

CHAPTER 4.0

Public Services and Utilities

4.1 Introduction

The General Plan Update covers only the Land Use, Circulation, and Conservation and Open Space Elements. An element specifically covering public services and utilities was not updated during this process. While no new policies are included in this update, changes included in the elements that were updated will impact public services and utilities; both in locations and quantities required. Some of the most prevalent changes are linked to applicable growth changes related to the Land Use Element. Consequently, this chapter discusses the potential impacts of the Proposed Project on a variety of public services and utilities. These impacts are presented in the following topic areas:

- Section 4.2 – Water Supply and Delivery
- Section 4.3 – Wastewater
- Section 4.4 – Stormwater
- Section 4.5 – Solid Waste
- Section 4.6 – Fire Protection and Law Enforcement
- Section 4.7 – Community Facilities
- Section 4.8 – Gas and Electric Services
- Section 4.9 – Communications Systems

4.2 Water Supply and Delivery

Environmental Setting

The City is located on the predominately level alluvial plain that extends west from the foothills of the Sierra Nevada and lies within the Mediterranean subtropical climate zone that is typical of Central California. Winters are typically cool and wet, and summers are typically hot and dry. The primary water distribution system for agriculture is the Tulare Canal, which originates east of the City and flow westward.

The City of Tulare Water District provides water to the Project Area. The City currently uses groundwater from its municipal wells as its sole source of water supply. Newer wells (less than 35 years old) were drilled to an average of 700 feet and were gravel packed. Wells drilled prior to this average 350 feet, as do wells purchased from private water companies. Currently, the City drills a new well every other year, while refurbishing an old well on the off years. The wells are pumped directly into an interconnected water system to provide evenly balanced water supply and adequate water pressure for all of the City's users. The City stores water provided by these wells in a 150,000-gallon elevated tank located in the downtown area and several hydro-pneumatic pressure tanks.

The groundwater levels in and surrounding the City benefit from surface water supplies delivered to agricultural lands by the Tulare Irrigation District (TID). In addition, the City provides treated wastewater, from its wastewater treatment plant, to contracted farmland for recycling through agricultural irrigation. More recently, the City has established a policy to recharge an additional 10,000 to 15,000 acre feet per year (AFY).

The City obtains its water from San Joaquin Valley Groundwater Basin and more specifically, Kaweah Subbasin. This subbasin is currently in a state of overdraft. As a result, the City has implemented overdraft mitigation measures that require new development fees to be assessed and utilized to purchase surface water, create artificial recharge facilities, or create storm drainage basins that will retain stormwater for groundwater recharge. User fees are also collected through monthly water bills and used to purchase surface water, when available, to fill recharge basins. Through this program, the City is currently purchasing 9,200 acre-feet of surface water from the Friant-Kern Canal, which has its source as the San Joaquin River. An Urban Water Management Plan (UWMP) has recently been completed by the City.

The City is currently in escrow to purchase 154 acres northeast of the City for the groundwater recharge basin, which will begin construction in 2009. This land is located adjacent to the existing basin owned by Tulare Irrigation District. Additionally, the City is in negotiations for another 80 acres of mixed water recharge basin/commercial redevelopment on north side of the City near Cartmill Avenue.

According to the Tulare City Water Department, the peak 2005 water consumption month was July (745,100,000 gallons). The lowest consumption month in 2005 was February with 205,100,000 gallons. It is estimated that during summer months, the City water system is operating at 90 to 95 percent capacity. For planning purposes, the City uses a daily residential consumption rate of 300 gallons per person.

The City of Tulare is making efforts to conserve water resources through a variety of efforts including the following:

- **Outdoor Water Use Guidelines.** Publishing guidelines for outdoor water use in an effort to conserve resources. Citizens are directed only to water lawns or wash cars on either even or odd days of the week depending on their address, and

- **Water Meters.** A major project to conserve water is the conversion of all existing connections to metered connections, which began in 2005. The project will be completed by 2012 and is expected to have significant conservation benefits as users become aware of and pay fees based on actual water use.

Regulatory Setting

Federal Regulations

Clean Water Act-Section 404

The federal Clean Water Act (CWA, 33 USC 1251-1376), as amended by the Water Quality Act of 1987, is the major federal legislation governing water quality. The objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s water.”

Important applicable sections of the Act are as follows:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for any federal permit that proposes an activity which may result in a discharge to “waters of the United States” to obtain certification from the state that the discharge will comply with other provisions of the Act. The Regional Water Quality Control Board (RWQCB) provides certification.
- Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredge or fill material) into waters of the United States. This permit program is administered by the RWQCB.
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. The U.S. Army Corps of Engineers (ACOE) administers this permit program.

Wetlands and other waters of the U.S. are subject to the jurisdiction of the ACOE and Environmental Protection Agency (EPA) under Section 404 of the Clean Water Act. Wet areas that are not regulated by this Act do not have a hydrologic link to other waters of the U.S., either through surface or subsurface flow. The ACOE has the authority to issue a permit for any discharge, fill, or dredge of wetlands on a case-by-case basis, or by a general permit. General permits are handled through a Nationwide Permit (NWP) process. These permits allow specific activities that generally create minimal environmental effects. Projects that qualify under the NWP program must fulfill several general and specific conditions under each applicable NWP. If a proposed project cannot meet the conditions of each applicable, an individual permit would likely be required from the ACOE (EPA 2004).

State Regulations

CEQA

CEQA Guidelines Section 15083.5 requires the county to request information from the public water systems serving the project area. The requested information includes: an indication of whether the projected water demand associated with the proposed project was included in its last urban water management plan; and, an assessment of whether its total projected water supplies during normal, single-dry, and multiple-dry water years as included in the 20-year projection (contained in its urban water management plan) will meet the projected water demand associated with the proposed project, in addition to the system's existing and planned future uses.

California Water Code

Derived from several sources, including the riparian doctrine taken from English common law, Spanish pueblo rights, the appropriative doctrine of western mining and irrigation tradition, and the correlative doctrine as it related to groundwater, the California Water Code establishes the foundation for acquisition and protection of water rights. These water doctrines, with some originating hundreds of years ago, remain relevant to current water law discussions to varying extents, and they have been used by the court system over the years to resolve conflicts and establish precedents.

Rights to groundwater are more complex and groundwater as a resource is generally considered in three separate classes: (1) as stream underflow, (2) as definite underground streams, and (3) as percolating waters. The first two are treated legally as surface water, and all underground water is considered percolating water unless proven otherwise.

California State Water Resources Control Board

Responsibility for administering California water rights procedures lies with the California State Water Resources Control Board (SWRCB), which also is responsible for managing and administering various federal and state water quality control programs. Procedures are provided by statute, but the board has the authority to establish rules and regulations to help it carry out its work. All board activities are governed by state water policy and are administered in accordance with policies and procedures in the California Water Code.

The SWRCB carries out its water quality protection authority through the adoption of specific Water Quality Control Plans (Basin Plans). These plans establish water quality standards for particular bodies of water. California water quality standards are composed of three parts: the designation of beneficial uses of water, water quality objectives to protect those uses, and implementation programs designed to achieve and maintain compliance with the water quality objectives.

The SWRCB recently adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SWRCB 2005). This policy provides implementation measures for numerical criteria contained in the California Toxics Rule,

promulgated in May 2000 by the U.S. EPA. When combined with the beneficial use designations in the Basin Plan, these documents establish statewide water quality standards for toxic constituents in surface waters.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act regulates the discharge of waste into waters of the state. The Regional Water Quality Control Board (RWQCB) administers this regulation. Water Code Section 13260 requires “any person discharging, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge.” A report of waste discharge (“RWD”) is an application for waste discharge requirements (“WDRs”). WDRs contain conditions imposed on a given discharge by the appropriate RWQCBs for the purpose of protecting the beneficial uses of the waters of the state. Upon receipt of a RWD, the RWQCB may issue WDRs imposing conditions on the proposed discharge, or it may waive the requirement for WDRs.

SB 610 and SB 221

Senate Bill 610 became effective January 1, 2002, and requires cities and counties in connection with CEQA to review and consider water supply assessments when evaluating certain development projects to determine if projected water supplies can meet the project’s anticipated water demand. SB 610 also requires additional factors to be considered in the preparation of urban water management plans, water supply assessments, and for certain development projects that are otherwise subject to CEQA review. SB 221 requires similar analysis for subdivision maps that meet the threshold review criteria.

Urban Water Management Planning Act

The Urban Water Management Planning Act became part of the California water code with passage of AB 797 in 1984. The act requires every urban water supplier (providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually) to adopt and submit an urban water management plan at least once every five years to the Department of Water Resources.

Local Regulations

Local Agency Groundwater Management Programs

Some local agencies have specific statutory authority to manage groundwater resources in their service areas. Other local agencies may manage groundwater under authority provided by general enabling legislation, such as Water Code Section 10750 et seq. A few counties have adopted local ordinances to administer groundwater management. AB 3030 (Water Code Section 10750 et seq.) provided broad general authority for local agencies to adopt groundwater management plans and to impose assessments to finance the cost of implementing the plans. To date, about 150 local agencies have adopted AB 3030 groundwater management plans.

City of Tulare Code of Ordinances

Title 7, Health and Sanitation, Chapter 7.10, Groundwater Overdraft Mitigation, Ordinances 06-2008 and 07-19 assess impact fees upon new development and a volumetric fee upon existing urban water supplies to fund programs to mitigate the impact of such new development and existing water extractions upon conditions of groundwater overdraft.

Methodology

Hydrologic, water supply, and water delivery impacts were evaluated using information provided by the City of Tulare Water Superintendent and the City of Tulare Draft Urban Water Management Plan (2007).

Standards of Significance

The proposed City of Tulare General Plan Update will establish development guidelines against which future projects will be designed and evaluated. The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Need new or expanded water supply entitlements; or
- Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

Impacts and Mitigation Measures

Impact PSU-1: The Proposed Project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Summary

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>No additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level.</i>
Level of Significance After Mitigation: <i>Significant and Unavoidable</i>

Impact Analysis

Implementation of the Proposed Project would result in additional City-wide residential and non-residential development. This future development would result in increased water supply facilities through either the construction of new facilities or through the expansion or retrofitting of existing facilities. These facilities could include water treatment facilities, pipelines, pump houses, wells, and so forth. As water use increases, facilities that recycle used water may also be needed depending upon the needs of the public water service provider. The site specific impacts of these facilities cannot be determined until such time that the specific types of facilities and their locations are identified and undergo their own specific environmental review. All anticipated water treatment and delivery infrastructure will require additional project-level CEQA environmental review and may result in the following environmental impacts:

- Exposure of soils to erosion and loss of topsoil during construction;
- Surface water quality (cumulative impact);
- Construction-related air emissions;
- Construction and operations-related noise impacts;
- Visual and/or light and glare impacts;
- Loss of protected species and their habitats;
- Conversion of existing agricultural lands or resources;
- Fisheries (cumulative impact); and
- Exposure to pre-existing listed and unknown hazardous materials contamination.

Similar to any other development in areas of new growth, the construction of any future required water supply treatment and delivery infrastructure could also result in a variety of environmental impacts (i.e., conversion of existing open space/agricultural lands, noise, traffic, light/glare, etc.) that can not be mitigated. Without definitive plans, it cannot be determined at this time whether these impacts would be substantial and are therefore characterized as *potentially significant*.

The Proposed Project includes several policies and implementation measures designed to address a variety of environmental impacts associated with the development of new treatment and conveyance facilities. Policies COS-3.1 and COS-3.2 address the loss of agriculture/open space and the premature conversion of agricultural lands and Implementation Measure COS-12 that protects archeological resources. The draft General Plan also provides several policies designed to address noise and light impacts including Policies LU-3.7, LU-3.8, and LU-6.5 and Implementation Measure LU-7 that states the City will update its Water Master Plan to reflect water supply and demand. However, even with implementation of the above mentioned policies and implementation measure, this impact is still considered *potentially significant*.

Policies designed to minimize this impact through the development of new facilities that address all applicable public safety and environmental concerns include the following:	
COS-3.1 Protect Interim Agricultural Activity COS-3.2 Agricultural Buffers Implementation Measure COS-12 Protect Archeological Resources from Development	LU-3.7 Neighborhood Noise Abatement LU-3.8 Incompatible Uses LU-6.5 Environmental Impacts Implementation Measure LU-7 City will update Water Master Plan

Required Mitigation Measures

As stated above, the City will implement a variety of policies and implementation measure designed to address a range of environmental impacts associated with the development of new treatment and conveyance facilities. In addition, the City will ensure that CEQA documentation will be prepared for individual projects (with project-specific data) that will, if technically possible, mitigate any potential environmental impacts to a less-than-significant level. However, it should be noted, the ability to mitigate these potential impacts is contingent on a variety of factors including the severity of the impact, existing land use conditions, and the technical feasibility of being able to implement any proposed mitigation measures. Due to these uncertainties, potential impacts resulting from the construction and expansion of any required public utility facilities or infrastructure remain *significant*. No additional feasible mitigation is currently available given the fact future facilities have not been designed.

Significance after Implementation of Mitigation for Impact PSU-1

As stated above, no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, this impact is considered *significant and unavoidable*.

Impact PSU-2: The Proposed Project would require new or expanded water supply entitlements.

Impact Summary

Level of Significance Before Mitigation: <i>Less-than-Significant</i>
Required Mitigation Measures: <i>No mitigation measures are required</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

A variety of water supply sources throughout the City of Tulare Water District would provide sufficient supplemental water to accommodate the population projections associated with the Proposed Project (see Table 4-1, 4-2, and 4-3). The City currently uses groundwater from its municipal wells as its sole source of water supply. Newer wells (less than 35 years old) were drilled to an average of 700 feet and were gravel packed. Wells drilled prior to this average 350 feet, as do wells purchased from private water companies. Currently, the City drills a new well every other year, while refurbishing an old well on the off years. The wells are pumped

directly into an interconnected water system to provide evenly balanced water supply and adequate water pressure for all of the City's users. The City stores water provided by these wells in a 150,000-gallon elevated tank located in the downtown area and several hydro-pneumatic pressure tanks. These sources of water are considered sufficient to address the City's demand as outlined in Tables 4-1, 4-2, and 4-3. Furthermore, these tables show a net groundwater use decreases over time, after accounting for treated wastewater recycling and implementation of the City's groundwater recharge program. Water use per acre for agriculture is approximately the same as for urban use; however, agriculture uses both surface water and groundwater, while urban uses only groundwater. By importing surface water to recharge the water table, the City is expected to restore the balance and eventually decrease the basin-wide long-term overdraft. Water supply, rather than actual entitlements, will be discussed more thoroughly in PSU-3.

In addition to these existing sources of water supply available to the City, several policies and implementation measures included as part of the Proposed Project that would minimize this impact through the early identification of required infrastructure and the orderly construction and rehabilitation of the facilities needed to serve existing and planned urban areas are summarized below. For example, Policies COS-1.1 and COS-1.2 protect the continued supply and recharge of groundwater basins. Policy COS-1.5 requires the City to seek out surface water supplies, jointly, with other jurisdiction, to secure groundwater supply. Policies COS-1.6 and COS-1.7 require water conservation through infrastructure, water auditing and other programs as well as reclaiming waster water for reuse as grey water. Additionally, Implementation Measure LU-7 requires that the City update the Water Master Plan, with the advent of the General Plan Update, to address water supply alternatives. With implementation of the above mentioned policies and implementation measures, this impact is still considered *less-than-significant*.

**TABLE 4-1
WATER SUPPLY SOURCES AND AMOUNTS AVAILABLE DURING NORMAL YEARS (AFY)**

Water Supply Sources	Avg Deliveries 2000-04	Actual Deliveries 2005	Available Water Supply in Future Years (Actual Deliveries May be Less, Esp. in Early Years)				
			2010	2015	2020	2025	2030
Groundwater	15,392	17,313	19,866	22,804	26,197	30,044	34,521
Recycled-Ag	11,399	12,377	14,210	16,313	18,729	21,502	24,686
Recharge	0	0	12,500	12,500	12,500	12,500	12,500
TOTAL	26,791	29,690	46,576	51,618	57,426	64,046	71,707

These are the City's projected water supplies during normal runoff years. At this time, the City's supplies for the period 2005-2030 do not include short-term transfers or exchanges or increased use of recycled water.

Source: Table 3-5, City of Tulare Urban Water Management Plan, 2007

**TABLE 4-2
ESTIMATED FUTURE WATER USE (AFY), 2005-2030**

Water Use Sectors (per Water Code)	2001-2005					
	Avg	2010	2015	2020	2025	2030
General & Residential	8,006	9,718	11,155	12,815	14,697	16,887
Commercial	4,438	5,388	6,184	7,104	8,148	9,362
Industrial	2,419	2,936	3,371	3,872	4,441	5,103
Landscape/Parks	684	831	954	1,096	1,257	1,444
SUBTOTAL	15,548	18,873	21,664	24,887	28,542	32,795
<i>Additional Water Uses</i>						
Unaccounted for losses at 5%	818	993	1,140	1,310	1,502	1,726
TOTAL	16,366	38,739	44,468	51,084	58,587	67,317

Source: Table 6-3, City of Tulare Urban Water Management Plan, 2007

**TABLE 4-3
PROJECTED WATER STATUS (AFY), 2010-2030**

	2010	2015	2020	2025	2030
Projected Water Supply	46,576	51,618	57,426	64,046	71,707
Estimated Water Use	38,739	44,468	51,084	58,587	67,317
NET SUPPLY	7,837	7,150	6,342	5,459	4,390

Policies designed to minimize this impact that address all applicable entitlement concerns include the following:	
COS-1.1 Groundwater Protection COS-1.2 Continued Recharge of Groundwater Basin COS-1.5 Water Source COS-1.6 Water Conservation COS-1.7 Reclaimed Wastewater	Implementation Measure LU-7 City will update Water Master Plan

Required Mitigation Measures

This impact is considered *less-than-significant*. No additional mitigation measures are required.

Impact PSU-3: The Proposed Project would have the potential, in the long-term, to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

Impact Summary

Level of Significance Before Mitigation: <i>Less-than-Significant</i>
Required Mitigation Measures: <i>No mitigation measures are required</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

The City currently uses groundwater from its municipal wells as its sole source of water supply. Newer wells (less than 35 years old) were drilled to an average of 700 feet and were gravel packed. Wells drilled prior to this average 350 feet, as do wells purchased from private water companies. Currently, the City drills a new well every other year, while refurbishing an old well on the off years. The wells are pumped directly into an interconnected water system to provide evenly balanced water supply and adequate water pressure for all of the City's users. The City stores water provided by these wells in a 150,000-gallon elevated tank located in the downtown area and several hydro-pneumatic pressure tanks. A variety of water supply sources through the City of Tulare Water District would provide sufficient supplemental water to accommodate the population projections associated with the Proposed Project.

Several local regulations exist to address groundwater recharge. As noted in the 2007 City of Tulare Urban Water Management Plan (UWMP) (Appendix C), the "[C]ity of Tulare's groundwater recharge policy (Ordinance 06-2008) is designed to assess development impact fees for the purpose of acquiring land and developing new groundwater recharge basins (Ordinance 07-19), and to collect funds from an increase in the monthly water user rate for the purpose of acquiring surface water, when available, to recharge through the basins." Although the subbasin from which the City obtains its water is considered to be in overdraft, the Tulare 2007 UWMP determined that, based on the Project's buildout population, the City's water supply is projected to adequately support project usage through the year 2030 (see Tables 4-1 and 4-2). As Table 4-1 shows, groundwater and recycled agricultural water supplies increase from 2010 to 2030. Adding to the overall water supply is another 12,500 AFY of recharge, which is attributed to the groundwater recharge policy described above. Although water usage also increases over the 2010 to 2030 period, Table 4-3 indicates the projected supply exceeds the projected usage for normal years.

Policies and implementation measures included as part of the Proposed Project that would minimize this impact through the ongoing protection of groundwater resources are summarized below. For example, Implementation Measure LU-7 requires the City to continue development and maintenance of a groundwater management plan. Policies COS-1.8 and COS-1.9 would require the City to continue protecting groundwater resources from the adverse effects of pollution and urban runoff. Other policies (see Policies COS-1.6 and COS-1.7) require the implementation of a variety of water conservation programs to help reduce water consumption rates. These policies and implementation measures, along with the existing City ordinances result in this impact being *less-than-significant*.

Policies designed to minimize this impact through the development of new facilities that address all applicable water recharge and supply concerns include the following:	
COS-1.6 Water Conservation COS-1.7 Reclaimed Wastewater COS-1.8 Urban Runoff COS-1.9 Pollution from Runoff	Implementation Measure LU-7 City will update Water Master Plan

Required Mitigation Measures

This impact is considered *less-than-significant*. No additional mitigation measures are required.

4.3 Wastewater

Environmental Setting

The City of Tulare Wastewater Treatment Facility (WWTRF) provides secondary and tertiary treatment of municipal wastewater from all parts of the City. The WWTRF is located on West Street between Paige Avenue and Bardsley Avenue. The WWTRF includes two wastewater treatment trains (process flows), one for domestic wastes and another for industrial waste.

The domestic train has a current capacity of 6.0 million gallons per day (MGD). The domestic wastewater treatment train consists of an activated sludge plant that includes headworks with mechanical screens, an aerated grit chamber, primary and secondary sedimentation, biofiltration, activated sludge units, ludge thickening, digestion, and drying.

Industrial waste arrives at the WWTRF via two separate pipelines that terminate into one headworks featuring a bar screen and grease/grit remover. After the preliminary treatment for grease and grit removal, the flow is treated in an anaerobic bulk volume fermenter. The domestic and industrial wastewater trains are recombined in an aerating and mixing box before being released into 200 acres of ponds for disposal through evaporation and percolation.

Currently the WWTRF allows for a domestic flow of 6.0 MGD and an industrial flow of 6.7 MGD. Currently the average for domestic influent flow was recorded at 4.5 MGD, while the industrial flow is at full capacity.

Begun in 1999, the ongoing phased expansion project will add a new industrial headworks specifically designed to divert influent flows in excess of the bulk volume fermenting system capacity to the treatment trains. Currently, both trains have plans underway for expansion. The industrial plant is currently open for bids to expand to either 8.0 MGD or 12.0 MGD. The design of the domestic plant expansion to 8.0 MGD should begin by the end of 2007. The expansions will take place on the existing plant site.

Regulatory Setting

Federal Regulations

Clean Water Act-Section 404

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California Regional Water Quality Control Board

The California Regional Water Quality Control Board (RWQCB) has the regulatory authority to oversee and maintain the discharge of waste into surface waters such as rivers, creeks, streams, and canals. The requirements serve as the Federal National Pollutant Discharge Elimination System (NPDES) permit. The RWQCB also works to obtain coordinated action in water quality control, including prevention and abatement of water pollution and nuisances.

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Derived from several sources, including the riparian doctrine taken from English common law, Spanish pueblo rights, the appropriative doctrine of western mining and irrigation tradition, and the correlative doctrine as it related to groundwater, the California Water Code establishes the foundation for acquisition and protection of water rights. These water doctrines, with some originating hundreds of years ago, remain relevant to current water law discussions to varying extents, and they have been used by the court system over the years to resolve conflicts and establish precedents.

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conditions imposed on a given discharge by the appropriate RWQCBs for the purpose of protecting the beneficial uses of the waters of the state. Upon receipt of a RWD, the RWQCB may issue WDRs imposing conditions on the proposed discharge, or it may waive the requirement for WDRs.

Local Regulations

Central Valley Regional Water Quality Control Board

The SWRCB administers water rights, water pollution control, and water quality functions throughout the state, while the Regional Water Quality Control Boards conduct planning, permitting, and enforcement activities. The project area lies within the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB).

The CVRWQCB is responsible for the protection of beneficial uses of water resources within the Central Valley region. Designation of beneficial uses defines the resources, services, and qualities of the aquatic system that are the ultimate goals of protecting and achieving high water quality. The CVRWQCB uses planning, permitting, and enforcement authorities to meet this responsibility, and has adopted the Central Valley Region Water Quality Control Plan (Basin Plan) to implement plans, policies, and provisions for water quality management. Beneficial uses of surface waters are described in the Basin Plan and are designated for major surface waters and their tributaries. In addition to identification of beneficial uses, the Basin Plan also contains water quality objectives that are intended to protect the beneficial uses of the Basin. The CVRWQCB has regionwide and water body/beneficial use-specific water quality objectives.

Beneficial uses of the surface waters of the Delta include municipal, agricultural, industrial, and recreational uses, freshwater habitat, migration, spawning, wildlife habitat, and navigation. Beneficial uses for all groundwater resources in the Central Valley region include or potentially include municipal, agricultural, and industrial uses.

The CVRWQCB has set water quality objectives for all surface waters in the region concerning bacteria, bioaccumulation, biostimulatory substances, color, dissolved oxygen, floating material, oil and grease, population and community ecology, pH, salinity, sediment, settleable material, suspended material, sulfide, tastes and odors, temperature, toxicity, turbidity, and ammonia. Water quality objectives for groundwater include standards for bacteria, chemical constituents, radioactivity, tastes and odors, and toxicity.

Methodology

Wastewater impacts were evaluated using information provided by the Wastewater Superintendent at the City of Tulare WWTRF and in the Tulare County LAFCO Municipal Service Reviews.

Standards of Significance

The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Not meeting the wastewater treatment requirements of the Central Valley Regional Water Quality Control Board (CVRWQCB) and the City’s current discharge permit;
- Require additional capacity to serve the project’s projected demand in addition to existing commitments and planned expansions;
- Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impacts and Mitigation Measures

Impact PSU-4: The Proposed Project would not result in the exceedance of wastewater treatment requirements of the CVRWQCB.

Impact Summary

Level of Significance Before Mitigation: <i>Less-than-Significant</i>
Required Mitigation Measures: <i>No mitigation measures are required</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Effluent from the WWTRF is currently regulated by the CVRWQCB #R5-2002-0185 under a Discharge Permit for the City of Tulare. Current permits contain much stricter discharge requirements than the previous order under which the old Tulare WWTRF operated. These stricter requirements are part of a regional and statewide trend toward much more restrictive effluent discharge limitations as cost effective treatment technology advances and new information on the environmental effects of discharges becomes known.

The WWTRF site was constructed to facilitate dry weather flow capacity up to 6.7 MGD for industrial flows and 6.0 MGD for domestic flows. Both treatment facilities are planned for expansion. The industrial train has a planned expansion to increase capacity up to a total of 12.0 MGD. the domestic train has planned expansion to increase capacity up to a total of 8.0 MGD (see Table 4-4).

In an effort to conserve and replenish groundwater supplies, the City of Tulare irrigates 1,330 acres of farmland (800 of which are owned by the City) with recycled wastewater. This effort is consistent with the Tulare Lake Basin Conservation Plan which calls for the reuse of reclaimed water whenever possible rather than allowing evaporation or stream discharge as a means of disposal. The City's discharge represents a significant source of groundwater recharge and agricultural water, thus reducing demand for raw water.

All planned WWTRF improvements must continue to comply with Federal water quality, waste discharge, and total maximum daily load standards defined under the Clean Water Act and the City's Discharge Permit. The City's closed sewer system and planned WWTRF expansion are expected to maintain the necessary quality of runoff required by existing permits for discharge. Therefore, exceeding set CVRWQCB wastewater treatment requirements are not anticipated.

Additionally, policies and implementation measures included as part of the Proposed Project that would address this impact are summarized below by draft General Plan element. For example, Policy COS-1.8 promotes efforts to educate the public about pollution from urban runoff. Policy COS-1.9 requires new projects to provide onsite detention facilities designed to retain the first inch of runoff from that site. Additionally, Implementation Measure COS-5 states that the City will investigate future changes to the zoning ordinance that promote maintaining some groundwater recharge and protecting quality. These policies and implementation measures result in this impact being *less-than-significant*.

**TABLE 4-4
CURRENT AND PROJECTED WASTEWATER TREATMENT FACILITY CAPACITY (MGD)**

	Average Daily Flow (2007)	Capacity	
		Current (2007)	Planned (Awaiting Bids*)
Domestic Wastewater Capacity	4.5	6.0	8.0
Industrial Wastewater Capacity	Maximum (6.7)	6.7	8.0 / 12.0*
NET CAPACITY	11.2	12.7	16.0 / 20.0*

*Dependent on contracting bids/estimates

Policies designed to minimize this impact through the development of new facilities that address all applicable requirements include the following: COS-1.8 Urban Runoff COS-1.9 Pollution from Runoff Implementation Measure COS-5. Investigating zoning changes that maintain water recharge and protect water quality.
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Required Mitigation Measures

This impact is considered *less-than-significant*. No additional mitigation measures are required.

Impact PSU-5: The Proposed Project would require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

Impact Summary

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>No additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level.</i>
Level of Significance After Mitigation: <i>Significant and Unavoidable.</i>

Impact Analysis

As previously described under Impact PSU-4, the City’s WWTRF contains separate facilities to handle domestic and industrial waste flows (called ‘trains’). Several improvements are planned for the existing WWTRF. These upgrades or improvements include providing additional oxidation ditches, secondary clarifiers, filtration facilities, disinfection capacity, and storage facilities. However, newer technologies, including micro-filtration, may be considered for future WWTRF upgrades. As described in PSU-4, the facilities are planned for expansion to 8.0 MGD for the residential train and up to 12.0 MGD for the industrial train.

For domestic wastewater, the City does not currently have an estimated daily wastewater usage per person. To estimate future flows, a ratio of current population to average daily flow was utilized. As of January 2007, 51,477 people generated 4.5 MGD of domestic flow (see Table 4-4), which equates to a ratio of 11,440 people per 1.0 MGD. Based on this ratio, the General Plan Update’s projected buildout population of an additional 78,978 additional residents (total of 130,455 people) will require a capacity of 11.4 MGD. Current plans for the domestic train plan for expansion to 8.0 MGD capacity, which results in a capacity deficit of 3.4 MGD in treatment capacity. Following plan adoption, plans for further expansion of the treatment plan will be required (as required by Implementation Measure LU-8, which requires the City to update the Sewer and Stormwater Master Plan to be consistent with the level of growth incurred by the Draft General Plan Update).

For the industrial train, specific waste generation rates were not available from the City. Given the variability of the industrial needs, an average generation rate is not as effective as it is for the domestic flows. To respond to this, the City routinely monitors demand and projects future needs as new development is proposed. The City’s current plans provide for a substantial expansion of the industrial train, and will cover expected development. Implementation Measure LU-8, which requires the City to update the Sewer and Stormwater Master Plan to be consistent with the level of growth incurred by the Draft General Plan Update, will assist to document demands beyond current expectations and expansions, as appropriate.

For all future expansions, space is available on the existing WWTRF site to accommodate future growth, and appropriate land area for ground disposal of treated wastewater is available.

In addition to the above mentioned improvements, advanced treatment facilities may be required at the WWTRF for all or a portion of the plant’s effluent if future CVRWQCB discharge requirements for total dissolved solids (TDS) and priority pollutants are imposed that cannot be met with the above treatment facilities or through a program of source control. The City will consider future upgrades or expansion of the WWTRF as required to meet the needs of additional planned growth tied to an updated and approved draft General Plan. However, additional project-level CEQA environmental review may be necessary before these later upgrades or expansion phases of the WWTRF can be implemented.

Future expansion of the WWTRF could result in the following potentially significant environmental impacts:

- Exposure of soils to erosion and loss of topsoil during construction;
- Surface water quality (cumulative impact);
- Construction-related air emissions;
- Odor impacts;
- Construction-related noise impacts;
- Visual and/or light and glare impacts;
- Loss of protected species and their habitats;
- Fisheries (cumulative impact); and
- Exposure to pre-existing listed and unknown hazardous materials contamination.

The Proposed Project includes several policies and implementation measures designed to address a variety of environmental impacts associated with the development of new treatment and conveyance facilities. Policies COS 3.1 and COS-3.2 address the loss of agriculture/open space and the premature conversion of agricultural lands. Implementation Measure COS-12 monitors mitigation measures established for the protection of archeological resources prior to development. The draft General Plan also provides several policies designed to address noise and light impacts including Policies LU-3.7, LU-3.8, and LU-6.5; however, even with implementation of the above mentioned policies and implementation measure, this impact is still considered ***potentially significant***.

Policies designed to minimize this impact through the development of new facilities that address all applicable public safety and environmental concerns include the following:	
COS-3.1 Protect Interim Agricultural Activity COS-3.2 Agricultural Buffers Implementation Measure COS-12 Protect Archeological Resources from Development	LU-3.7 Neighborhood Noise Abatement LU-3.8 Incompatible Uses LU-6.5 Environmental Impacts

Required Mitigation Measures

The City will implement a variety of policies and implementation measure designed to address a range of environmental impacts associated with the development of new treatment and conveyance facilities. In addition, the City will ensure that future CEQA documentation be prepared for individual projects (with project-specific data) that will (if technically possible) mitigate any potential environmental impacts to a less-than-significant level. However, it should be noted, the ability to mitigate these potential impacts is contingent on a variety of site-specific factors including the severity of the impact, existing land use conditions, and the technical feasibility of being able to implement any proposed mitigation measures. Due to these uncertainties, potential impacts resulting from the construction and/or expansion of any required public utility facilities or infrastructure remain **significant**. No additional feasible mitigation is currently available given the fact that future facilities have not been designed.

Significance after Implementation of Mitigation for Impact PSU-5

As stated above, no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, this impact is considered **significant and unavoidable**.

Impact PSU-6: The Proposed Project would require additional capacity to serve the Project’s projected demand in addition to existing commitments.

Impact Summary

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>New Policy “Evaluate Fiscal Impacts,” Revised Implementation Measure LU-2, and new Implementation Measure “Impact Fee Program”</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

As discussed above under Impacts PSU-4 and PSU-5, the WWTRF is currently being upgraded to provide additional capacity. Several improvements are planned for the existing WWTRF. These upgrades or improvements include providing additional oxidation ditches, secondary clarifiers, filtration facilities, disinfection capacity, and storage facilities. However, newer technologies, including micro-filtration, may be considered for future WWTRF upgrades. As described in PSU-4, the facilities are planned for expansion to 8.0 MGD for the residential train and up to 12.0 MGD for the industrial train.

Required capacity with implementation of the Proposed Project (General Plan Update) is discussed under PSU-5. Based on this analysis, buildout of the Proposed Project would require additional expansion to the two wastewater treatment facilities (above the expansions already under consideration). For the domestic train, an additional expansion of 3.4 MGD may be required (see PSU-5). For the industrial train, expansion needs are very dependent on the types of

industrial development proposed. While an exact number cannot be derived at this time, the General Plan does require the completion of an update to the City’s Sewer and Stormwater Master Plan to be consistent with the level of growth incurred by the Draft General Plan Update (as required by Implementation Measure LU-8).

Policies and implementation measures included as part of the Proposed Project that would minimize this impact are summarized below from the draft General Plan. For example, Policy LU-3.9, as well as Implementation Measure LU-2 requires the preparation of plans that consider both future capital facilities and fiscal impacts associated with any future annexations to ensure the provision of adequate levels of all required public services. Implementation Measure LU-8 requires the City to update the Sewer and Stormwater Master Plan to be consistent with the level of growth incurred by the Draft General Plan Update. Furthermore COS-1.7 states that reclaimed wastewater should be used to help serve water supply for the City. This infers that some funds designated for water supply may be ear-marked to help subsidize the improvement of the wastewater plant to a higher capacity, as Water Supply facilities costs will be abated with offset demand from the reclaimed wastewater. However, even with implementation of the below mentioned policies and implementation measures, this impact is still considered *potentially significant*.

Policies designed to minimize this impact through the development of new facilities that address all applicable capacity concerns include the following:	
COS-1.7 Reclaimed Wastewater	LU-3.9 Planned Development Implementation Measure LU-2 Implementation Measure LU-8

Required Mitigation Measures

In addition to the above mentioned policies and implementation measures, new policy “Evaluate Fiscal Impacts”, new Implementation Measure “Impact Fee Program”, and revisions to Implementation Measure LU-2 and are required to ensure that this impact is reduced to a *less-than-significant* level:

- Evaluate Fiscal Impacts.** The City shall evaluate the fiscal impacts of new development and encourage a pattern of development that allows the City to provide and maintain a high level of urban services (including but not limited to water, sewer, transportation, fire stations, police stations, libraries, administrative, and parks), and community facilities, and utility infrastructure, as well as attract targeted businesses and a stable labor force. *[New Policy – Draft EIR Analysis]*
- Implementation Measure LU-2.** The City shall evaluate the urban development boundary (UDB) every five years to ensure there is ~~enough capacity~~ adequate utility, city service, and infrastructure capacity to accommodate anticipated growth. *[Revised Implementation Measure – Draft EIR Analysis]*
- Implementation Measure “Impact Fee Program”.** The City shall develop and adopt an impact fee program for new development to ensure the provision, operation, and on-going maintenance of appropriate public facilities and services (including, but not limited

to, fire stations and equipment, police stations and equipment, ambulance or dispatch service, utility infrastructure, recreational, and library facilities). [New Implementation Program – Draft EIR Analysis].

Significance after Implementation of Mitigation for Impact PSU-6

As stated above, the City will continue to implement a variety of policies and implementation measures designed to ensure that new development projects plan and finance future required wastewater infrastructure consistent with adopted City-wide master and Specific Plans.

Therefore, implementation of the Proposed Project including the adoption of the measures listed above would result in a *less-than-significant* impact.

4.4 Stormwater

Environmental Setting

The Storm Drainage Division operates under the direction of the City Streets Division and Public Works Director. The division's primary responsibility is stormwater management through maintenance, operation, and expansion of the City stormwater drainage system.

Storm water draining from city streets, parking lots, and other paved areas are handled in one of three ways. The older portion of the drainage system moves water into drain inlets that send water to centralized pumping stations that discharge into irrigation canals running through town. More recently constructed portions of the system drain into detention basins with pumps that slowly drain the ponds into the canal system. Both of the systems support the Tulare Irrigation District canal system and provide water for reuse. Past improvements to the system have significantly reduced flooding problems in the City. The final possibility for storm drainage occurs in areas of town that were not originally constructed with curbs and gutter systems. These drainage systems were installed at a later date with drainage leading directly into the sanitary sewer system. The City has been advised by the State that it should revise this system immediately to conserve unpolluted water. Projects have been planned and funded to remove stormwater from the sanitary sewer system.

Overall, the condition of the stormwater drainage system is good. The system is generally constructed in one-square-mile sections, draining to a detention pond with small discharge pumps into adjacent irrigation canals. Since the system is built as development occurs, the system overall is adequate to support additional development. The level of protection provided by the City of Tulare stormwater drainage system is based on the capacity of the systems components. The City's storm pipes and pumps are designed for a 5-Year Return Storm. The detention ponds are designed for a 2-day storm producing 100-year runoff.

Regulatory Setting

Federal Regulations

Clean Water Act-Section 404

The federal Clean Water Act (CWA, 33 USC 1251-1376), as amended by the Water Quality Act of 1987, is the major federal legislation governing water quality. The objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s water.”

Important applicable sections of the Act are as follows:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for any federal permit that proposes an activity which may result in a discharge to “waters of the United States” to obtain certification from the state that the discharge will comply with other provisions of the Act. The Regional Water Quality Control Board (RWQCB) provides certification.
- Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredge or fill material) into waters of the United States. This permit program is administered by the RWQCB.
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. The U.S. Army Corps of Engineers (ACOE) administers this permit program.

Wetlands and other waters of the U.S. are subject to the jurisdiction of the ACOE and Environmental Protection Agency (EPA) under Section 404 of the Clean Water Act. Wet areas that are not regulated by this Act do not have a hydrologic link to other waters of the U.S., either through surface or subsurface flow. The ACOE has the authority to issue a permit for any discharge, fill, or dredge of wetlands on a case-by-case basis, or by a general permit. General permits are handled through a Nationwide Permit (NWP) process. These permits allow specific activities that generally create minimal environmental effects. Projects that qualify under the NWP program must fulfill several general and specific conditions under each applicable NWP. If a proposed project cannot meet the conditions of each applicable, an individual permit would likely be required from the ACOE (EPA 2004).

State Regulations

CEQA

CEQA Guidelines Section 15083.5 requires the county to request information from the public water systems serving the project area. The requested information includes: an indication of whether the projected water demand associated with the proposed project was included in its last urban water management plan; and, an assessment of whether its total projected water supplies

during normal, single-dry, and multiple-dry water years as included in the 20-year projection (contained in its urban water management plan) will meet the projected water demand associated with the proposed project, in addition to the system's existing and planned future uses.

California Regional Water Quality Control Board

The California Regional Water Quality Control Board (RWQCB) has the regulatory authority to oversee and maintain the discharge of waste into surface waters such as rivers, creeks, streams, and canals. The requirements serve as the Federal National Pollutant Discharge Elimination System (NPDES) permit. The RWQCB also works to obtain coordinated action in water quality control, including prevention and abatement of water pollution and nuisances.

California Water Code

Derived from several sources, including the riparian doctrine taken from English common law, Spanish pueblo rights, the appropriative doctrine of western mining and irrigation tradition, and the correlative doctrine as it related to groundwater, the California Water Code establishes the foundation for acquisition and protection of water rights. These water doctrines, with some originating hundreds of years ago, remain relevant to current water law discussions to varying extents, and they have been used by the court system over the years to resolve conflicts and establish precedents.

Rights to groundwater are more complex and groundwater as a resource is generally considered in three separate classes: (1) as stream underflow, (2) as definite underground streams, and (3) as percolating waters. The first two are treated legally as surface water, and all underground water is considered percolating water unless proven otherwise.

California State Water Resources Control Board

Responsibility for administering California water rights procedures lies with the California State Water Resources Control Board (SWRCB), which also is responsible for managing and administering various federal and state water quality control programs. Procedures are provided by statute, but the board has the authority to establish rules and regulations to help it carry out its work. All board activities are governed by state water policy and are administered in accordance with policies and procedures in the California Water Code.

The SWRCB carries out its water quality protection authority through the adoption of specific Water Quality Control Plans (Basin Plans). These plans establish water quality standards for particular bodies of water. California water quality standards are composed of three parts: the designation of beneficial uses of water, water quality objectives to protect those uses, and implementation programs designed to achieve and maintain compliance with the water quality objectives.

The SWRCB recently adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SWRCB 2005). This policy provides implementation measures for numerical criteria contained in the California Toxics Rule, promulgated in May 2000 by the U.S. EPA. When combined with the beneficial use designations in the Basin Plan, these documents establish statewide water quality standards for toxic constituents in surface waters.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act regulates the discharge of waste into waters of the state. The Regional Water Quality Control Board (RWQCB) administers this regulation. Water Code Section 13260 requires “any person discharging, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge.” A report of waste discharge (“RWD”) is an application for waste discharge requirements (“WDRs”). WDRs contain conditions imposed on a given discharge by the appropriate RWQCBs for the purpose of protecting the beneficial uses of the waters of the state. Upon receipt of a RWD, the RWQCB may issue WDRs imposing conditions on the proposed discharge, or it may waive the requirement for WDRs.

Local Regulations

Central Valley Regional Water Quality Control Board

The SWRCB administers water rights, water pollution control, and water quality functions throughout the state, while the Regional Water Quality Control Boards conduct planning, permitting, and enforcement activities. The project area lies within the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB).

The CVRWQCB is responsible for the protection of beneficial uses of water resources within the Central Valley region. Designation of beneficial uses defines the resources, services, and qualities of the aquatic system that are the ultimate goals of protecting and achieving high water quality. The CVRWQCB uses planning, permitting, and enforcement authorities to meet this responsibility, and has adopted the Central Valley Region Water Quality Control Plan (Basin Plan) to implement plans, policies, and provisions for water quality management. Beneficial uses of surface waters are described in the Basin Plan and are designated for major surface waters and their tributaries. In addition to identification of beneficial uses, the Basin Plan also contains water quality objectives that are intended to protect the beneficial uses of the Basin. The CVRWQCB has regionwide and water body/beneficial use-specific water quality objectives.

Beneficial uses of the surface waters of the Delta include municipal, agricultural, industrial, and recreational uses, freshwater habitat, migration, spawning, wildlife habitat, and navigation. Beneficial uses for all groundwater resources in the Central Valley region include or potentially include municipal, agricultural, and industrial uses.

The CVRWQCB has set water quality objectives for all surface waters in the region concerning bacteria, bioaccumulation, biostimulatory substances, color, dissolved oxygen, floating material, oil and grease, population and community ecology, pH, salinity, sediment, settleable material, suspended material, sulfide, tastes and odors, temperature, toxicity, turbidity, and ammonia. Water quality objectives for groundwater include standards for bacteria, chemical constituents, radioactivity, tastes and odors, and toxicity.

Methodology

Storm water and flooding impacts were evaluated using information provided by the City of Tulare Streets Division personnel.

Standards of Significance

The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- Require additional capacity to serve the project’s demand that exceeds the City’s ability to convey.

Impacts and Mitigation Measures

Impact PSU-7: The Proposed Project would require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Summary

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>New Policies “Adequate Storm Drainage Facilities” and “Conditions of Approval”</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Development can cause significant increases in peak flow and runoff volume. Increases in peak flow and volume can be an additional 50 percent and higher when compared to undeveloped conditions. Due to the lack of peak flow capacity in the minor waterways and channels serving the Project Area, most new development areas will require additional on-site, local area, or

regional flood control facilities to mitigate for potential flow increases. Increasing the capacity of most existing streams and channels is considered impractical. Because of this, flood control detention is considered the most viable option for mitigating the increase in runoff from new development areas where creek capacity is limited.

Regional detention facilities can be used to provide not only flood control storage, but also stormwater quality treatment and, in some circumstances, can also be used as active and passive recreation areas. Regional joint-use basins can provide better land-use efficiency and provide for consolidated maintenance that can reduce overall maintenance costs. At a minimum, the basins should be used to provide flood control and stormwater quality mitigation, but should also be considered for recreational uses, when appropriate.

Policies and implementation measures included as part of the Proposed Project that address additional storm drainage infrastructure are summarized below by draft General Plan element. For example, Implementation Measure LU-8 requires the City to update the Sewer and Storm water Drainage Master Plan with the advent of the Draft General Plan Update. Policies COS-1.8, COS-1.9, and LU-3.9 require the City to ensure that appropriate runoff control detention facilities and pollution measures are included for future development proposals. Also, Policy COS-4.14 states that the City will locate and design parks to serve the greatest number of Tulare citizens for whatever the need may be. This could include collocation of runoff detention facilities/basins. However, even with implementation of the below mentioned policies, this impact is considered *potentially significant*.

Policies designed to minimize this impact through the development of new facilities that address all applicable public safety and environmental concerns include the following:	
COS-1.8 Urban Runoff COS-1.9 Pollution from Runoff COS-4.14 Park Location and Design	LU-3.9 Planned Development Implementation Measure LU-8

Required Mitigation Measures

In addition to the above mentioned policies, the following new policies “Adequate Storm Drainage Facilities” and “Conditions of Approval” are required to lessen this impact:

- **Adequate Storm Drainage Facilities.** The City shall provide storm drainage facilities with sufficient capacity to protect the public and private property from stormwater damage. The facilities will also be implemented in a manner that reduces public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required drainage improvements (i.e., drainage basins, etc.). *[New Policy – Draft EIR Analysis]*.
- **Conditions of Approval.** During the development review process, the City shall not approve new development unless the following conditions are met:
 - The applicant can demonstrate that all necessary infrastructures to serve the project will be installed or adequately financed;

- Infrastructure improvements are consistent with City infrastructure plans; and
- Infrastructure improvements incorporate a range of feasible measures that can be implemented to reduce public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required improvement. [New Policy – Draft EIR Analysis].

Significance after Implementation of Mitigation for Impact PSU-7

The City will adopt and continue to implement a variety of policies and implementation measures designed to address the potential environmental impacts that may result from the future construction, operation, and/or maintenance of all stormwater drainage infrastructures required as a result of implementation of the Proposed Project.

Since the noted mitigation requires adequate storm drain capacity before approving development, this impact is considered *less-than-significant*. Individual projects that cannot meet this standard should be reexamined in a subsequent CEQA document.

4.5 Solid Waste

Environmental Setting

Within the City's limits/incorporated areas, solid waste collection service is provided by the Tulare Solid Waste Division of the Public Works Department. The City's solid waste collection operations are also integrated with the City's street sweeping activities under the Streets Division. These divisions provide bi-weekly service to residential accounts and as-required for commercial accounts. In addition to the regularly scheduled services to residential accounts, a special haul service is provided, upon request, for hard to handle materials.

The City's solid waste stream divides disposal between the Woodville Landfill in Tulare County and the Kettleman Hills Landfill located in Kings County. City solid waste that is collected from homes and businesses is first taken to the Tulare County Recycling Facility (Material Recovery Facility 'MRF'), which is both a transfer facility and a sorting facility. The Tulare MRF is the only 'dirty' MRF in the County. The term 'dirty' refers to the function of accepting unsorted trash and then sorting it into recyclable materials and garbage. Also taken to various processing facilities is a "dry route" from the commercial pickups that has been identified as having a large amount of recyclable material in the waste. Recyclable materials are collected, bailed, and transferred to another location for further processing. Remaining garbage is taken to the landfill facilities. The MRF is owned and operated by Waste Management, Inc., a private company.

Solid waste services for households and businesses located outside the Tulare City incorporated areas are provided by the Tulare County waste management system. Tulare County does not provide collection services but operates seven transfer stations, which accept small loads of refuse. The transfer stations are located in rural areas for the convenience of the people who live near them.

Tulare County operates three landfills or solid waste disposal sites. These three facilities include: the Visalia Landfill, located north of Tulare; the Woodville Landfill, located south of Tulare; and the Teapot Dome Landfill, located south of Porterville. The County currently buries about 300,000 tons of waste per year, which is equivalent to about 5 pounds (lbs) per person per day, or one ton per County resident per year. The budget for this operation is \$12 to \$13 million annually.

The Woodville Landfill has a total of 525 acres, of which 153 acres is available for use for solid waste disposal. The remaining acres are used as a buffer for adjacent land uses, runoff, etc. The Tulare Landfill maximum capacity is estimated at 16,521,501 cubic yards. According to California's Integrated Waste Management Board (IWMB) solid waste database, it has a remaining capacity of almost 7 million cubic yards, which is believed to be sufficient to accommodate solid waste disposal demands through the year 2040.

The Kettleman Hills Landfill has a total acreage of 1,600 with disposal acreage of 499 acres. The maximum permitted throughput is 8,000 tons per day and a maximum capacity of 10,700,000 cubic yards. According to the IWMB solid waste database, the Kettleman Hills Landfill has a remaining capacity of 6 million cubic yards.

The City of Tulare entered into a Joint Powers Authority (JPA) with seven other jurisdictions to manage waste disposal. Jurisdictions under this JPA are referred to as the Consolidated Waste Management Authority (CWMA). According to the IWMB solid waste database, in 2005, CWMA participants disposed of 94,943 tons of waste per year. The resident daily disposal rate in that same time was two pounds per resident per day. In 2005, the CWMA businesses disposed of 201,754 tons per year. The disposal related to taxable sales was 13.2 pounds per \$100. It was also equated to one pound per employee per day.

Regulatory Setting

Federal Regulations

No federal regulations critical to the assessment of this impact were noted.

State Regulations

In 1989, the State of California passed the Integrated Waste Management Act. This Act, Assembly Bill 939 (AB 939), required all California cities and counties to implement programs to reduce landfill tonnage by 25 percent by the end of 1995, and 50 percent by the end of 2000. As mentioned above, the participation in the CWMA and the current process for waste disposal through the MRF makes it difficult to calculate an exact recycling rate for the City. However, the 2005 diversion rate for the CWMA was 37 percent, 13 percent below the AB 939 mandate. According to the Tulare County Resource Management Agency, the poor recycling/diversion rates over the past several years is attributed to the construction boom. In March 2006, the County implemented a construction and demolition material recycling program, which is anticipated to improve recycling rates.

Local Regulations

No local regulations critical to the assessment of this impact were noted.

Methodology

Solid waste impacts were evaluated using information provided by the City of Tulare Solid Waste and Street Sweeping Division personnel.

Standards of Significance

The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Produce substantive solid waste that would exceed the permitted capacity of a landfill serving the County; or
- Conflict with federal, state, and local statutes and regulations related to solid waste.

Impacts and Mitigation Measures

Impact PSU-8: The Proposed Project could produce substantial amounts of solid waste that would exceed the permitted capacity of a landfill serving the City.

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>New Policies “Recycling of Hazardous Materials”, “City Usage of Recycled Materials and Products” and “Private Usage of Recycled Products”</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Implementation of the Proposed Project is projected to increase the population by approximately 79,000 new residents by 2030 (buildout of the General Plan), which will increase the amount of solid waste generated and services required. The development of new commercial and industrial uses, projected to increase by 60,256,507 square feet by 2030 will also contribute to additional generation of solid waste and expanded services. Based on factors used by the City (2 lbs per day per resident) for solid waste generation, the residential population is expected to generate an additional 79 tons of solid waste per day. For the nonresidential land uses, business and professional, commercial and industrial an additional 39.5 tons per day is projected by the year 2030, based on one pound per employee per day.

Solid waste operational services are funded through an enterprise fund for solid waste collection. Costs for operational services are funded by various fees and charges collected by the City through its utility billing for solid waste collection. As development occurs in the Project Area, revenue will be generated to finance the expansion of operational services through fees generated by new utility customers.

Policies and implementation measures included as part of the Proposed Project that address solid waste handling services are summarized below by draft General Plan element. For example Policy LU-11.1 and Policy LU-11.2 ensure that development will only be approved when the adequate amount of municipal services can be efficiently provided. While Policy LU-11.10 ensures that the City will promote maximum use of solid waste source reduction, recycling, composting and environmentally-safe transformation of wastes. However, even with implementation of the below mentioned policies and implementation measures, this impact is still considered *potentially significant*.

Policies designed to minimize this impact by addressing all applicable solid waste capacity concerns include the following:

LU-11.1 Adequate Municipal Services
LU-11.2 Efficient Provision of Municipal Services
LU-11.10 Solid Waste

Required Mitigation Measures

In addition to the above mentioned policies, the following new policies “Recycling of Hazardous Materials”, “City Usage of Recycled Materials and Products”, and “Private Usage of Recycled Products” are required to ensure that this impact is reduced to a *less-than-significant* level:

- **Recycling of Hazardous Materials.** The City shall require the proper disposal and recycling of hazardous materials. *[New Policy – Draft EIR Analysis]*.
- **City Usage of Recycled Materials and Products.** The City should use recycled materials and products where economically feasible. *[New Policy – Draft EIR Analysis]*.
- **Private Usage of Recycled Products.** The City shall work with recycling contractors to encourage businesses to use recycled products in their manufacturing processes and encourage consumers to purchase recycled products. *[New Policy – Draft EIR Analysis]*.

Significance after Implementation of Mitigation for Impact PSU-8

As stated above, the draft General Plan includes a number of policies and implementation measures designed to provide continued solid waste recovery and delivery services. Additionally, the City will continue to implement solid waste reduction programs in compliance with AB 939 and expand existing recycling programs to include construction debris. Therefore implementation of the Proposed Project including the adoption of the policies listed above would result in a *less-than-significant* impact.

Impact PSU-9: The Proposed Project complies with all federal, State, and Local Statutes and Regulations related to solid waste.

Level of Significance Before Mitigation: <i>Less-than-Significant</i>
Required Mitigation Measures: <i>No mitigation measures are required</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

In compliance with AB 939, the City continues to divert solid waste from local landfills through various conservation, recycling, and composting measures, including curbside recycling programs, but at this time, has not reached the 50 percent goal as measured for the member agencies for the CWMA (i.e., 37 percent in 2005). The City complies with all other federal, State, and local statutes and regulations related to solid waste and will continue to do so in the future.

Policies and implementation measures included as part of the Proposed Project that address additional solid waste handling services are summarized below by draft General Plan element. For example, Policies LU-11.1 and Policy LU-11.2 ensure the continue provision of solid waste storage, handling, and collection services for both existing and new development. Policies LU-11.10 and COS-6.1 require the City to promote a variety of solid waste reduction measures including the recycling of construction debris and the discouragement of industrial uses that generate large volumes of non-recyclable solid waste. With implementation of the below mentioned policies and implementation measure, this impact is considered *less-than-significant*.

Policies designed to minimize this impact by addressing all applicable solid waste regulatory concerns include the following:	
COS-6.1 Energy Conservation Measures	LU-11.1 Adequate Municipal Services LU-11.2 Efficient Provision of Municipal Services LU-11.10 Solid Waste

Required Mitigation Measures

This impact is considered *less-than-significant*. No additional mitigation measures are required.

4.6 Fire Protection and Law Enforcement

Environmental Setting

Fire Protection

The City of Tulare Fire Department maintains four divisions: Fire Administration, Fire Suppression, Fire Prevention, and Code Enforcement. The Fire Department is currently staffed by the following full-time personnel: one Fire Chief, one administrative secretary, three Battalion Chiefs, one Fire Marshal, one Fire Inspector, one Fire Investigator, nine Captains, nine Engineers, 14 Fire Fighter/Paramedics, two Fire Fighters, four Code Enforcement Officers, two Graffiti

Removal Operators, and one Animal Control Technician. There are also two part-time Animal Control Officers. The City has budgeted to hire an additional three personnel in each of the next three fiscal years (June through July) – 2007, 2008, and 2009.

The Fire Department operates three fire stations.

- Station #1 measures 8,928 square feet (SF) and is located at 800 S. Blackstone Street. It serves as the Fire Department headquarters. Administrative duty hours are from 8 AM to 5 PM, Monday through Friday, while Fire Suppression duties are performed 24/7. Four primary vehicles/pieces of equipment are located at this station: one Type 1 fire engine/pumper, one ladder truck (75-foot), one brush fire vehicle, and one specialty trailer containing confined space rescue equipment and hazardous material response equipment.
- Station #2 measures 3,354 SF and is located at 138 North "E" Street. Two primary vehicles/pieces of equipment are located at this station: one Type 1 fire engine/pumper and one Type 2 fire engine/pumper.
- Station #3 measures 4,290 SF and is located at 2900 North "M" Street. Two primary vehicles/pieces of equipment are located at this station: two Type 1 fire engines/pumpers of which, one is a reserve.

The Tulare Fire Department currently has 16 fire fighters, 3 fire stations, 5 fire engines, and one aerial ladder truck. Standards included in the Tulare Fire Department's Master Plan call for 0.86 fire fighters per 1,000 residents, 0.08 fire stations per 1,000 residents, 0.086 fire engines per 1,000 residents, and 0.086 aerial ladders per 1,000 residents. Based on these requirements and the City's current population, the Fire Department should have 48 fire fighters, 4 fire stations, 5 fire engines, and 5 aerial ladders. The result is the Tulare Fire Department has a deficit of 32 fire fighters, 1 fire station, and 4 aerial ladders when compared to the City standard.

Ambulance services are provided by a private company; however, first responders for medical assistance are provided by the City's Fire Department. Persons being transported by ambulance are generally taken to the Tulare District Hospital located in the City of Tulare.

In calendar year 2006, the Tulare Fire Department responded to 331 fire incidents, 2,936 emergency medical service/rescue calls, and 309 service calls. Response times for that period averaged approximately 3.5 minutes for fire and service calls and 3.25 minutes for emergency medical service/rescue calls. The Insurance Service Office (ISO) rating is based on a scale from 1 to 10. A rating of Class 1 represents exemplary public protection while a rating of Class 10 indicates that the area's fire-suppression program does not meet ISO's minimum criteria. In 2006, the City of Tulare's rating was a Class 4. A rating of Class 4 is achieved by attaining between 60.00 and 69.99 points out of a total 100 points on the Fire Suppression Rating Schedule. ISO provides information to help establish appropriate fire insurance premiums for residential and commercial properties.

Water for fire fighting is provided through the City's water system. The water supply comes from a series of deep wells located throughout the community and pumped directly into an interconnected water system to provide evenly balanced water supply and adequate water pressure for all of Tulare's users.

The Tulare County Fire Department (TCFD) responds to calls in the unincorporated areas surrounding the City and is made up of both professional and volunteer firemen. The TCFD maintains 28 stations throughout Tulare County, one of which is in the City of Tulare on Foster Drive near the intersections of Foster and Turner Drives. This station has three vehicles (one engine, one 2,000-gallon water truck, and one utility truck), as well as one person on duty. Upon notification of a fire, a call is sent to twelve reserve fire fighters to meet at the scene of the fire. The TCFD headquarters is located in Farmersville.

The City of Tulare and Tulare County have a mutual aid agreement that provides coverage of emergencies if the primary respondent is not available or if additional support is needed.

Law Enforcement

The primary objective of the Tulare Police Department is to protect the lives and property of the citizens of Tulare and those who visit the community in transit or engage in business or professional activities. The department is responsible for enforcing all local ordinances and state laws, apprehending violators, and assisting in their prosecution. The Police Department is made up of four divisions: Police Administration, Patrol, Investigations, and Traffic Safety.

The Tulare Police Department operates out of one main station located at 260 South "M" Street and three community policing sub-stations. The Tulare Police Department currently has 75 sworn officers, 9 non-sworn officers, 84 vehicles, and a 16,700-SF police station. Current department standards call for 2 sworn officers per 1,000 residents, 0.56 non-sworn officers per 1,000 residents, 2 vehicles per 1,000 residents, and 177 SF of facility space per employee. Based on these requirements and the City's current population, the Police Department should have 112 sworn officers, 31 non-sworn officers, 112 vehicles, and 25,345 SF main police station space. The result is the Tulare Police Department having a deficit of 37 sworn officers, 22 non-sworn officers, 28 vehicles, and 8,645 SF in police station space when compared against the City standard.

The Tulare Police Department continues to actively support proven crime prevention programs and to explore new and innovative methods to reduce crime in the City. Neighborhood watch crime prevention programs are proven and effective means to substantially reduce not only the incidence of residential burglaries in a specified geographic area, but the incidence of other crimes.

Regulatory Setting

No regulations critical to the assessment of this impact were noted.

Methodology

The assessment of fire protection and law enforcement impacts is a quantitative review of the existing services available to the Project Area and a determination of whether the Proposed Project includes adequate provisions to ensure continued service that meets acceptable standards.

Standards of Significance

The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Increase the need or use of existing fire protection or law enforcement facilities such that substantial physical deterioration of the facility would occur or be accelerated in order to maintain acceptable service ratios, response times; or
- Include fire protection or law enforcement facilities or require the construction or expansion of existing fire protection or law enforcement facilities that might have an adverse physical effect on the environment.

Impacts and Mitigation Measures

Impact PSU-10: The Proposed Project would result in a substantial adverse physical impact to the continued provision of fire protection services in the City.

Impact Summary

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>New Policy “Evaluate Fiscal Impacts,” Revised Implementation Measure LU-2, and new Implementation Measure “Impact Fee Program”</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Implementation of the Proposed Project is anticipated to increase the City’s population by approximately 79,000 residents (over 153 percent) by the year 2030 (buildout of the General Plan). Additional daytime population increases within Tulare will be attributed to the development of new industrial and commercial uses.

The Tulare Fire Department currently has 16 fire fighters, 3 fire stations, 5 fire engines, and one aerial ladder truck. Standards included in the Tulare Fire Department’s Master Plan call for 0.86 fire fighters per 1,000 residents, 0.08 fire stations per 1,000 residents, 0.086 fire engines per 1,000 residents, and 0.086 aerial ladders per 1,000 residents. Based on these requirements and the City’s current population, the Fire Department should have 48 fire fighters, 4 fire stations, 5 fire engines, and 5 aerial ladders. The result is the Tulare Fire Department has a deficit of 32 fire fighters, 1 fire station, and 4 aerial ladders.

To support the Proposed Project’s buildout population of 130,455 residents, the Fire Department will need a total of 112 fire fighters, 10 fire stations, 11 fire engines, and 11 aerial ladder trucks. When comparing the Fire Department’s current personnel and assets against those that are needed to support the Proposed Project, there is a deficit of 96 fire fighters, 7 fire stations, 6 fire engines, and 10 aerial ladder trucks.

The Proposed Project addresses additional fire protection services through several policies. Policy LU-8.2 encourages Village Centers to include multiple village-serving uses, such as fire stations. Policy LU-11.5 calls for adequate City service capacity with new development and will thus help with ensuring needed levels of service are met. Policy LU-11.11 calls for the City to negotiate for adequate sites for future fire stations as part of development projects, while LU-11.13 encourages co-location of compatible community facilities to the greatest extent possible. Even with the implementation of these policies, this impact is still considered *potentially significant*.

Policies designed to minimize this impact through the continued provision of fire protection services and emergency response planning include the following:	
LU-8.2 Village Components LU-11.5 Adequate City Service Capacity LU-11.11 Dedicated Sites LU-11.13 Co-location of Facilities	

Required Mitigation Measures

In addition to the above mentioned policies and implementation measures, new policy “Evaluate Fiscal Impacts”, new Implementation Measure “Impact Fee Program”, and revisions to Implementation Measure LU-2 and are required Patterns of development, fiscal impacts, and funding are particularly important in functions such as Law Enforcement and Fire Protection as they directly relate to the Level of Service. These measures will ensure the impact is reduced to a *less-than-significant* level.

- **Evaluate Fiscal Impacts.** The City shall evaluate the fiscal impacts of new development and encourage a pattern of development that allows the City to provide and maintain a high level of urban services (including but not limited to water, sewer, transportation, fire stations, police stations, libraries, administrative, and parks), and community facilities, and utility infrastructure, as well as attract targeted businesses and a stable labor force. *[New Policy – Draft EIR Analysis]*
- **Implementation Measure LU-2.** The City shall evaluate the urban development boundary (UDB) every five years to ensure there is ~~enough capacity~~ adequate utility, city service, and infrastructure capacity to accommodate anticipated growth. *[Revised Implementation Measure – Draft EIR Analysis]*
- **Implementation Measure “Impact Fee Program”.** The City shall develop and adopt an impact fee program for new development to ensure the provision, operation, and on-going maintenance of appropriate public facilities and services (including, but not limited to, fire stations and equipment, police stations and equipment, ambulance or dispatch service, utility infrastructure, recreational, and library facilities). *[New Implementation Program – Draft EIR Analysis].*

Significance after Implementation of Mitigation for Impact PSU-10

As stated above, the City will continue to implement a variety of policies and implementation measures designed to ensure that new development projects plan and finance future required protection services. Therefore, implementation of the Proposed Project including the adoption of the measures listed above would result in a *less-than-significant* impact.

Impact PSU-11: The Proposed Project would result in a substantial adverse physical impact to the continued provision of law enforcement services in the City.

Impact Summary

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>New Policy "Evaluate Fiscal Impacts," Revised Implementation Measure LU-2, and new Implementation Measure "Impact Fee Program"</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Implementation of the Proposed Project is anticipated to increase the City's population by approximately 79,000 residents by the year 2030 (buildout of the General Plan). Additional daytime population increases within Tulare will be attributed to the development of new industrial and commercial uses.

The Tulare Police Department currently has 75 sworn officers, 9 non-sworn officers, 84 vehicles, and a 16,700-SF police station. Current department standards call for 2 sworn officers per 1,000 residents, 0.56 non-sworn officers per 1,000 residents, 2 vehicles per 1,000 residents, and 177 SF of facility space per employee. Based on these requirements and the City's current population, the Police Department should have 112 sworn officers, 31 non-sworn officers, 112 vehicles, and 25,345 SF main police station space. The result is the Tulare Police Department having a deficit of 37 sworn officers, 22 non-sworn officers, 28 vehicles, and 8,645 SF in police station space.

To support the Proposed Project's buildout population of 130,455 residents, the Police Department will need a total of 261 sworn officers, 73 non-sworn officers, 261 vehicles, and 116,888 SF of police station space. When comparing the Police Department's current personnel and assets against those that are needed to support the Proposed Project, there is a deficit of 186 sworn officers, 64 non-sworn officers, 177 police vehicles, and 100,187 SF of police station/office facilities.

With future expansion comes the need to address major projects brought on by a population increase. These projects include the need to expand specialized response services (Critical Incident Response Unit) which would create a need for specialized emergency response equipment (armored style vehicles, communication equipment and crowd control equipment, and upgraded protective police equipment). Additionally, the current police facility has met its

capacity for current personnel and services. Major long-range planning is needed for developing an upgraded police facility to accommodate department growth to address increased personnel, and community needs. Also, as the City expands, it is anticipated that two additional community outreach sub-stations will be planned for the far south and north sectors of the City (i.e., Farm Show site and Pleasant Avenue area).

The Proposed Project addresses additional law enforcement protection services through several policies. Policy LU-8.2 encourages Village Centers to include multiple village-serving uses, such as police stations or substations. Policy LU-11.5 calls for adequate City service capacity with new development and will thus help with ensuring needed levels of service. Policies LU-11.11 calls for the City to negotiate for adequate sites for future police stations as part of development projects, while LU-11.13 encourages co-location of compatible community facilities to the greatest extent possible. Even with the implementation of these policies, this impact is still considered *potentially significant*.

<p>Policies designed to minimize this impact through the continued provision of law enforcement services and emergency response planning include the following:</p>
<p>LU-8.2 Village Components LU-11.5 Adequate City Service Capacity LU-11.11 Dedicated Sites LU-11.13 Co-location of Facilities</p>

Required Mitigation Measures

In addition to the above mentioned policies and implementation measures, new policy “Evaluate Fiscal Impacts”, new Implementation Measure “Impact Fee Program”, and revisions to Implementation Measure LU-2 and are required Patterns of development, fiscal impacts, and funding are particularly important in functions such as Law Enforcement and Fire Protection as they directly relate to the Level of Service. These measures will ensure the impact is reduced to a *less-than-significant* level.

- Evaluate Fiscal Impacts.** The City shall evaluate the fiscal impacts of new development and encourage a pattern of development that allows the City to provide and maintain a high level of urban services (including but not limited to water, sewer, transportation, fire stations, police stations, libraries, administrative, and parks), and community facilities, and utility infrastructure, as well as attract targeted businesses and a stable labor force. *[New Policy – Draft EIR Analysis]*
- Implementation Measure LU-2.** The City shall evaluate the urban development boundary (UDB) every five years to ensure there is ~~enough capacity~~ adequate utility, city service, and infrastructure capacity to accommodate anticipated growth. *[Revised Implementation Measure – Draft EIR Analysis]*
- Implementation Measure “Impact Fee Program”.** The City shall develop and adopt an impact fee program for new development to ensure the provision, operation, and on-going maintenance of appropriate public facilities and services (including, but not limited to, fire stations and equipment, police stations and equipment, ambulance or dispatch service, utility infrastructure, recreational, and library facilities). *[New Implementation Program – Draft EIR Analysis]*.

Significance after Implementation of Mitigation for Impact PSU-11

As stated above, the City will continue to implement a variety of policies and implementation measures designed to ensure that new development projects plan and finance future required protection services. Therefore, implementation of the Proposed Project including the adoption of the measures listed above would result in a *less-than-significant* impact.

Impact PSU-12: The Proposed Project would include fire protection/law enforcement facilities or require the construction/expansion of facilities which would have an adverse physical effect on the environment.

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>No additional feasible mitigation measures available</i>
Level of Significance After Mitigation: <i>Significant and Unavoidable</i>

Impact Analysis

To be effective, fire and law enforcement facilities need to be located in relatively close proximity to the residents they serve. As with development in new growth areas, construction of any future community service facilities (fire stations, police station/substations, etc.) could result in the permanent conversion of open space/agricultural land parcels. Other environmental impacts may be associated with the construction of these new facilities (i.e., odor, glare, traffic, noise, dust, etc.). Without detailed plans for these new facilities, the degree of these impacts cannot be determined; therefore, this impact is characterized as *potentially significant*.

The Draft General Plan Update contains several policies designed to minimize these impacts including the premature conversion of open space/agricultural land. The Proposed Project encourages orderly development while discouraging premature development of farmland. Policies in the Draft General Plan Update that encourage orderly development include Policy COS-3.1, which protects the viability of existing interim agricultural activity in the Planning Area to the greatest extent possible. Environmental protection policies are contained in the Conservation and Open Space Element in Policies COS-2.3, -2.6, and -3.1. Policies in the Land Use Element (LU-2.3 and LU-9.2) help ensure that options other than developing solely open lands are evaluated.

Policies designed to minimize this impact through the development of new facilities that address public safety and environmental concerns include the following:	
LU-2.3 Infill Development	COS-2.3 Site Planning
LU-9.1 Development on Reserve Lands	COS-2.6 Valley Oaks
LU-9.2 Criteria for Reserve Development	COS-3.1 Protect Interim Agricultural Activity
Noise Policies 3.3.1, 3.3.2, 3.3.3, 3.3.4	

Required Mitigation Measures

The City of Tulare will adopt and implement a variety of policies designed to address the spectrum of potential environmental impacts that may be associated with the construction and operation of future facilities or infrastructure. However, construction of these facilities may, in

some cases, may result in impacts that cannot be mitigated (i.e., the permanent conversion of open space/agricultural land). Due to the uncertainties of unspecified development projects, potential impacts from the construction and expansion of any required City community facilities or infrastructure remain significant. No other feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact PSU-12

As stated above, no additional mitigation measures are available at this time to reduce this impact to a less-than-significant level. Consequently, this impact is considered *significant and unavoidable*.

4.7 Community Facilities

Environmental Setting

Schools

Public schools in the City of Tulare are managed by two school districts. The Tulare City School District provides elementary and middle schools, and the Tulare Joint Union High School District manages the City's secondary (high) schools. These district schools provide education opportunities for residents within and immediately adjacent to the Tulare City limits.

Tulare City School District

The Tulare City School District is comprised of both elementary and middle schools. In the 2006-2007 school year, a total of 8,558 students were enrolled in the District's elementary and middle schools. Currently, the District's student generation rate is 0.5 K-8 students per household. The average class size in the District was 25.6 students. The student-to-teacher ratio for elementary schools in the District averaged 18.4:1, and middle schools' average ratio was 27.5:1. Overall, the student population has increased by 697 students since the 2002-2003 school year.

There are a total of 10 elementary schools in the Tulare City School District of which one serves kindergarten through fourth grade, five serve kindergarten through fifth grade, and four serve kindergarten through sixth grade. There is one middle school for grades five through eight and three middle schools for students in grades six through eight. Also included in the District is the Community Day School, which serves a small number of students in sixth through eighth grade who require a more controlled environment. Two elementary schools are planned. The first will open in three to five years and will be located north of Bardsley Street and west of Morrison Street, adjacent to Mission Oak High, currently under construction. There will be another new school, within five to seven years located in the southwest section of Tulare.

Tulare Joint Union High School District

The Tulare Joint Union High School District is comprised of two comprehensive high schools and several alternative school programs including an adult education program that serves over 2,000 people. In total, the District served 4,878 students in ninth grade through twelfth grade during the 2006-2007 school year. Currently, the District student generation rate is 0.2 high school students per household. Overall, the student population has increased by 648 students since the 2002-2003 school year.

Several elementary school districts feed into the Tulare Joint Union High School District: Buena Vista, Liberty, Oak Valley Union, Palo Verde Union, Pixley Union, Sundale Union, Tipton, and Waukena Union. Mission Oak High School is currently under construction with the first scheduled year for the third high school to enroll students in 2008-2009.

Tulare Private Schools

In addition to the public school system in the City of Tulare, three private elementary schools are in the community. These are St. Aloysius Elementary (pre-kindergarten through eighth grade), Tulare Christian School (pre-kindergarten through eighth grade), and Children's House Montessori School (pre-kindergarten and kindergarten).

Libraries

The City of Tulare has one library – the 13,000-SF Tulare Public Library. It is located at 113 North "F" Street. This building provides resources to the community such as adult literacy classes, children's programs, and a genealogy room. The Tulare Public Library is a part of the San Joaquin Valley Library System and, through the system, Tulare residents have access to materials from any of the eight other regional libraries. The library is staffed by 10.25 full time equivalent employees.

The existing library building was constructed in 1962 to support a population of 15,000 people. Construction of a new library is scheduled to begin in the Fall of 2008 and is anticipated to be complete by 2010. The new building will measure 26,400 SF and will have a large community meeting room, a children's library section, a computer laboratory, a teen area, a Spanish language area, and a café. Long-range plans call for the construction of two library branches by 2025. One branch on the west side of the City and one branch on the east side of the City.

The Tulare Public Library is managed by the Recreation, Parks and Library Department of the City. The Library Advisory Board is made up of seven members appointed by the Tulare City Council for two year terms. The board advises the library director and the City Council on all matters pertaining to library services.

City Administration Services

The City of Tulare operates with six primary departments: Administrative Services, Development Services, Fire, Police, Public Works, and Recreation, Parks, and Library. These departments are located throughout the City. The City Administrative Services Department is located at 411 E. Kern Avenue, and houses the City Manager, City Clerk, Finance, Purchasing, and Human Resources. Transit falls under City Administrative Services; however, this entity is located at 360 N. “K” Street.

Regulatory Setting

No regulations critical to the assessment of this impact were noted.

Methodology

The assessment of additional community facilities or services is a quantitative review of the existing services available to the Project Area and a determination of whether the Proposed Project includes adequate provisions to ensure continued service that meets acceptable standards.

Standards of Significance

The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Increase the need or use of existing school services or facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- Include community services or facilities or require the construction or expansion of existing community facilities that might have an adverse physical effect on the environment.

Impacts and Mitigation Measures

Impact PSU-13: The Proposed Project would not result in a substantial adverse physical impact to the continued provision of school services in the City.

Impact Summary

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>New Policy “Fund Schools”</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Implementation of the Proposed Project is projected to increase the population by approximately 79,000 new residents by the year 2030 (buildout of the General Plan). This increased population will result in increased student generation and additional Tulare City elementary and junior high as well as Tulare Joint Union High School District high school facilities. Consequently, new facilities and personnel will be required in order to provide adequate service for future growth. Although school districts have plans for the construction of new facilities, the continued provision of adequate funding sources (i.e., developer fees, etc.) and the dedication of future school sites will be necessary to ensure continued development of future school facilities.

Policies and implementation measures included as part of the Proposed Project that address additional school services are summarized below by draft General Plan element. Policy LU-11.5 requires the City to look into school capacity with the review of each development and coordinate with the school district that is serving the site. Policy LU-11.12 requires the City to plan with proponents of potential development for dedicated school sites to meet future demand of elementary, junior high, and high school facilities. Policy LU-11.13 requires that planning be made to locate public services together such as schools, libraries and parks to form stronger community nodes. This Policy also ensures that with a potentially unforeseen increase in enrollment certain services have the possibility of sharing facilities and resources, in the interim, due to their spatial proximity. However, even with implementation of the below mentioned policies and implementation measures, this impact is still considered *potentially significant*.

Policies designed to minimize this impact through the continued provision of school facilities and services include the following:
--

LU-11.5 Adequate City Services Capacity LU-11.12 School Site Dedication LU-11.13 Co-location of Facilities
--

Required Mitigation Measures

In addition to the above mentioned policies, the following new policy "School Funding" is required to ensure that this impact is reduced to a *less-than-significant* level:

- **Fund Schools.** To the extent allowed by State law, the City will require new projects to mitigate impacts on school facilities, which could occur through a combination of new school site dedications and the use of developer fees. The City will also work with school districts, developers, and the public to evaluate alternatives to funding/providing adequate school facilities. *[New Policy – Draft EIR Analysis]*.

Significance after Implementation of Mitigation for Impact PSU-13

Implementation of the Proposed Project including the adoption of the new policy listed above would result in a *less-than-significant* impact.

Impact PSU-14: The Proposed Project would result in a substantial adverse physical impact to the continued provision of library services in the City.

Level of Significance Before Mitigation: <i>Potentially Significant</i>
Required Mitigation Measures: <i>New Policy “Evaluate Fiscal Impacts,” “Expand Library Services,” and new Implementation Measure “Impact Fee Program”</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Implementation of the Proposed Project is anticipated to increase the City’s population by approximately 79,000 residents (over 153 percent) by the year 2030 (buildout of the General Plan). Additional daytime population increases within Tulare will be attributed to the development of new industrial and commercial uses.

According to the American Library Association, the California State Library, and the Tulare County Library, no standard exists to identify library size or volume (i.e., books) requirements to serve a given population. As a result, the Tulare City library has no per capita standards to define adequate levels of library space or holdings. Library sizes and numbers of volumes vary based on community size, community library needs, and available funds for facility construction. At 26,400 SF, the new Tulare library was designed based on available funding rather than a patron-to-square foot ratio. Given the City’s current population of 51,477 residents, the new library will have 0.5 SF per resident. At the Proposed Project’s buildout population of 130,455 residents, that ratio drops to 0.2 SF per resident. As the City continues to grow, library services and facilities will need to be added.

Policies included as part of the Proposed Project that address additional library services are summarized below. Land Use Policies LU-11.5 and LU-11.13 address the need to ensure public services are available to support future projects, as well as encourage co-location of community facilities in developing a strong community node. Policy LU-8.2 encourages Village Centers to contain uses that serve the village residents, to include libraries.

Policies designed to minimize this impact through the continued provision of community facilities and services include the following:
LU-8.2 Village Components LU-11.5 Adequate City Services Capacity LU-11.13 Collocation of Facilities

Required Mitigation Measures

The new policies “Evaluate Fiscal Impacts” and “Expand Library Services,” as well as new Implementation Measure ”Impact Fee Program” are required to reduce this impact to a *less-than-significant* level:

- **Evaluate Fiscal Impacts.** The City shall evaluate the fiscal impacts of and funding for new development that allows the City to provide and maintain a high level of urban services (including but not limited to water, sewer, transportation, fire stations, police

stations, libraries, administrative, and parks), and community facilities, and utility infrastructure as well as attract targeted businesses and a stable labor force. *[New Policy – Draft EIR Analysis]*

- **Expand Library Services.** The City shall continue to expand library facilities and services as necessary to meet the needed growth and according to an established square foot per capita standard of 1.0 square foot of library space per resident. *[New Policy – Draft EIR Analysis]*
- **Implementation Measure "Impact Fee Program".** The City shall develop and adopt an impact fee program for new development to ensure the provision, operation, and on-going maintenance of appropriate public facilities and services (including, but not limited to, fire stations and equipment, police stations and equipment, ambulance or dispatch service, utility infrastructure, recreational, and library facilities). *[New Implementation Program – Draft EIR Analysis].*

Significance after Implementation of Mitigation for Impact PSU-14

As stated above, the City will continue to implement a variety of policies and implementation measures designed to ensure that new development projects plan and finance future required library services. Therefore, implementation of the Proposed Project including the adoption of the measures listed above would result in a *less-than-significant* impact.

Impact PSU-15: The Proposed Project would include community facilities or require the construction/expansion of facilities which would have an adverse physical effect on the environment.

Level of Significance Before Mitigation: <i>Significant</i>
Required Mitigation Measures: <i>No additional feasible mitigation measures available</i>
Level of Significance After Mitigation: <i>Significant and Unavoidable</i>

Impact Analysis

As with development in new growth areas, construction of any future community facilities (libraries, City administrative facilities, etc.) could result in the permanent conversion of open space/agricultural land parcels. Other environmental impacts may be associated with the construction of these new facilities (i.e., odor, glare, traffic, noise, dust, etc.) that cannot be fully mitigated. Without detailed plans for these new facilities, the degree of these impacts cannot be determined; therefore, this impact is characterized as *significant*.

The Draft General Plan Update contains several policies designed to minimize these impacts including the premature conversion of open space/agricultural land. The Proposed Project encourages orderly development while discouraging premature development of farmland. Policies in the Draft General Plan Update that encourage orderly development include Policy

COS-3.1, which protects the viability of existing interim agricultural activity in the Planning Area to the greatest extent possible. Environmental protection policies are contained in the Conservation and Open Space Element in Policies COS-2.3, -2.6, and -3.1. Policies in the Land Use Element (LU-2.3 and LU-9.2) help ensure options other than developing solely open lands are evaluated.

Policies designed to minimize this impact through the development of new facilities that address public safety and environmental concerns include the following:	
LU-2.3 Infill Development	COS-2.3 Site Planning
LU-9.1 Development on Reserve Lands	COS-2.6 Valley Oaks
LU-9.2 Criteria for Reserve Development	COS-3.1 Protect Interim Agricultural Activity
Noise Policies 3.3.1, 3.3.2, 3.3.3, 3.3.4	

Required Mitigation Measures

The City of Tulare will adopt and implement a variety of policies designed to address the spectrum of potential environmental impacts that may be associated with the construction and operation of future facilities or infrastructure. However, construction of these facilities may, in some cases, may result in impacts that cannot be mitigated (i.e., the permanent conversion of open space/agricultural land)(see discussion under PSU-7 for additional information). Due to the uncertainties of unspecified development projects, potential impacts from the construction and expansion of any required City community facilities or infrastructure remain significant. No other feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact PSU-15

As stated above, no additional mitigation measures are available at this time to reduce this impact to a less-than-significant level. Consequently, this impact is considered *significant and unavoidable*.

4.8 Gas and Electric Services

Environmental Setting

Power generation and distribution is provided by privately owned utility companies. The Southern California Edison (SCE) Company serves most of the cities within Tulare County, including the City of Tulare, with electric service.

The Southern California Gas Company provides gas service to residents of the City of Tulare.

Regulatory Setting

No regulations critical to the assessment of this impact were noted.

Methodology

The assessment of gas and electric service impacts is a qualitative analysis of the existing services available to the Project Area and a determination of whether the Proposed Project includes adequate provisions to ensure continued service that meets acceptable standards.

Standards of Significance

The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Result in wasteful, inefficient, or unnecessary consumption of energy by residential, commercial, industrial, or public uses; or
- Result in the construction of additional energy infrastructure facilities, the construction of which could cause significant environmental effects.

Impacts and Mitigation Measures

Impact PSU-16: The Proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of energy by residential, commercial, industrial, or public uses.

Level of Significance Before Mitigation: <i>Less-than-Significant</i>
Required Mitigation Measures: <i>No mitigation measures are required</i>
Level of Significance After Mitigation: <i>Less-than-Significant</i>

Impact Analysis

Implementation of the Proposed Project is projected to increase the City’s population by approximately 79,000 new residents by 2030 (buildout of the General Plan), which will increase the demand for energy. The development of new residential, commercial, and industrial uses will also contribute to additional energy supplies and utility infrastructure. However, future development would occur in an area currently served by adequate supplies of electricity and gas service, and both utility providers have the planning and capacity to serve future growth in the area.

Policies and implementation measures included as part of the Proposed Project that address additional public utilities are summarized below from the draft General Plan. Policies COS-6.1, COS-6.2, and COS-6.4 require the City to ensure future development complies with applicable energy conservation measures including the use of green building techniques, cool roofs, and the use of renewable energy resources. Implementation Measure COS-10 encourages the preservation of trees along all City streets and Policy COS-6.3 encourages coordination with public education programs designed to increase awareness related to energy conservation measures. With implementation of the below mentioned policies, this impact is considered *less-than-significant*.

Policies designed to minimize this impact through the development of new facilities that address conservation and environmental concerns include the following:	
LU-11.5 Adequate City Service Capacity	COS-6.1 Energy Conservation Measures COS-6.2 Landscape Improvements for Energy Conservation COS-6.3 Promote Energy Conservation Awareness COS-6.4 Local and State Programs Implementation Measure COS-10 Preservation of Trees

Required Mitigation Measures

No mitigation measures are required.

Impact PSU-17: The Proposed Project may require the construction or expansion of additional energy infrastructure facilities, the construction of which could cause significant environmental effects.

Level of Significance Before Mitigation: <i>Significant</i>
Required Mitigation Measures: <i>No additional feasible mitigation measures available</i>
Level of Significance After Mitigation: <i>Significant and Unavoidable</i>

Impact Analysis

Similar to any other development in areas of new growth, the construction of any future required utility infrastructure could also result in a variety of environmental impacts (i.e., noise, odors, traffic, light/glare, etc.) that can not be mitigated. Without definitive plans, it can not be determined at this time whether these impacts would be substantial and are therefore characterized as *significant*. The Proposed Project includes several policies and implementation measures designed to address a variety of environmental impacts. For example, Policies COS 3.1 and COS-3.2 address the loss of agriculture/open space and the premature conversion of agricultural lands and Implementation Measure COS-12 that protects archeological resources. The draft General Plan also provides several policies designed to address noise and light impacts including Policies LU-3.7, LU-3.8, and LU-6.5. However, even with implementation of the above mentioned policies and implementation measure, this impact is still considered *significant*.

Policies designed to minimize this impact through the development of new facilities that address all applicable public safety and environmental concerns include the following:	
COS-3.1 Protect Interim Agricultural Activity COS-3.2 Agricultural Buffers Implementation Measure COS-12. Protect Archeological Resources from Development	LU-3.7 Neighborhood Noise Abatement LU-3.8 Incompatible Uses LU-6.5 Environmental Impacts

Required Mitigation Measures

As stated above, the City will adopt and continue to implement a variety of policies and implementation measures designed to address the range of potential environmental impacts that may be associated with the construction and operation of future facilities or infrastructure. However, there may be instances where the construction of these utility or service facilities may result in impacts that can not be mitigated. For example, the construction of these facilities could

result in the permanent conversion of agricultural lands or other open space lands. Without definitive plans, it can not be determined at this time whether these potential impacts would be substantial and would therefore have to be characterized as significant and unavoidable. Due to these uncertainties, potential impacts resulting from the construction and/or expansion of any required City utility infrastructure remain *significant*. No additional feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact PSU-17

As state above, no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, this impact is considered *significant and unavoidable*.

4.9 Communications Systems

Environmental Setting

Communication services are provided to City of Tulare residents through several different private companies. Currently, the City's communications system is considered to provide excellent service options at reasonable rates. As the City grows, the communications network is expanded to accommodate new residents and businesses.

SBC California, now owned by AT&T, owns and maintains the telephone lines throughout the City of Tulare. Traditional commercial and residential telephone service can be purchased directly from SBC California or through Arrival Communications. Both companies also offer a variety of other services such as DSL and wireless internet, Voice Over IP (VOIP), and satellite television. The primary cable network providing television service and broadband internet throughout the City is owned and maintained by Comcast. Clearwire operates a wireless, NLOS broadband, high speed internet service that is available within the City. There are numerous other fiber optic lines running throughout the City, which are owned and operated by various companies.

Regulatory Setting

No regulations critical to the assessment of this impact were noted.

Methodology

The assessment of communications systems is a qualitative analysis of the existing services available to the Project Area and a determination of whether the Proposed Project includes adequate provisions to ensure continued service that meets acceptable standards.

Standards of Significance

The significance criteria for this analysis were developed from criteria presented in Appendix G, “Environmental Checklist Form”, of the CEQA Guidelines and based on the professional judgment of the City of Tulare and its consultants. The project (or the project alternatives) would result in a significant impact if it would:

- Result in the construction of additional communications system infrastructure facilities, the construction of which could cause significant environmental effects.

No issues were identified relating to the provision of local and regional communications systems.