed proficient; and
- The applicant shall comply with the provisions of SJVAPCD Rule 4641 during the construction and pavement of all roads and parking areas within the project area. Specifically, the applicant shall not allow the use of:
 - Rapid cure cutback asphalt;
 - Medium cure cutback asphalt;

- Slow cure cutback asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.3); or Emulsified asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.4); and
- The applicant shall comply with applicable provisions of SJVAPCD Rule 9510 (Indirect Source Review).

Impact #3.4.1 Mitigation Measure #3.4.1:

Impact on Special Status Species
San Joaquin Kit Fox, American Badger, Swainson's Hawk, Western Burrowing Owl; Migratory Birds and Raptors: The *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be followed (USFWS 2011). The measures that are listed below have been excerpted from those guidelines and will protect San Joaquin kit foxes from direct mortality and from destruction of active dens and natal or pupping dens. These measures will also protect the American badger.

- Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

Potential Den	50 foot radius
Known Den	100 foot radius
Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance
Atypical Den	50 foot radius

If dens must be removed, they shall be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens will be required. Destruction of natal dens and other "known" kit fox dens shall not occur until authorized by USFWS.

- Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working

Applicant
 City of
 Tulare

Impact	Mitigation Measures	Implementation	Monitoring Agency
	<p>day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted below.</p>		
	<ul style="list-style-type: none"> • Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe shall be moved only once to remove it from the path of construction activity, until the fox has escaped. • All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or project site. • No firearms shall be allowed on the project site. • No pets, such as dogs or cats, shall be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. • Use of rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox. • A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service. • An employee education program shall be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program shall consist of a brief presentation by persons knowledgeable in kit fox 		

Impact	Mitigation Measures	Implementation	Monitoring Agency
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biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the project site.

- Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Wildlife (CDFW), and revegetation experts.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the Service shall be contacted for guidance.
- Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service shall be contacted at the numbers below.
- The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification shall include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Scott Osborn at 1812 9th Street, Sacramento, California 95811, (916) 445-0411. The above listed measures would also protect American badgers.
- New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620 or (916) 414-6600

Swainson's Hawk

Protocol surveys shall be conducted for the Swainson's hawk in accordance with the protocol outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). If potential Swainson's hawk nests or nesting substrates are located within 0.5 mile of the Project site, then those nests or substrates shall be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. The protocol recommends that ten visits be made to each nest or nesting site: one during the period from January 1 to March 20 to identify potential nest sites, three during the period of March 20 to April 5, three during the period from April 5 to 20, and three during period from June 10 to July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to ground disturbance activities.

Western Burrowing Owl

Standard measures for the protection of burrowing owls provided in the CDFW's March 7, 2012 *Staff Report on Burrowing Owl Mitigation* shall be implemented. Active burrows should be avoided, compensation shall be provided for the displacement of burrowing owls, and habitat acquisition and the creation of artificial dens for any burrowing owls removed from construction areas shall be provided. These measures are:

1. Pre-construction surveys for western burrowing owls shall be conducted. Pre-construction surveys of construction areas, including a 150-meter buffer, should be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey shall be completed, including but not limited to a final survey conducted within 24 hours prior to ground disturbance.
2. If western burrowing owls are present on the construction site (or within 150 meters of the construction site) during the breeding season (February 1 through August 31), and appear to be engaged in nesting behavior,

exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. This buffer could be removed once it is determined by a qualified biologist that the young have fledged. Typically, the young fledge by August 31st. This date may be earlier than August 31st, or later, and would have to be determined by a qualified biologist.

3. If western burrowing owls are present in the non-breeding season and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st. Passive relocation may only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity shall be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.
4. Compensation for the loss of burrowing owl habitat shall be based upon the number of owls or pairs of owls located on the construction area during pre-construction surveys following the CDFW's March 7, 2012 Staff Report on Burrowing Owl Mitigation. The areas identified as land retirement areas and enhancement areas shall be used as compensation for the loss of habitat and for relocation of burrowing owls.

Recommended restricted activity dates and setback distances by level of disturbance for burrowing owls are:

<i>Location</i>	<i>Time of Year</i>		<i>Level of Disturbance (meters)</i>		
	Year	Low	Medium	High	High
Nesting sites	April 1 – Aug 15	200 m	500 m	500 m	500 m
Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m	500 m
Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m	500 m

Migratory Birds and Raptors

Preconstruction surveys shall be conducted on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and other migratory birds to occur if construction is initiated during the breeding season (February 1 to August 31). These include all areas that are suitable for the establishment of nests, such as trees, power poles, and shrubs. These areas shall also include grassland and disked habitat, within which ground-nesting birds such as northern harriers (*Circus cyaneus*) and horned larks (*Eremophila alpestris actia*) could nest. The pre-construction survey shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. Raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet; however, these buffers may be adjusted through consultation with the CDFW.

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.4.2	Mitigation Measures #3.4.2:	Applicant	City of Tulare
Cumulative Biological Impacts	The habitat on the project site is considered to be low quality. Mitigation measure #3.4.1 described above (for biological resources) will serve to reduce the project's incremental contribution to any cumulative impact to a less than significant level.	Applicant	City of Tulare
Impact #3.5.1	Mitigation Measure #3.5.1	Applicant	City of Tulare
Cause a Substantial Adverse Change in the Significance of a Historical or Archeological Resource	<p>Implementation of the 2030 General Plan Policies COS-P5.9 and COS-P5.10 as stated below:</p> <p>COS-P5.9 Discovery of Archaeological Resources. In the event that archaeological/paleontological resources are discovered during site excavation, grading, or construction, the City shall require that work on the site be suspended within 100 feet of the resource until the significance of the features can be determined by a qualified archaeologist /paleontologist. If significant resources are determined to exist, an archaeologist shall make recommendations for protection or recovery of the resource. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the City.</p> <p>COS-P5.10 Discovery of Human Remains. Consistent with Section 7050.5 of the California Health and Safety Code and CEQA Guidelines (Section 15064.5), if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). If any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> • The Tulare County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; • If the remains are of Native American origin, - The descendants of the deceased Native Americans have made a timely recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; 	Applicant	City of Tulare

Impact	Mitigation Measures	Implementation	Monitoring Agency
	<ul style="list-style-type: none"> The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission, or; The landowner or his or her authorized representative rejects any timely recommendations of the descendant, and mediation conducted by the Native American Heritage Commission has failed to provide measures acceptable to the landowner. 		
Impact #3.9.1	Mitigation Measure #3.9.1.1:	Applicant	City of Tulare
Water quality standards or waste discharge requirements; substantial degradation of water quality	The characteristics of the project's effluent discharge to the City of Tulare's industrial waste treatment facilities shall comply with the City's industrial wastewater influent requirements.		
	Mitigation Measure #3.9.1.2:	Applicant	
	Any offsite disposal of solids, either for use as an agricultural nutrient or as a high total dissolved solids waste material, will be subject to the regulatory purview of the Regional Water Quality Control Board. Offsite disposal, outside the San Joaquin Valley, will be required by the Regional Board for high Ec concentrates.		
Impact #3.9.2	Mitigation Measure #3.9.2.1:	Applicant	City of Tulare
Depletion of Groundwater Supplies or Interference with Groundwater Recharge	The project shall incorporate and employ provisions for onsite utilization of recycled waste water or non-contact cooling water wherever feasible, shall equip all washdown equipment with shutoff devices, shall use dry cleaning techniques to pre-clean process areas and floors before washing with water, and shall use high pressure/low volume rather than high volume/low pressure for cleaning surfaces.		
	Mitigation Measure #3.9.2.2:	Applicant	
	The project shall, in accord with the City's water recharge development fee ordinance, pay an impact fee of \$102,540 (60 acres x \$1,709 per acre) to assist the City and the Tulare Irrigation District in the construction of recharge basins for groundwater replenishment.		

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.9.3	Mitigation Measure #3.9.3.1:	Applicant	City of Tulare
Storm Drainage Capacity	The Project applicant shall design, construct, and maintain an onsite storm drainage basin adequate to hold a 100 acre storm, in accord with City standards. The applicant will design and construct a collection system on his 60-acre site to convey all drainage from such a 100-year storm event to such basin.	Applicant	City of Tulare
	Mitigation Measure #3.9.3.2:	Applicant	
	The applicant shall design the truck unloading area so that flushing/cleaning runoff and storm drainage from the area is discharged to the plant's wastewater treatment system and not to the storm drainage system.		
Impact #3.12.1	Mitigation Measure #3.12.1:	Applicant	City of Tulare
Construction Noise Impacts on Sensitive Receptors	<ol style="list-style-type: none"> <li data-bbox="511 346 544 976">1. Construction activities shall be limited to hours between 6:00 a.m. and 10:00 p.m. If nighttime construction is required, spot noise monitoring is required to assure that noise levels from construction activities do not exceed 65 Lmax at the property line of the nearest residence, as permitted by the City Planning and Building Department. Measures to reduce nighttime construction noise levels may include using noise barriers or reducing the amount of construction activity until noise levels are below the nighttime significance criterion. <li data-bbox="560 346 592 976">2. Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer's specifications) and by shrouding or shielding impact tools. All equipment shall have sound-control devices no less effective than those provided by the manufacturer. <li data-bbox="609 346 641 976">3. Material stockpiles and vehicle staging areas shall be located as far as practicable from residences. 	Applicant	City of Tulare

Impact	Mitigation Measures	Implementation	Monitoring Agency
Impact #3.12.2	Mitigation Measure #3.12.2	Applicant	City of Tulare
Operational Noise Impacts on Sensitive Receptors	<p>In order to accurately evaluate, and mitigate if required, operational noise impacts, the Project applicant shall, at the time of submittal of facility plans for building permit approval, concurrently submit an operational noise analysis prepared by a qualified noise consultant. The implementation of feasible mitigation measures recommended therein to reduce operational noise to less than significant shall be the responsibility of the Project applicant and shall be monitored by the City.</p>	City of Tulare	City of Tulare
Impact #3.16.1	Mitigation Measure #3.16.1:	City of Tulare	City of Tulare
Substantial Increase in Traffic	<p><u>Existing plus Project Conditions</u></p> <p>Paige Avenue at SR 99 NB Ramps:</p> <ul style="list-style-type: none"> ▪ Install Traffic Signal <p><u>Cumulative Year 2035 No Project Conditions</u></p> <p>Paige Avenue at Laspina Street:</p> <ul style="list-style-type: none"> ▪ Install Traffic Signal <p>Paige Avenue between K Street and Blackstone Street:</p> <ul style="list-style-type: none"> ▪ 2 travel lanes in the eastbound direction (adding 1 travel lane) ▪ 2 travel lanes in the westbound direction (adding 1 travel lane) <p><u>Cumulative Year 2035 plus Project Conditions</u></p> <p>Paige Avenue at I Street:</p> <ul style="list-style-type: none"> ▪ Install Traffic Signal 	City of Tulare	City of Tulare

Paige Avenue at K Street

- Widen the northbound approach to 1 left turn lane, 2 through lanes, and 1 right turn lane with right-turn overlap phasing (adding 1 right turn lane and overlap phasing)
- Widen the southbound approach to 1 left turn lane, 2 through lanes, and 1 right turn lane (adding 1 right turn lane)

Paige Avenue at Laspina Street:

- Install Traffic Signal

Paige Avenue between K Street and Blackstone Street:

- 2 travel lanes in the eastbound direction (adding 1 travel lane)
- 2 travel lanes in the westbound direction (adding 1 travel lane)

Equitable Share Responsibility

The following formula was used to calculate the proposed Project's equitable share responsibility for the improvements identified above:

$$\text{Equitable Share} = (\text{Project Trips}) / (\text{Future Year Plus Project Traffic} - \text{Existing Traffic})$$

Table 3.16-2 shows the Project's equitable share responsibility to for improvements identified in the Project's study area. Prior to issuance of building permits, the applicant shall deposit all required funds as outlined in Table 3.16-2 below. The traffic impact study prepared for this EIR used the best information currently available to estimate the Project's traffic volume as a percentage of the future cumulative traffic volume at the intersections and roadways. If the identified improvements are provided for in any alternative funding program, or if any other intensive land use projects are subsequently approved that will measurably affect the intersection operation, it is possible that the Project's fair share percentage would differ from the estimated percentage of the cumulative traffic volume shown in Table 3.16-2. The Project applicant may request recalculation of the estimated percentages and improvement costs and shall be responsible for funding all costs associated with recalculating said percentages and improvement costs, including preparation of any necessary updated traffic analysis.

Table 3.16-2

Equitable Share Responsibility

INTERSECTION	MITIGATION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2035 PLUS PROJECT	FAIR SHARE PERCENTAGE
Paige Avenue / I Street	Signalization	AM	417	119	993	20.7%
		PM	494	114	1,111	18.5%
Paige Avenue / K Street	Intersection Improvements	AM	828	119	2,055	9.7%
		PM	1,024	114	2,476	7.9%
Paige Avenue / SR 99	Interchange Reconstruction	AM	1,266	104	2,664	7.4%
		PM	1,203	100	2,678	6.8%
Paige Avenue / Laspina Street	Signalization/ Intersection Improvements	AM	719	26	1,258	4.8%
		PM	945	23	1,636	3.3%
SEGMENTS						
Paige Avenue						
K Street to Blackstone Street	Road Widening	AM	674	111	1,513	13.2%
		PM	677	107	1,406	14.7%

Impact #3.16.2 Mitigation Measure #3.16.2.1:

Road Improvement Deterioration The project applicant shall construct Enterprise Street and Paige Avenue adjacent to the project site's south and west boundaries to full width in accord with City major arterial standards as directed by the City Engineer, prior to initiation of project operations.

Applicant

City of Tulare

Mitigation Measures # 3.16.2.2:

The project applicant shall, prior to initiation of plant operations, deposit with the City the funds determined by the City Engineer to represent the project's fair share of the improvement of the Paige Avenue paving cross-section from the project site to State Route 99. Such deposited amount may, at the City's option, include funding for the portions of Paige Avenue within County jurisdiction.

Applicant

City of Tulare

Mitigation Measures

Impact #3.16.3 Mitigation Measure #3.16.3:

Cumulative Traffic Impacts
This EIR describes the projected amount of traffic and level of service (LOS) to be present in 2035 (with the exception of the Paige Avenue interchange), including traffic from the proposed Project. Intersections with unacceptable levels of service (LOS) for the Cumulative 2035 plus Project conditions include:

- Paige Avenue at Laspina Street – LOS F
- Paige Avenue at I Street – LOS F
- Paige Avenue at K Street – LOS D *

Road segments with unacceptable levels of service for the Cumulative 2035 plus Project conditions:

- Paige Avenue from K Street to Blackstone Avenue – LOS F

Level of Service D is typically acceptable to the City of Tulare but not acceptable to Caltrans which requires Level of Service C. All other road segments and intersections are expected to operate at acceptable levels of service.

The conclusion of the Technical Traffic Memorandum prepared by VRPA (Appendix G of the Draft EIR) is that the existing road network is generally either adequate or can be mitigated to accommodate the proposed development through the year 2035.

It is estimated that the proposed CaliCheese Facility will generate a total of approximately 664 truck trips. Two additional proposed projects within the Project site vicinity include an Anaerobic Co-Digestion Facility and the Waste Transfer Facility. For the Anaerobic Co-Digestion Facility, it was estimated that this project would generate a total of 74 truck trips. For the Waste Transfer Facility, it was estimated that this project would generate a total of 130 truck trips. The combined total of truck trips for the proposed Project and the surrounding projects is 868. In comparison, the Beef Harvesting project in the referenced (Appendix G) EIR traffic study was estimated to generate 1,992 trips per day. The Beef Harvesting traffic analysis, with 1,992 truck trips per day and the traffic analysis for this Project, with 130 truck trips per day, have corresponding-ratio employee auto trips (4.38), and the other two projects in the area have lower-ratio employee auto trips. The two Project-site analyses identified essentially the same intersection and street segment mitigation measures, varying only in “fair share” contributions by the analyzed projects. The cumulative truck-auto trips, between the two project analyses, would thus be mitigable with this Project’s identified measures.

Impact	Mitigation Measures	Implementation	Monitoring Agency
	<p>Thus, the proposed mitigation measures implemented (see Mitigation Measures) for the Project will mitigate cumulative Project impacts to less than significant. The applicant will also pay development impact fees which will contribute to funding needed improvements at the Paige/SR99 intersection.</p>		
<p>Impact #3.17.1</p>	<p>Mitigation Measure # 3.17.1:</p>	<p>Applicant</p>	<p>City of Tulare</p>
<p>Electricity and Natural Gas</p>	<ul style="list-style-type: none"> • Project design shall incorporate energy-efficient lighting and meters throughout the facility. • Design shall incorporate switch-off programs and turn-off sensors to turn off or power-down lights and equipment when not in use. • Facilities shall incorporate high R-factor insulation on roofing, pipework, and heating or cooling systems. • Waste heat shall be, to the extent feasible, recovered from piped effluent streams, vents, exhausts and compressors. • Employees shall be trained to be aware of energy conservation goals. 		

RESOLUTION NO. 5152

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2015-10**

WHEREAS, the City of Tulare Planning Commission held a regular meeting on July 13, 2015 to consider a request by CCC Property LLC to construct and operate a 300,000 sf cheese processing facility in heavy industrial zoning district and to allow the calculation of the parking requirements at one and two-tenths spaces per employee during maximum shift. The subject property is located on the northeast corner of Paige Avenue and Enterprise Street.

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance and General Plan; and,

WHEREAS, the City of Tulare Planning Commission determined that this request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site; and,

WHEREAS, the City of Tulare Planning Commission determined that for this project a Notice of Preparation and Environmental Impact Report were prepared, including public noticing, consistent with the California Environmental Quality Act of 1970, as amended; and,

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that Conditional Use Permit Application No. 2015-10 is hereby approved subject to the following conditions:

Planning:

- 1) Construction shall be in accordance with the plans approved by the Planning Commission. Any substantial changes to the approved site plan, as determined by the Community Development Director, shall warrant further review and approval by Planning Commission.
- 2) Construction of the project shall be in accordance with all applicable adopted California Building Codes at the time of plans submittal for building permit.
- 3) All requirements of Title 10 shall be met.
- 4) Applicant to provide a minimum of 1.2 parking spaces per employee on maximum shift.

- 5) Applicant to submit three copies of a Landscape/Irrigation plan consistent with the City Landscape Ordinance. Landscape plans shall be subject to approval by the Community Development Department.
- 6) The applicant shall apply for and maintain an active business license with the City at all times of operation.
- 7) Applicant shall comply with the attached conditions established by the Engineering Division, Fire Department and Parks Department.
- 8) If any conditions of approval are violated, this conditional use permit may be revoked as prescribed in the Municipal Code.
- 9) Any change in licensing status or increase in the number of on-site employees is subject to approval by the Planning Commission.

Public Works:

1. Applicant shall continue to work with the City Public Works department to identify mitigation measures to reduce impact to the City's wastewater treatment plant, including but not limited to, the lowering of the bowls on wells 21 & 41; placement of a new Variable Frequency Drive (VFD) on well 21; and the addition of a new reclaim water system for the wastewater treatment plant.

Engineering:

1. All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
2. Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license. Separate encroachment permits are also required from the following agencies for work within their rights-of-way or on their facilities: County of Tulare: _____, State: _____, Tulare Irrigation District.
3. All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating

Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.

4. Easements will be required for all utilities to be located outside of dedicated rights-of-way. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.
5. New City standard curb and gutter shall be installed along the following street frontage(s): Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
6. New City standard sidewalk shall be constructed as indicated below. The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For areas located within a Landscape and Lighting District, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1. Deferred Public Improvement Agreement.

<u>Location</u>	<u>Configuration</u>	<u>Width</u>
Paige Avenue	adjacent to curb	6-ft
Enterprise Street	adjacent to curb	6-ft

7. New City standard ramped curb returns and/or pedestrian ramps shall be installed at the corner of Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
8. New City standard commercial driveway approach(es) shall be constructed along Paige Avenue and Enterprise Street with asphalt concrete paveout as required to connect existing edge of roadway to drive approach.
9. The following minimum street improvements are required:
 - a. Full paveout from lip of gutter to the existing edge of pavement along the project's frontages of Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
 - b. Reconstruction or rehabilitation of the existing pavement by methods approved by the City Engineer on Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.
 - c. Provide a pavement transition from the existing roadway cross-section to the new roadway cross-section, of a width and length as approved by the City Engineer along Paige Avenue and Enterprise Street. Deferred Public Improvement Agreement.

Roadway structural section design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the design criteria provided below:

<u>Roadway</u>	<u>Classification, Design T.I.</u>
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Paige Avenue

Minor Arterial, T.I. = 10.5

Enterprise Street

Minor Arterial, T.I. = 10.5

10. On-site A.C. pavement design shall be based upon the results of "R" Value tests on a 400-ft grid, and the following traffic index requirements: 4.0 for parking areas, 4.5 for travel lanes, and 6.5 for truck routes (including solid waste collection vehicles).
11. Street Lights (Standard Concrete Marbelite Pole) shall be installed at locations designated by the City Engineer, and shall comply with the following general requirements:
 - High Pressure Sodium Vapor, SCE Owned/Maintained
 - 70 Watt (5,800 Lumen) H.P.S.V.: _____
 - 100 Watt (9,500 Lumen) H.P.S.V.: _____
 - 150 Watt (16,000 Lumen) H.P.S.V.: _____
 - 200 Watt (22,000 Lumen) H.P.S.V.: _____
 - LED, City Owned/Maintained on a metered service on the following roadways: Paige Avenue and Enterprise Street. Design of the LED street lighting system shall be approved by City Engineer. The AutoCAD drawing files used for the basis of the proposed street light layout shall be provided to the City. Deferred Public Improvement Agreement.
12. Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.
13. The proposed development shall incorporate the following bicycle/pedestrian facilities: It is recommended that secure bike storage and shower/locker facilities be provided to promote bicycling as a commute alternative for employees.
14. The proposed development shall incorporate City standard bus turnout(s) at the following location(s): As directed by the Transit Coordinator. Deferred Public Improvement Agreement.
15. A Transportation Impact Study (TIS) identifying the project impacts and proposed mitigation measures shall be submitted to the City for review, and shall be subject to the approval of the City Engineer. The TIS shall conform to current CEQA "state of the practice" standards, the Caltrans "Guide for the Preparation of Traffic Impact Studies", and City of Tulare General Plan requirements. The TIS shall address provisions for pedestrian, bicycle and transit access to the project. In evaluating the project's impact to existing roadway facilities, the TIS shall utilize the current transportation modeling forecasts provided by the Tulare County Association of Governments (TCAG), and shall specifically address the project impacts and any appropriate mitigations to the following facilities: street improvements, mitigation measures, and any fair share contributions.
16. The proposed development shall remove or relocate as per serving utility company requirements, any existing utility which conflicts with the installation of required improvements.

17. The proposed development shall be responsible for the following water main extensions and connections: As required to connect to city water system.
18. Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
19. The current emergency drought condition in the City and the entire State, as well as reduced production of certain wells in the City's system due to contamination, along with significant rise in water service demand on the City's system, has created a need for ensuring that future connections to the system do not adversely affect the City's ability to deliver safe water supply to all of its customers. A full analysis of project impacts to the City's overall water system shall be completed at Developer's expense. The analysis shall be based upon the City's official hydraulic model of the system, and shall be performed by the City's selected consultant. The scope and final determination of the analysis shall be subject to the approval of the Public Works Director, whose decision can be appealed to the Board of Public Utilities. Should the hydraulic model show that connection of the project shall have adverse impacts on the City overall water system, the Developer shall be required to mitigate the adverse impacts to the satisfaction of the Public Works Director and City Engineer prior to approval being granted for connection to the system.
20. The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
21. Water sampling stations shall be installed as follows: As directed by the Water Superintendent.
22. Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
23. The proposed development shall be responsible for the following sanitary sewer main extensions and connections: As required to connect to the city sewer system.
24. The proposed development shall connect to City sewer.
25. Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
26. A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property. On-site retention of storm water runoff is required not required.

A letter certifying that construction was completed according to the approved grading/ drainage plan shall be prepared by a Registered Civil Engineer or Licensed

Architect and submitted to the City Engineer prior to the issuance of final occupancy permits. The Engineer or Architect shall affix their stamp and seal to the letter.

27. All unused culverts shall be abandoned and plugged in a manner acceptable to the City Engineer.
28. A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
29. A Public Works Inspection Fee is required prior to the construction of improvements.
30. A landscaping plan subject to the review and approval of the Director of Parks and Community Services shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.
31. If applicable, existing irrigation ditches and/or canals shall be piped, developed into a trail, or relocated outside the project boundaries per the direction of the City Engineer and affected irrigation district. Related irrigation facilities shall be subject to the same requirements for piping or relocation.
32. In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
33. All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - Sewer front foot charges of \$ 25.00 per front foot for frontages on _____.
 - Sewer lift station fee of \$ _____ per acre.
 - Water front foot charges of \$ 17.50 per front foot for frontages on _____.
 - Street front foot charges of \$ _____ per front foot for frontages on _____.
 - Benefit district creation fee (if applicable): \$ 1,008.19 per district.
 - Traffic signal in-lieu fee of \$ _____.
 - TID ditch piping In-lieu fee of \$ _____.
 - Sewer main construction in-lieu fee of \$ _____.
 - Water main construction in-lieu fee of \$ _____.
 - Street construction in-lieu fee of \$ _____.
 - Engineering inspection fee based on a percentage of the estimated cost of construction.
 - Development impact fees to be paid with building permit.



- Engineering plan check fee to be paid at time of plan submittal.
- Final map plan check fee to be paid at time of map submittal.
- Other: _____

Fire:

FD-1) The size of the proposed building(s) will require an “Automatic Sprinkler System” (fire sprinklers.) Plans for such shall be submitted for approval to the City of Tulare Fire Dept. CFC SEC 903

FD-2) The Fire Department Connection shall be within fifty (50) feet of a fire hydrant, so that it may be supplied from the hydrant. A new fire hydrant shall be installed to meet this requirement.

FD-3) The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with CFC Appendix B. Fire Hydrants shall be provided in accordance with a CFC Appendix C for the protection of buildings, or portions of buildings hereafter constructed. CFC Appendix B & C

FD-4) Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit. CFC 903.4

FD-3) A utility plan showing underground plumbing for Fire Hydrants, Fire Suppression Systems, Back-Flow-Prevention Devices, FDC's, and components shall be submitted to the Fire Prevention Bureau for approval

FD-4) One Class 2-A rated fire extinguisher shall be provided for each 6,000 square feet of light hazard fuel load or one Class 2-A extinguisher for each 3,000 square feet of ordinary hazard fuel load. Travel distance not to exceed 75 feet. CFC Sec. 906.3

FD-5) Extinguishers shall be manually inspected at least monthly by the building owner or occupant, or electronically monitored. T19 Sec. 574.1

FD-6) Fire extinguishers shall be subjected to maintenance annually as described in Title 19 CCR. With exceptions, this type of service does not require internal examination of the extinguisher. T19 Sec. 575.1

FD-7) Fire extinguishers shall not be obstructed or obscured from view. T19 Sec. 906.6

FD-8) Egress doors shall swing in direction of egress travel where serving an occupant load of 50 or more persons. CFC Sec. 1008.1.2

FD-9) Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other

emergency when the areas served by such exits are occupied. Security devices affecting means of egress shall be subject to approval of the fire code official. CFC Sec. 1030.2

FD-10)Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC Sec. 1011.4 – 1011.5

FD-11)In the event of power supply failure, an emergency electrical system shall automatically illuminate aisles, stairways, corridors, and other egress components in area that require two or more exits. CFC Sec. 1006.3

FD-12)Combustible material shall not be stored in boiler rooms, mechanical rooms, or electrical equipment rooms. CFC Sec. 315.2.3

FD-13)Storage shall be maintained 2 feet or more below the ceiling in non sprinklered areas of buildings or a minimum of 18 inches below sprinkler deflectors in sprinklered areas of buildings. CFC Sec. 315.3.1

FD-14)Extension cords and flexible cords shall not be used as a substitute for permanent wiring. CFC Sec. 605.5

FD-15)A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Storage is prohibited with the designated working space. CFC Sec. 605.3

FD-16)Posts, fences, vehicles, trash, storage, or other materials, shall not be placed or kept near fire hydrants, or Fire Dept. sprinkler connections, in a manner that would prevent such hydrants or FDC's from being immediately discernible. CFC Sec. 507.5.4

FD-17)Fire access roads shall not be obstructed in any manner, including the parking of vehicles. CFC Sec. 503.4

FD-18)Fire alarm systems shall be tested and maintained in working condition in accordance with Chapter 14 of NFPA 72. CFC Sec. 901.6 & Sec 907.9.5

FD-19)Fire sprinkler and standpipe systems shall be inspected tested and maintained in accordance with Chapter 5 of Title 19. T19 Sec. 904

FD-20)Where access to or within structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. **An application can be obtained at the City of Tulare Fire Station #1, 800 S. Blackstone, Tulare.**

FD-21)Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The

means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility. CFC Sec 503.3

Parks

1. Development projects should include the following basic standards from the City's landscape Ordinance:
2. Four (4) sets of detailed landscape and irrigation plans that meet the City of Tulare's standards are required to be submitted prior to building permit issuance.
3. All areas not set aside for parking, storage, driveways, and walkways or loading areas shall be landscaped. A minimum of 5% of the developed area shall be landscaped.
4. Landscaped areas over 2,500 sq. ft. must comply with AB 1881 Water Efficient Landscape Standards and be certified by the developer.
5. Landscaped areas that front onto a street shall have a minimum tree density of one tree for every 200 sq. ft. of planter area.
6. Shrubs: At least 50% of shrubs within planter areas are to be 5 gallon size and spaced in such a way as to achieve a minimum of 1 plant per 20 square feet.
7. Trees used in parkways shall be from the approved City of Tulare Street Tree list.
8. All parking lots with a capacity of 20 cars or more shall contain shade trees, which within 10 years from installation, shall shade 50% of the parking lot.
9. For each ten parking spaces, a minimum of one 15-gallon shade tree shall be installed, but more may be required to meet the 50% shading requirement.
10. A minimum of 25% of the trees planted shall be 24 inch box trees or larger. The remaining trees shall be 15 gallon or larger and double staked per City Standards.
11. Shade trees planted within a parking lot shall be evenly distributed throughout the lot.
12. A minimum of 2" of forest humus or walk-on bark shall be applied to all planting areas except turf. 12. An approved back-flow device is required upstream of the irrigation system.
13. An automated irrigation controller is required, as well as an automatic rain shut-off device on irrigation systems with seven (7) or more valves.

PASSED, APPROVED AND ADOPTED this **thirteen** day of **July, 2015** by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

ROB HUNT, SECRETARY
City of Tulare Planning Commission