

# LEMON COVE COMMUNITY PLAN 2019



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Tulare County Resource Management Agency  
Economic Development and Planning Branch



# Lemon Cove Community Plan 2019

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# Lemon Cove Community Plan 2019

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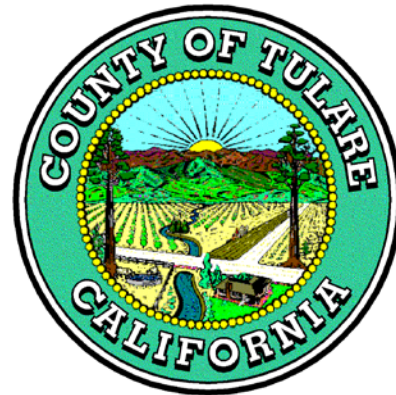
## Lemon Cove Community Plan 2019

Adopted: February 25, 2020

Tulare County Board of Supervisors  
Resolution No. 2020-0056

Tulare County Planning Commission  
Recommendations:  
Resolutions No. 9692, 9693, 9694, 9695, and 9696

Lemon Cove Community Plan: GPA 17-007  
Section 18.9 Zoning Ordinance (Mixed Use): PZC 19-016, Ordinance No. 3579  
Section 16 Zoning Ordinance (By Right) PZC 19-017, Ordinance No. 3578  
Zoning District Map: PZC 17-007, Ordinance No. 3577



Tulare County Resource Management Agency  
Economic Development and Planning Branch  
5961 S Mooney Boulevard  
Visalia, CA 93277-9394  
(559) 624-7000

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## **County Administrative Office**

Jason T. Britt, CAO

## **Tulare County Resource Management Agency**

Reed Schenke, Director  
Michael Washam, Associate Director  
Aaron R. Bock, Assistant Director  
Dave Bryant, Chief Planner, Special Projects  
Chuck Przybylski, Planner IV  
Susan Simon, Planner III  
Jose Saenz, Planner II  
Johnson Vang, Engineer III  
Roxana Mendez, Engineer I  
Juan Carmona, Property Specialist II  
Doreen Alvez, Administrative Aide

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## Executive Summary

### Introduction

Lemon Cove is a census-designated place located in the northern portion of Tulare County, approximately four miles southeast of Woodlake and eleven miles northeast of Visalia. It is generally bounded by Avenue 319 in the south, Goodale Lane in the north, Road 236 in the west, and Road 248 in the east and encompasses 0.8 square miles of land. Lemon Cove is an agriculturally oriented service community surrounded by lands in agricultural production, vacant lands, and scattered residential homes. State Route (SR) 198 and SR 216 provide primary access to the cities of Visalia and Woodlake, respectively. Cities and communities surrounding Lemon Cove include Visalia to the southwest; Woodlake to the northwest; and the community of Three Rivers to the northeast. The Tulare County/Fresno County Line is located approximately 10.5 miles north of Lemon Cove.

As with any community plan, the contents of this document are not intended to be absolute. Planning is a continuous process and, to be effective, requires periodic re-evaluation and revision to reflect changing needs and priorities. This Plan, therefore, should be reviewed on a periodic basis with the assistance and participation of local citizens, groups, and agencies. By doing so, it is envisioned that the Lemon Cove Community Plan will continue to provide meaningful and necessary guidance toward the development of the community in the foreseeable future.

California Government Code Section 65300 et seq. requires that each local agency, city or county, prepare and adopt comprehensive long-term general plans for the physical development of lands within its jurisdiction. A general plan must function as "a statement of development policies" and must include a diagram and text setting forth goals, policies, standards, and plan proposals. The plan must include the following elements: land use, circulation, housing, conservation, noise, safety, and open space. State law also provides that a local agency may include one or more several optional elements depending on the needs and characteristics of the jurisdiction.

In Tulare County, the General Plan has historically been developed on a countywide basis or by large geographic sub-areas (such as rural valley, foothill, and mountain), with development policies, emphasizing countywide and area-wide issues and concerns. In establishing land use planning policies on an area-wide basis, it has been recognized that several unincorporated communities, including Lemon Cove, have localized land use needs and issues that should be addressed in a more specific manner particular to its community, geographic features, location of major roadways (such as State Route (SR) 198, population characteristics, availability of water, and other issues unique to the community's area. Therefore, the Lemon Cove Community Plan 2019 has been prepared with an emphasis on these considerations with particular focus on land use and circulation.

### Location

Lemon Cove (**see Figure 1**) is located in the northern portion of Tulare County, approximately four (4) miles southeast of Woodlake and eleven (11) miles northeast of Visalia. It is generally bounded by

# Lemon Cove Community Plan 2019

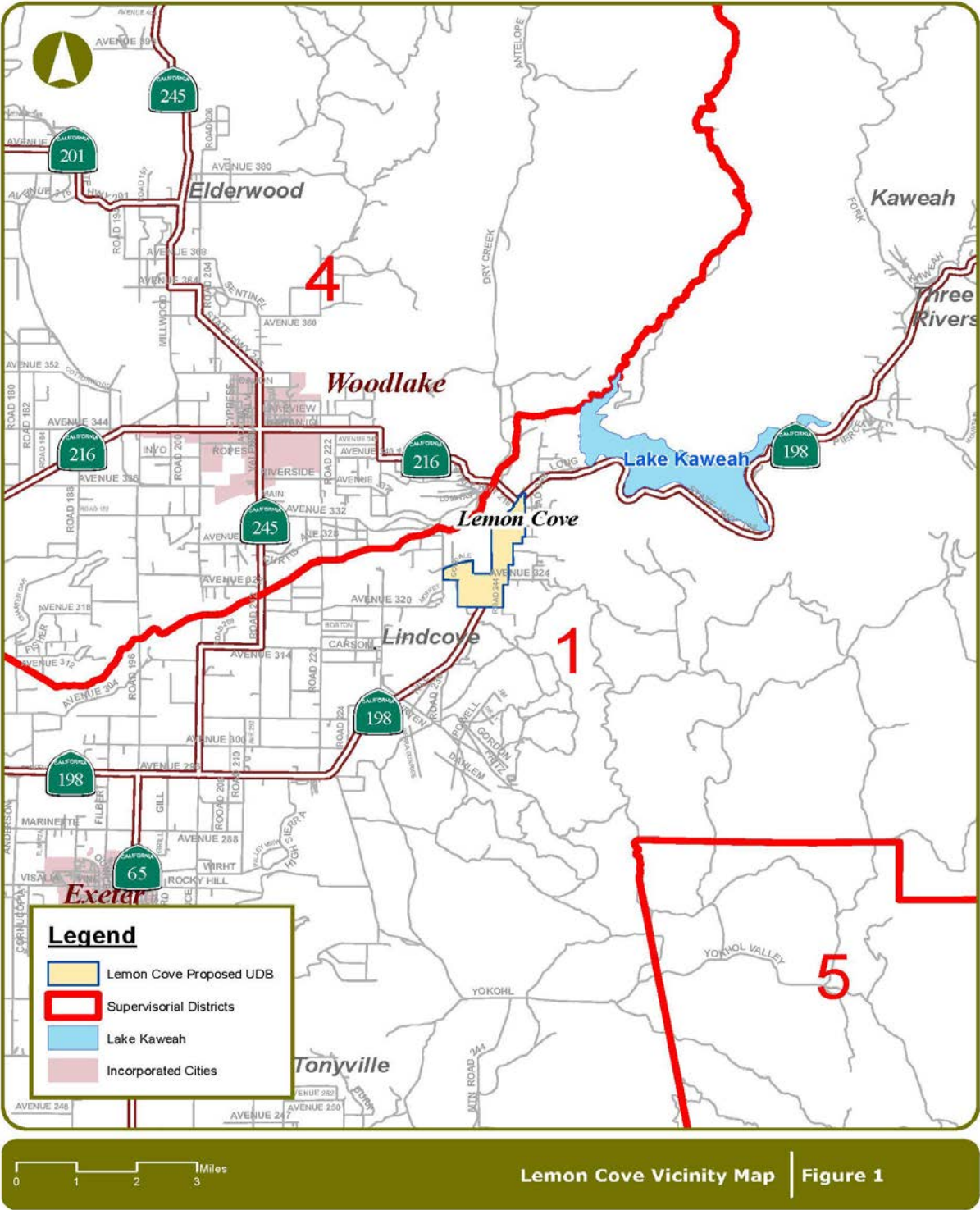
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Avenue 319 in the south, Goodale Lane in the north, Road 236 in the west, and Road 248 in the east and encompasses approximately 0.8 square miles of land. Lemon Cove is an agriculturally oriented service community surrounded by lands in agricultural production, vacant lands, and scattered residential homes. State Route (SR) 198 and State Route (SR) 216 provide primary access to the cities of Visalia and Woodlake (see **Figure 2**) to the northwest, and the community of Three Rivers to the northeast. The Tulare County/Fresno County Line is located approximately 10.5 miles north of Lemon Cove.

Lemon Cove is located in Sections 02, 03, 10, and 11, Township 18 South, Range 27 East MDB&M, and can be found within the Woodlake and Rocky Hill Quads United States Geological Survey 7.5 minute topographic quadrangle. Lemon Cove is located at an elevation of 502 feet above sea level. The coordinates of Lemon Cove are Latitude: 36° 22' 53"N and Longitude: 119° 1' 33".

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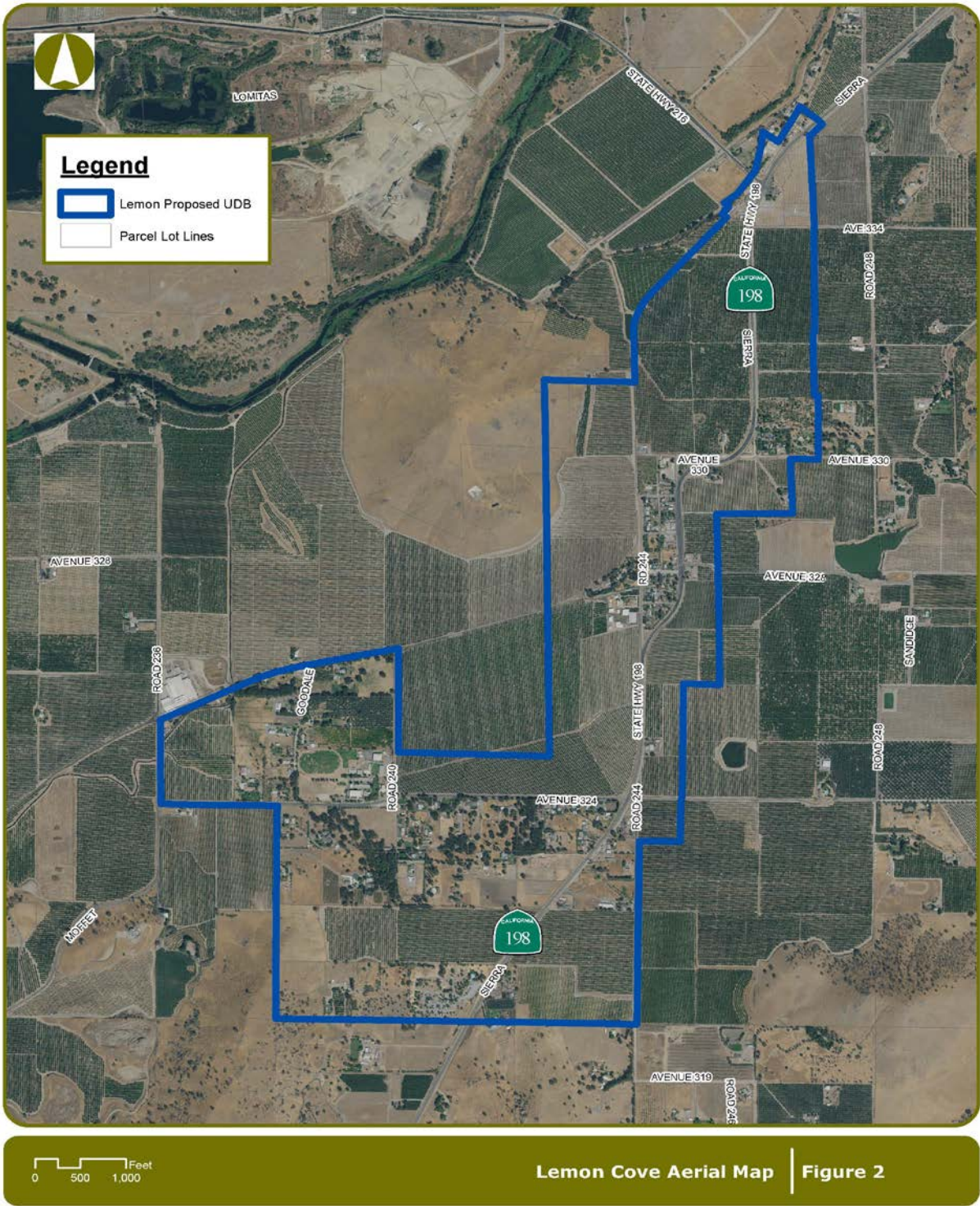
Figure 1 Vicinity Map





# Lemon Cove Community Plan 2019

Figure 2 Aerial Map





# Lemon Cove Community Plan 2019

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## **Historical Perspective**

Lemon Cove, is nestled in the foothills between Woodlake and Three Rivers. Its original name was Lime Kiln (due to the lime deposits discovered in the vicinity in 1859). Lime Kiln Hill, an anchor point for the present-day Terminus Dam at Lake Kaweah, was the boundary between the Wutchumna and Potwisha Indians who lived along the Kaweah River.

The history of the community of Lemon Cove begins with James William Center (J.W.C.) Pogue (1839-1907). The Pogues came to California in 1857 and settled near Venice Hill (between Woodlake and Lemon Cove) in Tulare County in 1862. After the flood of 1868, they moved to Dry Creek (north of Lemon Cove), where Pogue planted orange and lemon trees. In 1894, J.W.C. Pogue changed the name of the town to Lemon Cove.

# Lemon Cove Community Plan 2019

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## Lemon Cove Background Report

### Community Profile

#### Existing Urban Development Boundary

The existing Lemon Cove Urban Development Boundary (UDB) area (**see Figure 3**) consists of approximately 404.1-acres (including rights-of-way). The UDB includes areas within the Lemon Cove Sanitary District boundary in order to provide service area consistency between these two boundaries. Lemon Cove is a small, unincorporated agricultural service community.

#### Severely Disadvantaged Community

Public Resources Code 75005 (g) states that a "[d]isadvantaged community" means a community with a median household income less than 80% of the statewide average. "Severely disadvantaged community" means a community with a median household income less than 60% of the statewide average."

In 2017, Lemon Cove's median household income was \$21,250\*, whereas the State of California's median household income was \$67,169. Lemon Cove's median household income was 31.6% of the State of California's median household income, and therefore it is considered a disadvantaged community.

\*The California Department of Public Health requested that Self-Help Enterprises (SHE) perform an income survey of the Lemon Cove District in Lemon Cove, California. The purpose of this survey is to establish a median household income (MHI) level for grant and loan funding programs and sources.

#### Climate

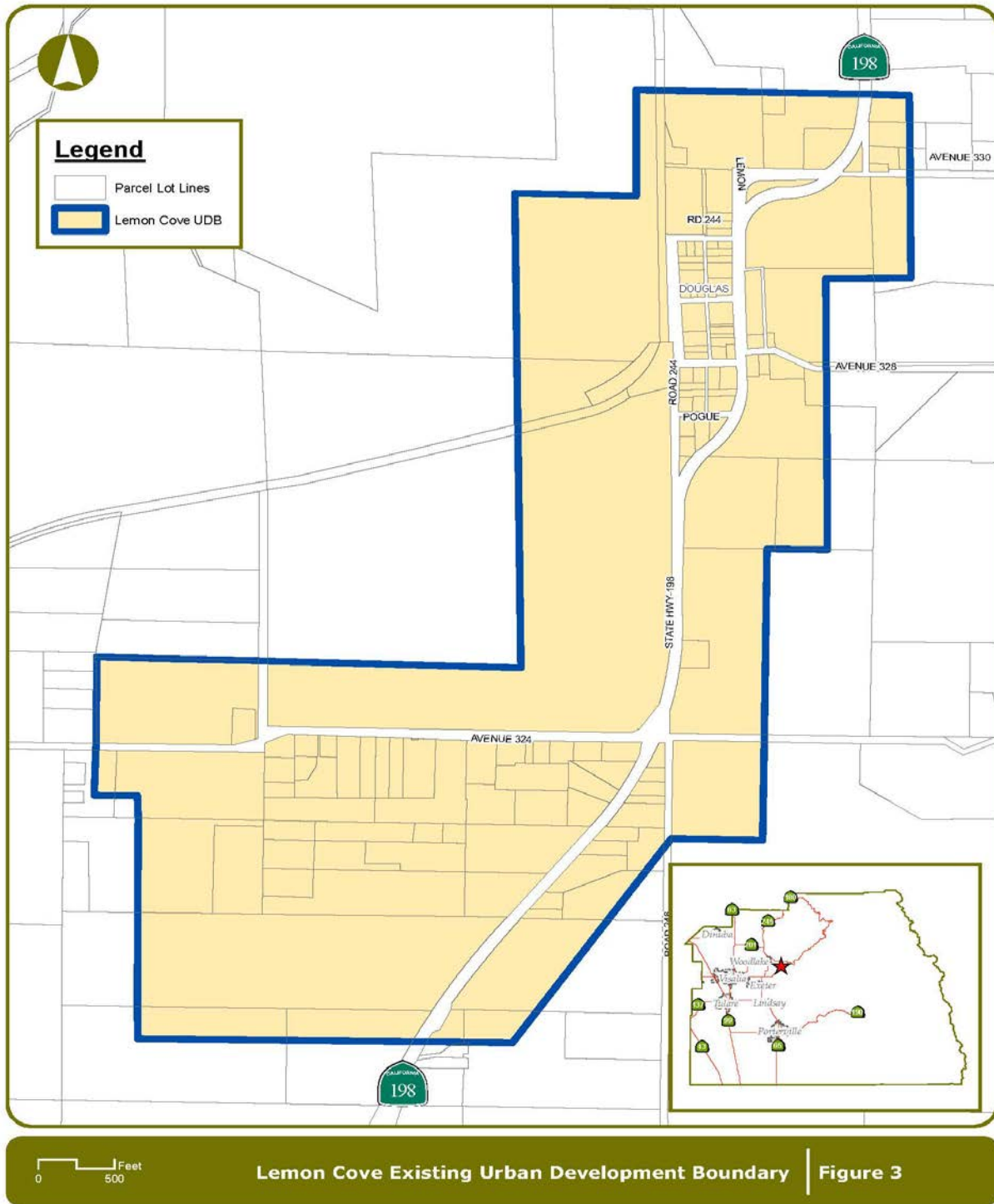
The southern San Joaquin Valley climate is influenced to a great extent by the Coast Ranges to the west which prevent the cool, moisture-laden maritime air from reaching the valley. It is generally characterized as a Mediterranean climate (one of three similar zones in the world). The area in general has a climate that tends to be clear, sunny, warm and dry. The mean temperatures range from a low of 34° F. (1.1° C) in January to a high of 100° F. (37.7° C) in July. Because of the Coast Ranges, the average rainfall for the area is very low, ranging from three to nine inches per year, with 90% of the yearly precipitation between November and April. There are periods in winter when the valley floor is covered with dense wet ground fogs with winds typically light and from the north.

#### Topography

The Lemon Cove community rests entirely within alluvial deposits from the Sierra Nevada foothills and mountains. Lemon Cove's elevation is 502 feet above sea level.

# Lemon Cove Community Plan 2019

Figure 3 Lemon Cove Urban Development Boundary



# Lemon Cove Community Plan 2019

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## Lemon Cove Land Use

The existing Land Use for the community of Lemon Cove is designated Mixed-Use (MU). At this time, the community of Lemon Cove does not have a community plan; therefore, the Tulare County General Plan Update 2030 provides the framework for development. The Goals and Policies Report reinforce, amend and expand policies with respect to development in the unincorporated area. The General Plan 2030 Update provides guidance to development within the community:

**Planning Framework Policy PF 2.6 Land Use Consistency:** Until such time as a Community Plan is adopted for those communities without existing Community Plans, the land use designation shall be Mixed Use, which promotes the integration of a compatible mix of residential types and densities, commercial uses, public facilities, and services with employment opportunities.

**Mixed Use Land Use Designation:** The Mixed Use designation established areas appropriate for the planning integration of some combination of retail office, single family and multi-family residential, hotel, recreation, limited industrial, public facilities or other compatible use.

One of the most important purposes of the Lemon Cove Community Plan is to establish land use patterns and development policies and standards for the community for the planning period, through the year 2030. The general intent of the land use plan for Lemon Cove is to identify the most appropriate types and distribution of land uses for the community, based on environmental, circulation, infrastructure, services, opportunities and constraints, urban development boundary suitability analysis and other economic capacities and concerns discussed in the chapters of this Plan.

The County of Tulare, through existing policies, has encouraged both incorporated and unincorporated communities to establish urban development and land use patterns, which are compact and contiguous. This policy position has reduced so-called “leap frog” development throughout the County, helping preserve agricultural lands, and minimize land use conflicts between urban and agricultural areas.

# Lemon Cove Community Plan 2019

## Existing Land Use Plan Acreage

**Table 1** shows that a majority of the land in the Lemon Cove Community Plan area is designated Mixed Use (404.89-acres). In total, there is about 374.07 acres of designated lands in the Lemon Cove Community Planning Area (see **Figure 4**) 30.82 acres within the Planning Area is dedicated to unclassified rights-of-way.

Table 1 Existing Land Use Plan Lemon Cove	
Designation	Total Acreage
Mixed Use	374.07
Unclassified (Rights-of-Way)	30.82
<b>Total</b>	<b>404.89</b>

Source: Tulare County GIS

## Existing Zoning Districts Acreage

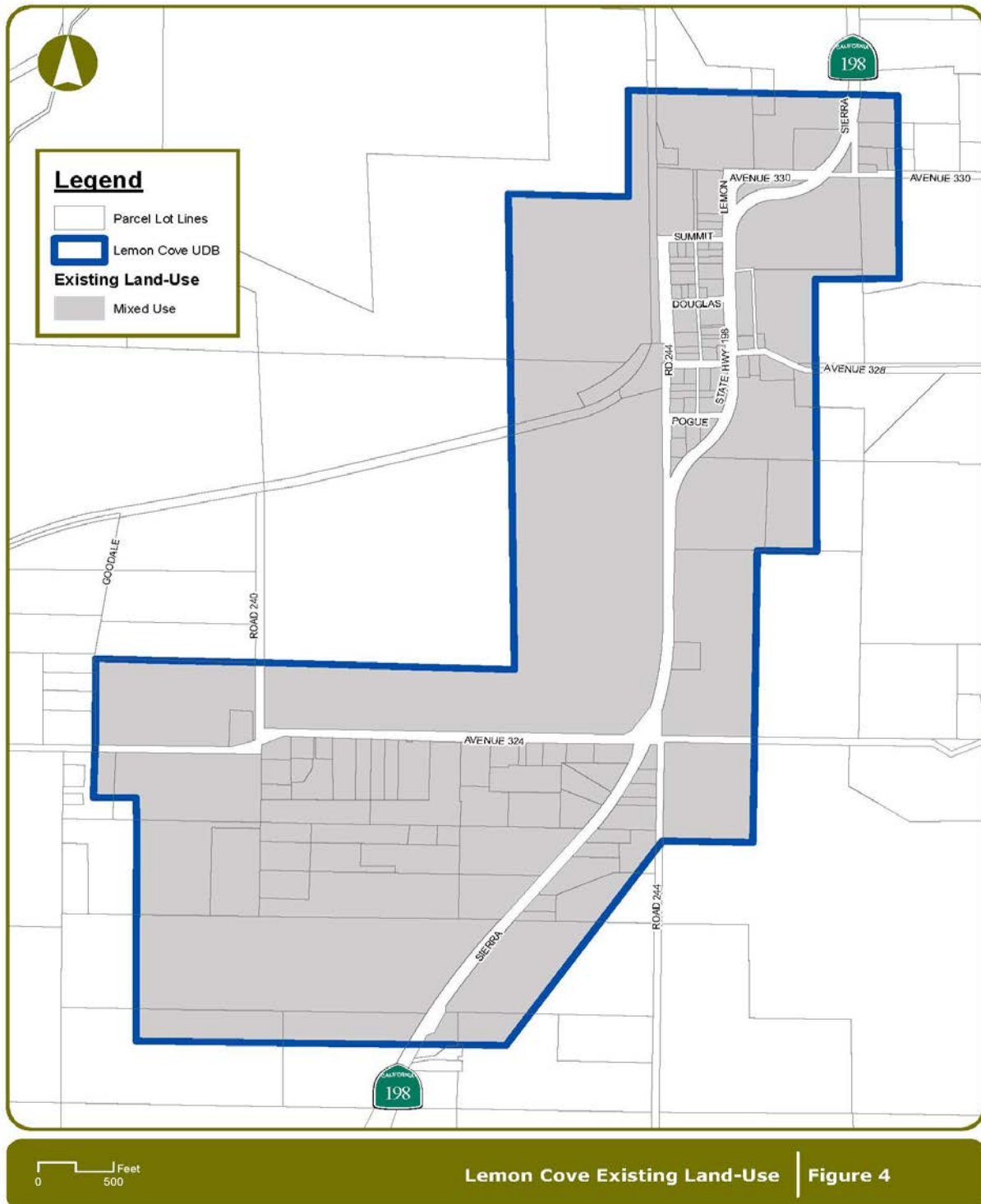
The existing zoning designations within the Lemon Cove Community are shown in **Figure 5**. As demonstrated in **Table 2**, agricultural zones comprise 66.64%, residential zones comprise 21.01%, commercial zones, and rights-of-way 7.61% in the existing Lemon Cove Urban Development Boundary.

Table 2 Existing Zoning Districts		
Zoning Designations	Existing Acres	Percent
A-1	246.31	60.83%
AE-20	23.55	5.81%
C-2-SC	2.93	0.72%
O	6.62	1.63%
PD-F-M	9.54	2.35%
R-3	2.24	0.55%
R-A	7.04	1.73%
R-A-M	71.23	17.59%
R-A-M-43	4.61	1.13%
Rights of Way	30.82	7.61%
<b>Total</b>	<b>404.89</b>	<b>100.0%</b>

Source: Tulare County GIS

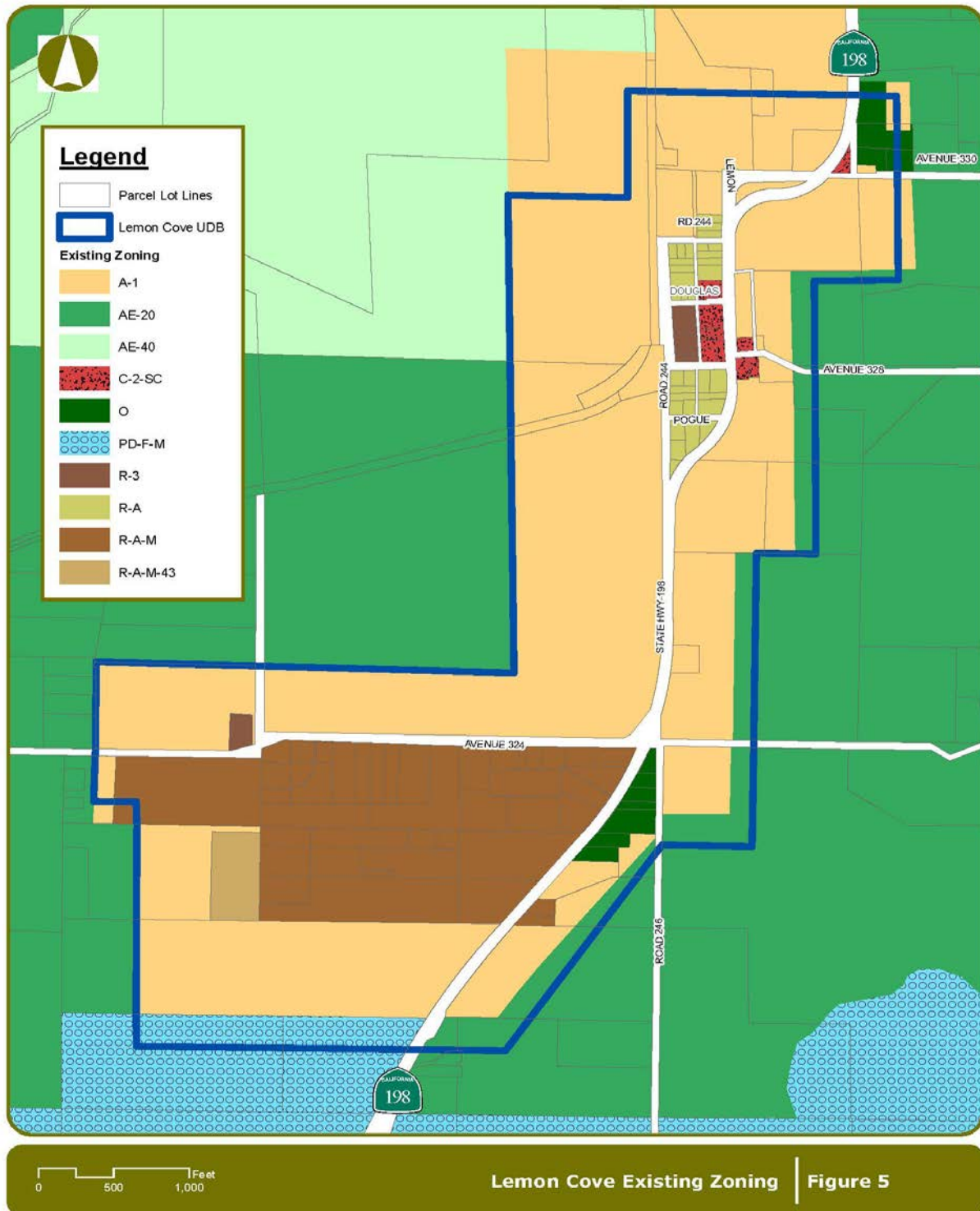
# Lemon Cove Community Plan 2019

Figure 4 Land Use Map



# Lemon Cove Community Plan 2019

Figure 5 Existing Zoning Districts Map





# Lemon Cove Community Plan 2019

## Demographics

### Introduction

An important part of planning is having information that describes the characteristics of a Community's population. Collectively, these characteristics are known as "demographics" which is data typically consisting of the age, gender (i.e., male or female), income, race, employment, and other characteristics of a community. This data, and historical trends of this data, allows a reasonable way to project what may occur in the future and thereby provides a guide to which issues need to be addressed in the Community Plan. For example, knowing the age and percentage of a population allows proper planning for school needs for school-age children; knowing how many people may eventually live in a Community allows for proper planning to meet housing needs and the amount of land needed to provide housing for a growing population. If a population can be estimated, it is possible to project how much water and/or sewer service may be needed for a Community. The following information provides a summary of some of the more important demographic data needed to craft a plan that can realistically address the needs of a smaller community such as Lemon Cove.

### Recent Population Growth

In 2010, Lemon Cove's population was 308. The population decreased to 232 by 2017. The male population decreased from 159 in 2010 to 116 in 2017. The female population decreased from 149 in 2010 to 116 in 2017 (see Table 3).

Table 3 Population (2010 & 2017)						
Geography	2010			2017		
	Total Population (2010)	Male (2010)	Female (2010)	Total Population (2017)	Male (2017)	Female (2017)
California	37,253,956	18,517,830	18,736,126	38,982,847	19,366,579	19,616,268
Tulare County	442,179	221,442	220,737	458,809	229,488	229,321
Lemon Cove CDP	308	159	149	232	116	116

Source: American Community Survey

### Projected Population

"The San Joaquin Valley faces major challenges, one concern is how to handle future growth. Population in the Valley is expected to nearly triple by 2050, from 3.6 million to 9.4 million people, the equivalent of adding 11 new towns the size of Fresno to the area. Tulare County is expected to grow to over 1,000,000 residents by 2050, well over doubling its current population."<sup>1</sup>

Table 4 Projected Annual Growth Rate		
	Historic Growth Rates 1990-2007	Projected Growth Rates 2007-2030
County Total	1.9%	2.4%
Incorporated	2.8%	2.9%
Unincorporated	0.46%	1.3%

<sup>1</sup> Tulare County Regional Blueprint, page 7



# Lemon Cove Community Plan 2019

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## Growth Rate

As noted in the 2010 General Plan Background Report, the unincorporated areas of Tulare County have a 1.3% projected annual growth rate from 2007 to 2030. This 1.3% annual growth rate can be applied to Lemon Cove (see Table 4).

## Median Age

The median age in Lemon Cove increased from 39.2 in 2010 to 56.2 in 2017. Lemon Cove's median age is lower than the median age of Tulare County and of the State of California (see Table 5).

Table 5 Median Age (2010 & 2017)		
Geography	2010	2017
	Median age (years)	Median age (years)
California	35.2	36.1
Tulare County	29.6	30.6
Lemon Cove CDP	39.2	56.2

Source: California Department of Finance

The median age for persons under 18 for Lemon Cove was 19.8% in comparison to Tulare County (31.4%) and the State of California (23.4%). Median age for persons 65 years and older was 41.8% of Lemon Cove's population. Comparatively, persons 65 years and older in Tulare County was 10.7% and in the State of California was 13.2% (see Table 6).

Table 6 (2013-2017) Age Percentage					
Geography	Persons Under 5 years	Persons Under 18 years	Persons Age 21+	Persons Age 62+	Persons Age 65+
California	6.5%	23.4%	72.4%	16.4%	13.2%
Tulare County	8.6%	31.4%	63.9%	13.2%	10.7%
Lemon Cove CDP	3.0%	19.8%	78.9%	44.0%	41.8%

## Ethnicity and Race

In 2010 (see Table 7), 68.2% of the Lemon Cove's population was white, 0.0% was African American, 1.0% was Native American, 1.0% was Asian, and 3.9% was two races or more. Approximately 24.7% was Hispanic (of any race).

# Lemon Cove Community Plan 2019

Table 7 Race and Ethnicity (2010)							
	Total Population	White	Hispanic or Latino (of any race)	Black or African American	American Indian and Alaska Native	Asian	Total Population of Two or More Races
<b>California</b>	37,253,956	21,453,934	14,013,719	2,299,072	362,801	4,861,007	1,815,384
<b>Tulare County</b>	442,179	265,618	268,065	7,196	6,993	15,176	18,424
<b>Lemon Cove CDP</b>	308	210	76	0	3	3	12

Source: California Department of Finance

In 2017 (see Table 8), 100.0% of the Lemon Cove's population was white, 0.0% was African American, 0.0% was Native American, 0.0% was Asian, and 0.0% was two races or more. Approximately 0.0% was Hispanic (of any race).

Table 8 Race & Ethnicity (2017)							
	Total Population	White	Hispanic or Latino (of any race)	Black or African American	American Indian and Alaska Native	Asian	Total Population of Two or More Races
<b>California</b>	38,982,847	14,777,594	15,105,860	2,161,459	117,813	5,427,928	1,140,164
<b>Tulare County</b>	458,809	135,372	291,867	5,973	3,029	14,622	6,709
<b>Lemon Cove CDP</b>	232	232	0	0	0	0	0

In the decade between 2010 and 2017, the proportion of the White population increased from 68.2% to 100.0%. The African American population percentage stayed the same at 0.0 %. The Native American decreased from 1.0% to 0.0%. The Asian population percentage decreased from 3.9% to 0.0%. The two or more race demographic decreased from 3.9% to 0.0%. The Hispanic (of any race) decreased from 24.7% to 0.0%.

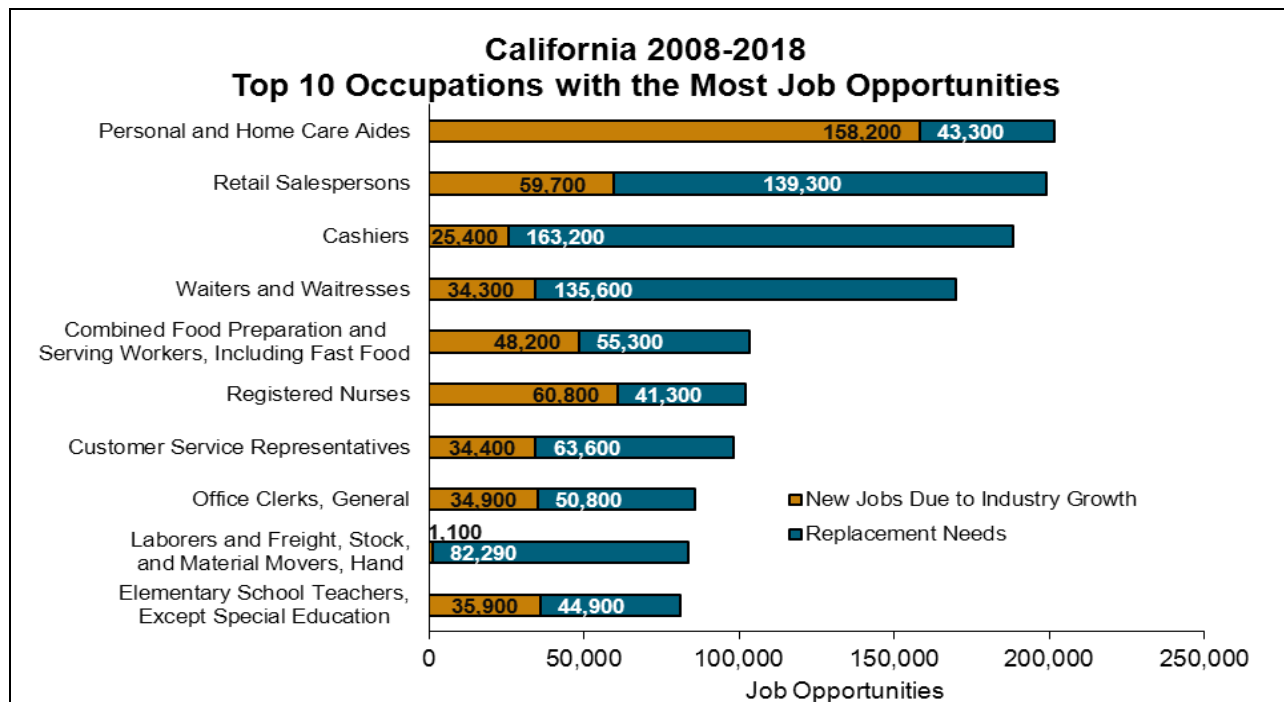
# Lemon Cove Community Plan 2019

## Economic Conditions

### Employment Projections California

“By the end of the 2008-2018 projection period, total nonfarm employment in California is projected to grow to nearly 16.5 million jobs. This exceeds peak job level of just over 15.2 million jobs reached before the Great Recession by over 1.2 million jobs. From June 2007 to June 2009, 1.1 million jobs were lost (not seasonally adjusted). Over the 2008-to-2018 projections period, nonfarm employment is expected to rebound by 1,511,100 jobs as the economy recovers from these recessionary job losses. More than 50 percent of all projected nonfarm job growth is in education services (private), health care, and social assistance, and professional and business services. The largest number of new jobs is expected in education services, health care, and social assistance, with a gain of more than 421,000 jobs.

Factors fueling the economic recovery in California include the state’s population growth and a rise in foreign imports and exports... The state’s population increased by more than 3.3 million from 2000 to 2010 and the California Department of Finance projects the population will increase by another 4.3 million from 2010 to 2020. A steady increase in foreign imports and exports has strengthened the wholesale, retail, and transportation industry sectors.”<sup>2</sup>



Source: California Employment Development Dept., California Labor and Market and Economic Analysis,

<sup>2</sup> California Labor and Market and Economic Analysis, 2012, page 27

# Lemon Cove Community Plan 2019

## Tulare County's Local Economy

“Similar to the broader Central Valley area, Tulare County’s economy has been largely based on agriculture, food processing, and manufacturing, while professional services jobs have been limited. Tulare is the second most productive agricultural county in a State that itself is by far the most productive in the nation. Overall, agribusinesses produced \$6 billion in commodities in 2016 with the County considered one of the largest milk producers in the United States.”<sup>3</sup>

Tulare County is also a major distribution hub because of its central location in the State, 200 miles north of Los Angeles and 225 miles south of San Francisco. The County’s employment base has been significantly impacted by the recent downturn with unemployment increasing to 18.3 percent in January 2010, significantly above the historic range of between 8.5 and 18.2 since 1990. In 2008, the median household income was approximately \$44,000.

“The county’s major employers are Tulare County government, Porterville Development Center, Kaweah Delta Healthcare, and Ruiz Food Products. The top 20 employers combine for about 19,300 jobs, or 11 percent of the overall county employment. The major distributors include Jo-Ann Fabrics, VF Distribution, Wal-Mart, and Best Buy Electronics that combine for nearly 3.5 million square feet of distribution space. The county’s overall industrial market includes about 23 million square feet of building space.”<sup>4</sup>

## Unemployment in Tulare County

According to the 2030 Update of the Tulare County General Plan, Tulare County’s economy has historically been driven by agriculture and has had one of the largest agricultural outputs of any county in the US. Nearly 20% of the employment in Lemon Cove is agriculturally related according to the Tulare County Housing Element. Tulare County unemployment rate has remained consistently higher than the State average, which can be largely attributed to the seasonal nature of agricultural production.

According to the California Department of Finance, the 2013-2017 American Community Survey (see **Table 9**) indicated that the unemployment rate in Lemon Cove had an unemployment rate of 13.6% while Tulare County’s unemployment rate was 10.0%. The State of California’s unemployment rate was 7.7%.

**Table 9 American Community Survey (Unemployment 2013-2017)**

Geography	Population	Total Civilian Labor Force	Unemployment
California	38,982,847	19,485,061	7.7%
Tulare County	458,809	193,225	10.0%
Lemon Cove CDP	232	116	13.6%

Source: California Department of Finance

<sup>3</sup> 2017 Tulare County annual Crop and Livestock Report

<sup>4</sup> <https://tularecountyeconomicdevelopment.org/economicdevelopment/index.cfm/agriculture/>

# Lemon Cove Community Plan 2019

## Income

Mean and Median (see **Table 10**) income in Lemon Cove is very low compared to Tulare County and the State of California. Lemon Cove's median household income was \$51,797, compared to \$44,871 for Tulare County and \$67,169 for the State of California.

Table 10 American Community Survey (Income)					
Geography	Median household income (dollars)	Mean household income (dollars)	Median family income (dollars)	Mean family income (dollars)	Per capita income (dollars)
California	\$67,169	\$96,104	\$76,975	\$106,970	\$33,128
Tulare County	\$44,871	\$62,325	\$47,280	\$65,927	\$18,927
Lemon Cove CDP	\$51,797	\$51,797	\$53,056	\$56,588	\$21,216

Source: California Department of Finance

Lemon Cove's mean family income was \$56,588, compared to \$65,927 for Tulare County and \$106,970 for the State of California. Lemon Cove's per capita income was also low at \$21,216 compared to \$18,927 for Tulare County and \$33,128 for the State of California.

## Housing Characteristics

### Housing Units

Between 2010 and 2017 (see **Table 11**), the number of housing units in Lemon Cove decreased from 153 to 115, which represents an decrease of 24.8%. This decrease was larger than the percent increase in Tulare County of 3.54% and the State of California at 2.31%.

Table 11 Housing Units (2010 & 2017)			
Geography	2010	2017	Percent
	Total housing units	Total housing units	
California	13,680,081	13,996,299	2.31%
Tulare County	141,696	146,712	3.54%
Lemon Cove CDP	153	115	24.8%

### Tenure

As the community grows, it will be important to provide new housing and commercial opportunities, allow expansion of the size of existing housing (for example, increase a unit by an additional bedroom), and allow various housing types (such as mobilehomes). According to the California Department of Finance, the 2013-2017 American Community Survey data indicated that 82.8% of the housing units in Lemon Cove were owner-occupied; this is higher than the 56.5% of owner-occupied housing units in Tulare County, and the 54.1% of owner-occupied housing units in the State of California (see **Table 12**).

# Lemon Cove Community Plan 2019

Table 12 Housing Tenure (2017)							
	Occupied Housing Units	Owner-occupied	%	Renter-occupied	%	Average household size of owner-occupied unit	Average household size of renter-occupied unit
California	12,807,387	6,929,007	54.1%	5,878,380	45.9	2.99	2.91
Tulare County	134,153	75,761	56.5%	58,392	43.5	3.24	3.50
Lemon Cove CDP	93	77	82.8%	16	17.2%	2.73	1.38

Source: 2013-2017 American Community Survey 5-Year

## Housing Conditions

According to the 2015 Lemon Cove Community Housing Condition Survey, approximately 14.3% of Lemon Cove's housing units in 1978 were deteriorated and 7.44 were dilapidated. According to the 2015 Tulare County Housing Element (**see Table 13**), approximately 22% of the housing units were sound. Approximately 74% were deteriorated and 3% were dilapidated.

Table 13 Housing Conditions Survey (2015)											
Survey Area	Sound		Deteriorated						Dilapidated		Total Units
			Minor		Moderate		Substantial				
	Units	%	Units	%	Units	%	Units	%	Units	%	
Lemon Cove	8	22%	12	33%	12	33%	3	8%	1	3%	36

Source: Tulare County 2015 Housing Condition Survey, Tulare County 2015 Housing Element

The percentage of substandard housing in Lemon Cove increased between 1992 and 2015. The percentage was 23% in 1992, 48% in 2003, 51% in 2009, and 75% in 2015 (**see Table 14**).

Table 14 Percentages of Substandard Housing Units in Tulare County Unincorporated Community 1992-2015				
	1992 Survey Results	2003 Survey Results	2009 Survey Results	2015 Survey Results
Lemon Cove	23%	48%	51%	75%

Source: 1992, 2003, 2009, 2015 Tulare County Housing Survey of Unincorporated Communities, 2015 Housing Element

# Lemon Cove Community Plan 2019

## Age of Structures

According to the US Census, the 2013-2017 Community Survey (see Table 15) noted that 32.2% of the housing structures were built between 1970 and 1979. Approximately 18.3% of housing structures were built between 1960 and 1969 and 17.4% of the housing structures were built between 1990 and 1999. The total number of housing units in Lemon Cove is 115.

Table 15 2013-2017 American Community Survey: Age of Structures in Lemon Cove		
Age of Structures	Number	Percentage
Built 2014 or later	3	2.6%
Built 2010 to 2013	0	0.0%
Built 2000 to 2009	9	7.8%
Built 1990 to 1999	20	17.4%
Built 1980 to 1989	6	5.2%
Built 1970 to 1979	37	32.2%
Built 1960 to 1969	21	18.3%
Built 1950 to 1959	5	4.3%
Built 1940 to 1949	0	0.0%
Built 1939 or earlier	14	12.2%
<b>Total:</b>	115	-

Source: US Census

## Household Size (Overcrowding)

In 2017 the average owner occupied household size in Lemon Cove was 2.73 persons per household (see Table 16) and the average renter household size was 1.38%. By definition, the most common measure of overcrowding is persons per room in a dwelling unit.<sup>5</sup> More than one person for each room of a dwelling unit is considered overcrowding. It is important to note that the measure is based on all rooms of a dwelling unit, not just the number of bedrooms. It is not uncommon for persons to share a bedroom, for example siblings or adults.

Table 16 Average Household Size		
Geography	Average Household size (Owner Occupied)	Average Household size (Renter Occupied)
California	3.00	2.91
Tulare County	3.27	3.46
Lemon Cove	2.73	1.38

2013-2017 American Community Survey 5-Year Estimates

## Vacancy Rate

Vacancy rate is important as it provides an indicator of unoccupied housing units. Vacancies may occur as people move away from a housing unit and it remains vacant until the next person/family moves in. Vacancy allows persons to decide whether to choose owning or renting housing based on their need and income. In 2010, the vacancy rate (see Table 17) in Lemon Cove was 21.6%, which was higher than Tulare County at 8.0%, and the State of California at 8.1%. In 2017, the vacancy rate

<sup>5</sup> U.S. Department of Housing and Urban Development, "Measuring Overcrowding in Housing" 2007. Page 2 See: [http://www.huduser.org/publications/pdf/Measuring\\_Overcrowding\\_in\\_Hsg.pdf](http://www.huduser.org/publications/pdf/Measuring_Overcrowding_in_Hsg.pdf)

# Lemon Cove Community Plan 2019

in Lemon Cove was 19.1%, which is higher than Tulare County at 7.9% and the State of California at 7.9%.

According to the US Census, the State of California's rental vacancy rate decreased from 6.3% to 3.6%, Tulare County's rental rate decreased from 5.8% to 3.4%, and the rental vacancy rate in Lemon Cove decreased from 6.0 to 0.0 between the years 2010 and 2017.

Table 17 Vacancy Rate (2010 & 2017)						
Geography	2010			2017		
	Vacancy rate	Homeowner vacancy rate	Rental vacancy rate	Vacancy rate	Homeowner vacancy rate	Rental vacancy rate
California	8.1%	2.1%	6.3%	7.9%	1.2%	3.6%
Tulare County	8.0%	2.4%	5.8%	7.9%	1.5%	3.4%
Lemon Cove CDP	21.6%	0.0%	6.0%	19.1%	18.2%	0.0%

Source: California Department of Finance

## Regional Housing Needs Assessment (RHNA)

State Housing Element Law assigns the responsibility for preparing the Regional Housing Needs Assessment (RHNA) for the Tulare County region to the Tulare County Association of Governments (TCAG). The RHNA is updated prior to each housing element cycle. The current RHNA, adopted on June 30, 2014, is for the fifth housing element cycle and covers a 9.75-year projection period (January 1, 2014 – September 30, 2023).

The growth projections applied in the Tulare County Housing Element Update are based upon growth projections developed by the State of California. A “Regional Housing Needs Assessment Plan” provides a general measure of each local jurisdiction’s responsibility in the provision of housing to meet those needs. The TCAG was responsible for allocating the State’s projections to each local jurisdiction within Tulare County including the County unincorporated area, which is reflected in the Housing Element.

“The Sustainable Communities and Climate Protection Act of 2008 (SB 375) was passed to support the State’s climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning. The bill mandates each of California’s Metropolitan Planning Organizations (MPO) to prepare a *sustainable communities strategy* as part of its regional transportation plan (RTP). The SCS contains land use, housing and transportation strategies that, if implemented, would allow the region to meet its GHG reduction targets.”<sup>6</sup>

“In the past, the RHNA was undertaken independently from the RTP. SB 375 requires that the RHNA and RTP/SCS processes be undertaken together to better integrate housing, land use, and transportation planning. The law recognizes the importance of planning for housing and land use in

<sup>6</sup> TCAG, *Final Regional Housing Needs Plan for Tulare County 2014-2023*, Page 5, <http://www.tularecog.org/wp-content/uploads/2015/07/Final-Regional-Housing-Needs-Plan-for-Tulare-County-2014-2023.pdf>



# Lemon Cove Community Plan 2019

creating sustainable communities where residents of all income levels have access to jobs, services, and housing using transit, or by walking and bicycling.”<sup>7</sup>

“In addition to the RHNA requirements, SB 375 requires that TCAG address the region’s housing needs in the SCS of the RTP, to include sections on state housing goals (Government Code Section 65080(b)(2)(B)(vi)); identify areas within the region sufficient to house all the population of the region (including all economic segments of the population) over the course of the planning period for the RTP (out to 2040 for the 2040 RTP/SCS); and identify areas within the region sufficient to meet the regional housing needs.”<sup>8</sup>

The RHNA housing results are summarized in **Figure 6**. The Tulare County RHNA Plan recommends that the County provide land use and zoning for approximately 7,081 units per year in the unincorporated portions of the County. The County administratively agreed to a housing share of 7,081 units (726 units per year over the 9.75-year RHNA planning period). The RTP allocates 30% of population to the County. The RHNA bases the housing needs assessment on this percentage.

**Figure 6 RHNA 2014-2023**

Tulare County Region January 1, 2014 to September 30, 2023								
Jurisdiction	1/1/2014 Housing Unit Control Totals	2023 Housing Unit Control Totals	Estimated 9/30/2023 Housing Units		2024 Housing Unit Control Totals	Housing Units 9/30/2023 (Based on Allocation of 26,910 units)		
			Housing Units	Percent of Total		Total Housing Units	Percent of Total	Net New Housing Units 1/1/2014- 9/30/2023
	A	B	C	D	E	F	G	H
Dinuba	6,223	7,106	7,186	4.05%	7,212	7,188	4.05%	965
Exeter	3,803	4,305	4,426	2.50%	4,365	4,428	2.50%	625
Farmersville	2,878	3,253	3,343	1.89%	3,298	3,344	1.89%	466
Lindsay	3,384	3,858	3,972	2.24%	3,914	3,974	2.24%	590
Porterville	17,764	20,331	20,952	11.82%	20,639	20,960	11.82%	3,196
Tulare	20,022	22,908	23,606	13.32%	23,255	23,616	13.32%	3,594
Visalia	47,380	55,411	57,379	32.37%	56,386	57,401	32.37%	10,021
Woodlake	2,187	2,486	2,558	1.44%	2,521	2,559	1.44%	372
Unincorporated County	46,774	52,477	53,834	30.37%	53,151	53,855	30.37%	7,081
Total	150,415	172,134	177,255	100.00%	174,741	177,325	100.00%	26,910

**Sources**

Columns A, B, and E: TCAG 2040 Demographic Forecast (2013)

Column C: Estimated using trendline growth between Columns B and E

Column D: Column C divided by countywide total from Column C (177,225)

Column F: Proportionally scaled up from Column D to 9/30/2023 countywide total (177,325)

Column G: Column F divided by countywide total from Column F (177,325)

Column H: Column A subtracted from Column F

<sup>7</sup> *Ibid.*

<sup>8</sup> *Op. Cit.*

# Lemon Cove Community Plan 2019

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## Natural and Cultural Resources

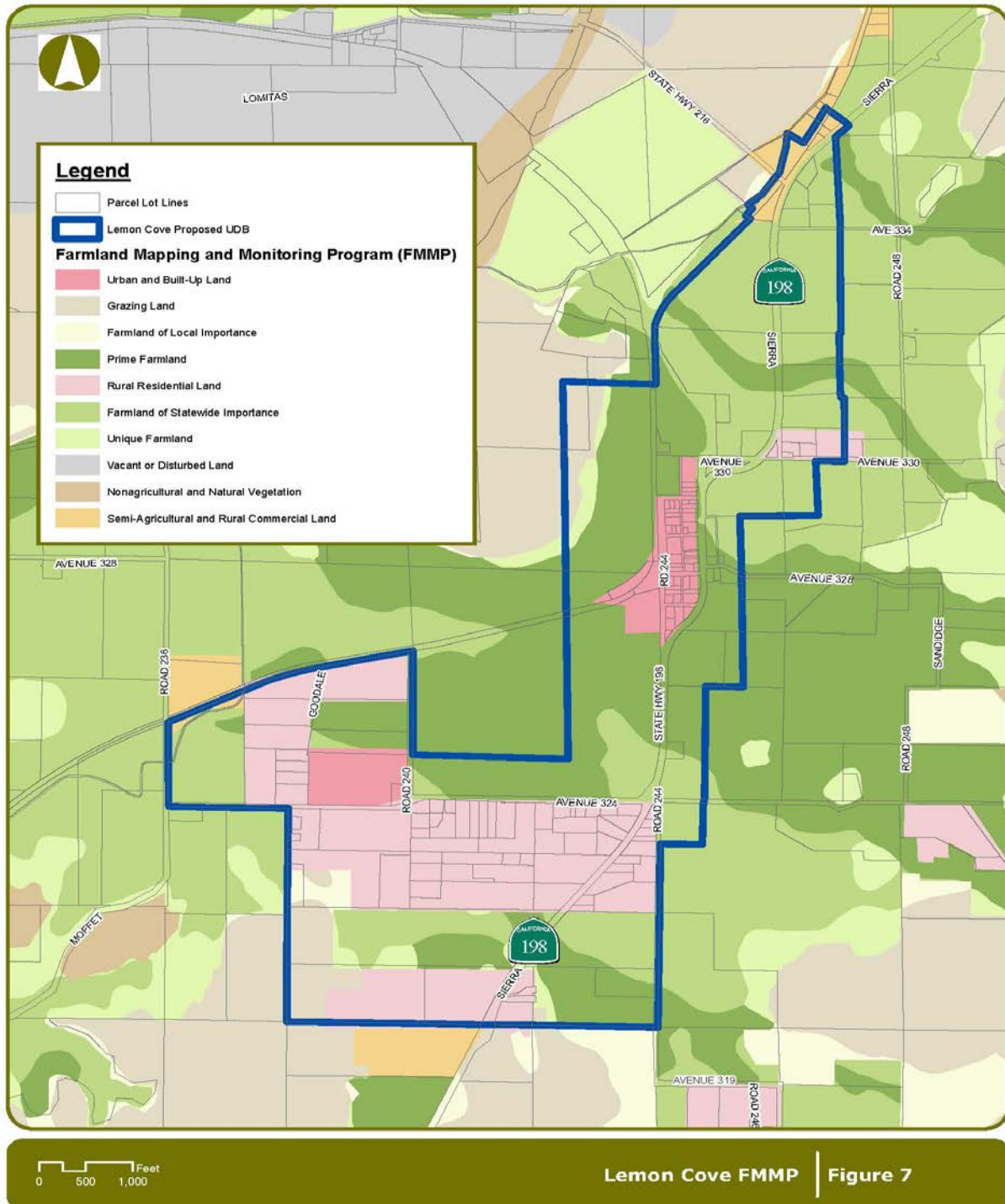
### Agriculture

The California Department of Conservation, Division of Land Resource Protection, maintains the Farmland Mapping and Monitoring Program (FMMP), which monitors the conversion of the state's farmland to and from agricultural use. The program monitors a wide variety of farmland types: Prime Farmland is farmland with the best combination of physical and chemical features to sustain long-term agricultural production; Farmland of Statewide Importance is Prime Farmland but has minor shortcomings, such as greater slopes or less ability to store soil moisture; and Unique Farmland has lesser quality soils used for the production of the state's leading agricultural crops.

The area within the existing 404.1-acre UDB is designated in the 2018 FMMP maps (**see Figure 7**). Of these, approximately 134.54 acres are designated Urban and Built-up Land, approximately 269.56 acres are designated Prime Farmland. Approximately 5.50 acres are designated Vacant or Disturbed Land.

# Lemon Cove Community Plan 2019

Figure 7 FMMP Map



# Lemon Cove Community Plan 2019

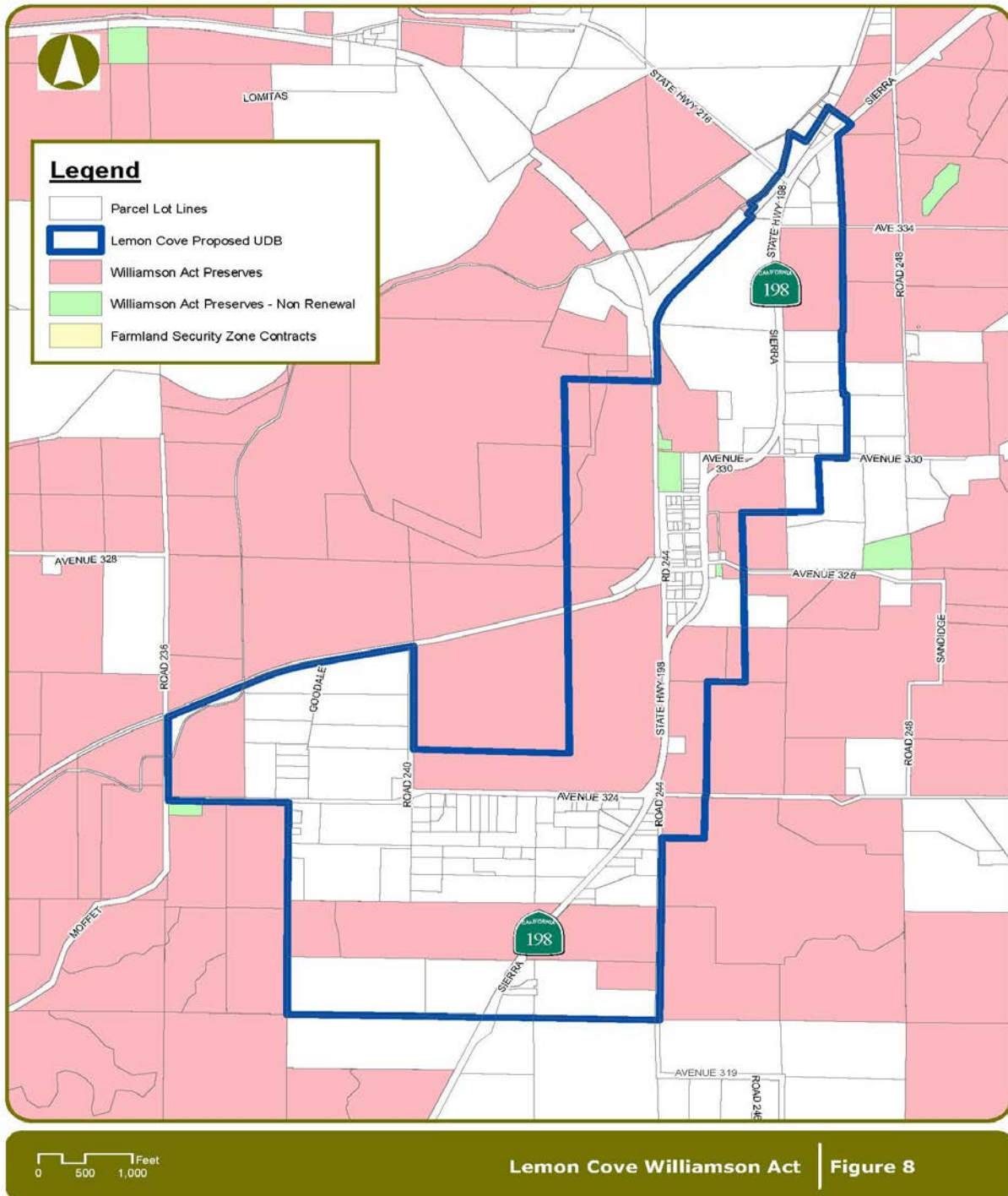
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## Williamson Act Contracted land in Lemon Cove

Nine parcels are subject to the Williamson Act contracts (**see Figure 8**) within the planning area (proposed UDB). Agricultural preserve contracts are designed to keep productive farmland in agricultural use and prevent premature conversion to urban use. When a landowner enters into a contract, they receive a lower property tax rate. Within the Lemon Cove Urban Development Boundary, there are currently approximately 86.54-acres of land under contract. Property owners must agree to keep their land in agricultural use for a 10-year period unless nonrenewal status is filed. If filing for nonrenewal, the property taxes will gradually increase back to normal rates over the course of the 9-year phase-out period. Contracts can be canceled before the 9-year period ends, if an approved alternative use satisfies the five findings of the Department of Conservation or if the project is found to be in the interest of the public. However, the property owner must pay a penalty equal to 12.5 percent of the unrestricted value of the property if approved.

# Lemon Cove Community Plan 2019

Figure 8 Williamson Act Map





# Lemon Cove Community Plan 2019

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## Air Quality

The Lemon Cove Plan Area is within the San Joaquin Valley Air Basin (SJVAB) and under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAB is classified non-attainment/severe for the State  $O_3$  1-hour standard, non-attainment for the State  $O_3$  8-hour standard, non-attainment for the State  $PM_{10}$  standard, non-attainment for the federal and State  $PM_{2.5}$  standards, and attainment and/or unclassified for the remaining federal and State air quality standards. According to the Tulare County General Plan, the San Joaquin Valley has some of the worst air quality in the nation. The CO and  $NO_x$  emissions are typically generated by motor vehicles (mobile sources). The ROG emissions are generated by mobile sources and agriculture. Although emissions have been shown to be decreasing in recent years, the SJVAB continues to exceed state and federal air quality emission standards.

Executive Order S-3-05, issued by Governor Schwarzenegger in 2005, established targets for greenhouse gas (GHG) emissions for the State. The Global Warming Solutions Act of 2006 (or Assembly Bill (AB) 32) directed the California Air Resources Board (CARB) to develop and adopt statewide GHG emission limits in order to reduce emission levels to those experienced in 1990, by the year 2020. In order to achieve those targets, CARB adopted the Climate Change Scoping Plan in December 2008.

The Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill (SB) 375, builds upon AB 32 by requiring CARB to develop regional GHG emissions reduction targets for passenger vehicles. Then each Metropolitan Planning Organization (MPO) must prepare a Sustainable Communities Strategy (SCS) to demonstrate how the region will meet its targets. The SCS will be incorporated into the Regional Transportation Plan (RTP).

The SJVAPCD provides a list of potential air quality mitigation measures that are applicable to General Plan updates and community plans:

- Adopt air quality element/general plan air quality policies/specific plan policies.
- Adopt Local Air Quality Mitigation Fee Program.
- Fund TCM program: transit, bicycle, pedestrian, traffic flow improvements, transportation system management, rideshare, telecommuting, video-conferencing, etc.
- Adopt air quality enhancing design guidelines/standards.
- Designate pedestrian/transit oriented development areas on general plan/specific plan/planned development land use maps.
- Adopt ordinance limiting wood burning appliances/fireplace installations.
- Fugitive dust regulation enforcement coordinated with SJVUAPCD.
- Energy efficiency incentive programs.
- Local alternative fuels programs.
- Coordinate location of land uses to separate odor generators and sensitive receptors.

# Lemon Cove Community Plan 2019

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Air quality is directly related to land use; it is also related to the configuration of land, vegetation, climate, wind direction and velocity, and production of man-made impurities which change the natural qualities of the air. Because Lemon Cove is located near the southern end of the Valley with prevailing winds from the northwest, it is in a vulnerable position for the accumulation of adversely modified air, particularly when a temperature inversion occurs which holds down surface air along with its pollutants.

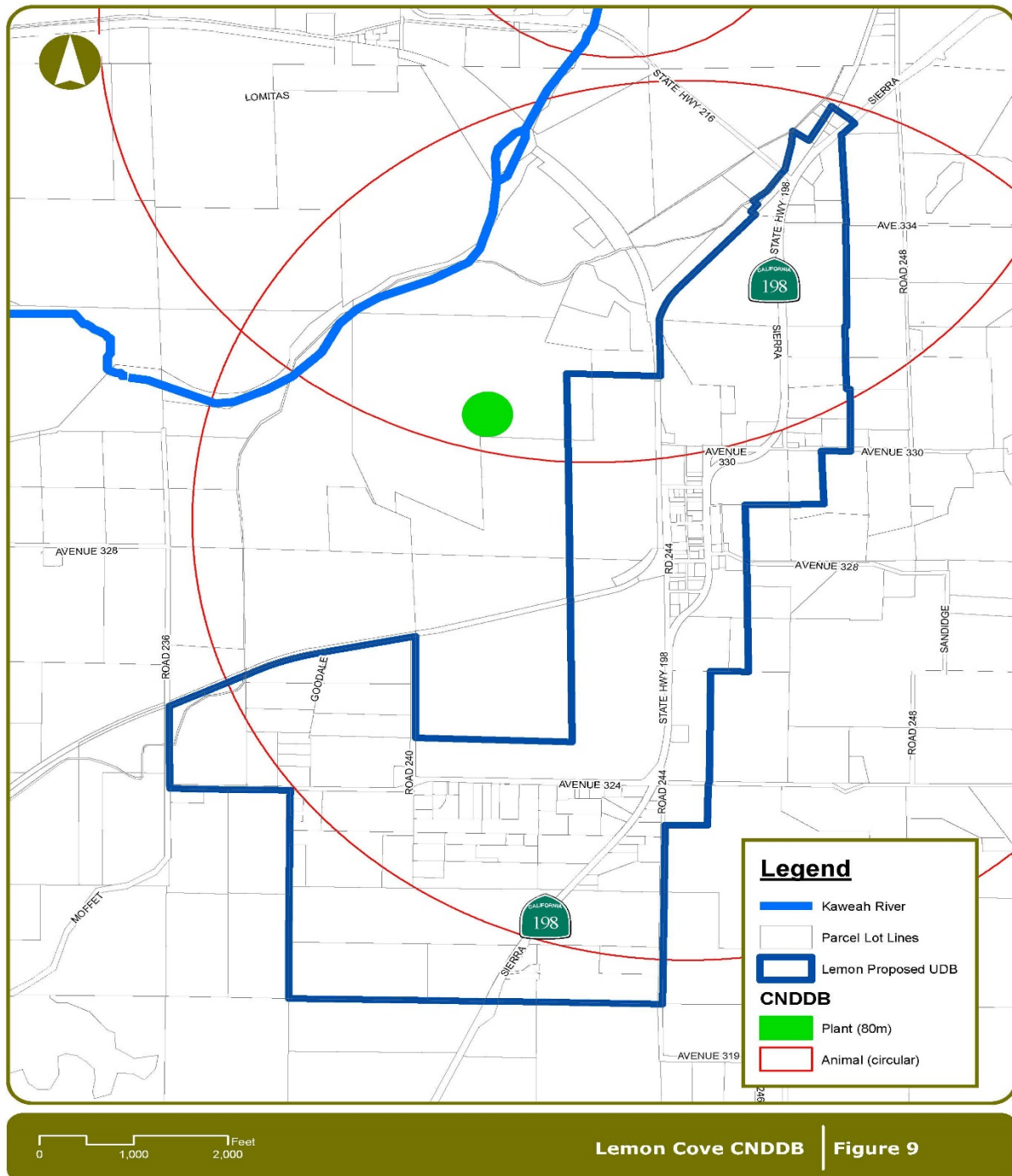
Local air pollution sources within the general vicinity of Lemon Cove and within the community itself include SR 198 and SR 216, and agricultural activities. Dust and odors are continuous concerns of residents within the area.

## Biological Resources

Lemon Cove is situated within a matrix of agricultural lands, industrial complexes, and residential/commercial development. A California Natural Diversity Database (CNDDB) search conducted on July 24, 2019 (**see Figure 9**) indicates there are special status species within Lemon Cove, which is located within the Woodlake and Rocky Hill Quads United States Geological Survey 7.5 minute topographic quadrangle. Those Quadrants Species List consists of 17 animal species, 13 plant species, and two (2) Community Terrestrial: San Joaquin kit fox (*Vulpes macrotis mulica*, federal endangered and state endangered); vernal pool tadpole shrimp (*Lepidurus packardii*, federal threatened); California tiger salamander (*Ambystoma Californiense*, federal and state threatened); Moody's gnaphosid spider (*Talanites moodyae*), spotted bat (*Euderma maculatum*), foothill yellow-legged frog (*Rana boylei*, state candidate threatened), western spadefoot (*Speotriton hammondi*), golden eagle (*Aquila chrysaetos*), great egret (*Ardea alba*), great blue heron (*Ardea herodias*), tricolored blackbird (*Agelaius tricolor*, state threatened), burrowing owl (*Athene cunicularia*), California linderiella (*Linderiella occidentalis*), Crotch bumble bee (*Bombus crotchii*), western mastiff bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), San Joaquin Valley Orcutt grass (*Orcuttia inaequalis* Hoover, federal threatened and state endangered), spiny-sealed button-celery (*Eryngium spinosepalum*), Winter's sunflower (*Helianthus winteri*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*, federal threatened and state endangered), Sierra Nevada monkeyflower (*Erythranthe sierrae*), Greene's tuctoria (*Tuctoria greenei*, federal endangered and state rare), recurved larkspur (*Delphinium recurvatum*), Kaweah brodiaea (*Brodiaea insignis*, state endangered), striped adobe-lily (*Fritillaria striata*, state threatened), calico monkeyflower (*Diplacus pictus*), golden goodmania (*Goodmania luteola*), Sycamore Alluvial Woodland (Sycamore Alluvial Woodland), and Northern Claypan Vernal Pool).

# Lemon Cove Community Plan 2019

Figure 9 Lemon Cove CNDDB Map





# Lemon Cove Community Plan 2019

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## Cultural Resources

“Tulare County lies within a culturally rich province of the San Joaquin Valley. Studies of the prehistory of the area show inhabitants of the San Joaquin Valley maintained fairly dense populations situated along the banks of major waterways, wetlands, and streams. Tulare County was inhabited by aboriginal California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Of the main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory.”<sup>9</sup>

“California’s coast was initially explored by Spanish (and a few Russian) military expeditions during the late 1500s. However, European settlement did not occur until the arrival into southern California of land-based expeditions originating from Spanish Mexico starting in the 1760s. Early settlement in the Tulare County area focused on ranching. In 1872, the Southern Pacific Railroad entered Tulare County, connecting the San Joaquin Valley with markets in the north and east. About the same time, valley settlers constructed a series of water conveyance systems (canals, dams, and ditches) across the valley. With ample water supplies and the assurance of rail transport for commodities such as grain, row crops, and fruit, a number of farming colonies soon appeared throughout the region.”<sup>10</sup>

“The colonies grew to become cities such as Tulare, Visalia, Porterville, and Hanford. Visalia, the County seat, became the service, processing, and distribution center for the growing number of farms, dairies, and cattle ranches. By 1900, Tulare County boasted a population of about 18,000. New transportation links such as SR 99 (completed during the 1950s), affordable housing, light industry, and agricultural commerce brought steady growth to the valley. The California Department of Finance estimated the 2007 Tulare County population to be 430,167.”<sup>11</sup>

On August 6, 2019, the Southern San Joaquin Valley Information Center, Bakersfield (SSJVIC) conducted a cultural resources records search at the request of RMA Planning Branch staff. According to the information provided by the SSJVIC, there have been three (3) previous cultural resource study conducted within the project area and five (5) additional studies conducted within the one-half mile radius. However, until the specific location of a development proposal occurs, the locations and nature of the resources will remain confidential and will only be shared with an applicant and remain confidential until otherwise determined by the courts.

There are three (3) recorded cultural resources within the area. There are eight (8) known resources within the one-half mile radius and one unrecorded prehistoric rock art site. These resources consist of prehistoric era pictographs and lithic scatters, as well as historic era trash scatters, transmission lines, a hotel, a railroad, and a ditch.

The Pogue Hotel located at 32792 Sierra Drive has been given a National Register status code of 1D, indicating it is a contributor to a district or multiple resource property listed in the National Register of Historic Places by the Keeper. It is also listed in the California Register of Historical Resources. There are no other recorded cultural resources within the area that are listed in the National Register

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<sup>9</sup> Tulare County 2030 General Plan. Page 8-5.

<sup>10</sup> Ibid. Page 8-5.

<sup>11</sup> Ibid. Page 8-6.

# Lemon Cove Community Plan 2019

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of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

## Native American Consultation

The Native American Heritage Commission (NAHC) was contacted on July 23, 2019 with a request that they conduct a sacred lands files (SLF) search. The NAHC provided the results of its SLF search dated August 14, 2019 indicating “negative results” (that is, no sacred lands are known to be located in the Lemon Cove Planning area). The following Native American tribes were contacted on August 28, 2019 in order to solicit their interest regarding tribal consultation: Kern Valley Indian Council; Kern Valley Indian Community, Santa Rosa Rancheria Tachi Yokut Tribe, Torres-Martinez Desert Cahuilla Indians; Tubatulabals of Kern County; Tule River Indian Tribe; and Wukache Indian Tribe. No responses have been received to date.

## Geology & Seismic Hazards

The southern San Joaquin Valley is a broad arid plain, essentially level underlain by about 28,000 feet of marine and continental strata with the sediments derived from areas now occupied by mountain ranges. “Seismicity varies greatly between the two major geologic provinces represented in Tulare County. The Central Valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada Mountains, partially located within Tulare County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Range on the west side of the Central Valley is also a result of these forces, and the continued uplifting of Pacific and North American tectonic plates continues to elevate these ranges. The remaining seismic hazards in Tulare County generally result from movement along faults associated with the creation of these ranges.”<sup>12</sup>

“Ground shaking is the primary seismic hazard in Tulare County because of the county’s seismic setting and its record of historical activity. Thus, emphasis focuses on the analysis of expected levels of ground shaking, which is directly related to the magnitude of a quake and the distance from a quake’s epicenter. Magnitude is a measure of the amount of energy released in an earthquake, with higher magnitudes causing increased ground shaking over longer periods of time, thereby affecting a larger area. Ground shaking intensity, which is often a more useful measure of earthquake effects than magnitude, is a qualitative measure of the effects felt by population. The valley portion of Tulare County is located on alluvial deposits, which tend to experience greater ground shaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from ground shaking than those located in the foothill and mountain areas. However, existing alluvium valleys and weathered or decomposed zones are scattered throughout the mountainous portions of the county which could also experience stronger intensities than the surrounding solid rock areas. The geologic characteristics of an area can therefore be a greater hazard than its distance to the epicenter of the quake.”<sup>13</sup>

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<sup>12</sup> General Plan Background Report, page 8-5

<sup>13</sup> General Plan Background Report, page 8-7

# Lemon Cove Community Plan 2019

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“There are three (3) faults within the region that have been, and will be, principal sources of potential seismic activity within Tulare County. These faults are described below:

- **San Andreas Fault.** The San Andreas Fault is located approximately 40 miles west of the Tulare County boundary. This fault has a long history of activity, and is thus the primary focus in determining seismic activity within the county. Seismic activity along the fault varies along its span from the Gulf of California to Cape Mendocino. Just west to Tulare County lies the “Central California Active Area,” where many earthquakes have originated.  
**Owens Valley Fault Group.** The Owens Valley Fault Group is a complex system containing both active and potentially active faults, located on the eastern base of the Sierra Nevada Mountains. The Group is located within Tulare and Inyo Counties and has historically been the source of seismic activity within Tulare County.
- **Clovis Fault.** The Clovis Fault is considered to be active within the Quaternary Period (within the past two million years), although there is no historic evidence of its activity, and is therefore classified as “potentially active.” This fault lies approximately six miles south of the Madera County boundary in Fresno County. Activity along this fault could potentially generate more seismic activity in Tulare County than the San Andreas or Owens Valley fault systems. In particular, a strong earthquake on the Fault could affect northern Tulare County. However, because of the lack of historic activity along the Clovis Fault, inadequate evidence exists for assessing maximum earthquake impacts.”<sup>14</sup>

The Tulare County General Plan states there are no known active faults in Tulare County, with the San Andreas Fault being the nearest major fault line. Tulare County rarely feels the effects of earthquakes along this fault line.

## Soils Characteristics

According to the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), and the Soil Survey of Tulare County, the following soil types are located in Lemon Cove (see Figure 10). The following descriptions are provided for the above soil types:

**San Joaquin loam, 0 to 2 percent slopes,** is moderately deep to a hardpan, well drained and nearly level. This soil is suitable for orchards, vineyards, and cultivated crops but is somewhat limited by the presence of hardpan which restricts root growth. This problem can be alleviated by ripping and shattering the hardpan. The soil is poorly suited to urban uses because of a high clay content, very slow permeability and a cemented hardpan. Septic tank filter fields are severely limited for these reasons.

**San Joaquin loam, 0 to 9 percent slopes,** is moderately deep to hardpan, well drained and gently rolling. The soil is suited to cultivated crops and orchards. The main limitations are hardpan and a moderate erosion risk on steeper slopes. The soil is also suited for rangeland with erosion a slight limitation. The soil is unsuitable for building sites, roads and septic tank filter fields due to high clay content, very slow permeability and the cemented hardpan. This problem can be overcome by the importation of more suitable soils.

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<sup>14</sup> General Plan Background Report, pages 8-6 and 8-7

# Lemon Cove Community Plan 2019

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**Blasingame Sandy Loam, 15 to 30 percent slopes,** consists of moderately deep, well drained soils located on uneven side slopes in the lower foothills. Surface and subsurface loams and clay loams have of approximately 30 inches, below which exists strongly weathered quartz diorite. Surface run-off is medium and erosion hazard is moderate. Permeability is moderately slow. Limitations for septic tank absorption fields are severe due to shallow depth to rock and slow percolation.

**Blasingame Sandy Loam, 30 to 50 percent slopes,** consists of rolling to steeply sloping soil is found on uneven side slopes. Permeability of the Blasingame soil is moderately slow and the available water capacity is low or moderate.

**Blasingame-rock Outcrop Complex, 9 to 50 percent slopes,** consists of rolling to steeply sloping soil is found on uneven side slopes. Permeability of the Blasingame soil is moderately slow and the available water capacity is low or moderate. Surface runoff is medium or rapid and the erosion hazard is moderate or high. Effective rooting depth is 20 to 40 inches. Rock outcrop consists of exposures of hard quartz diorite. These areas are impermeable and vegetative growth is limited to features in the rock structure. Surface runoff is rapid with no erosion hazard. The soil is suitable for rangeland while the potential for urban development is poor because of steep slope, depth of soil and rock outcrops. However, some small isolated areas with gentle slopes are suitable for home sites

**Cibo-rock Outcrop Complex 15 to 50 percent slopes,** consist of moderately deep, well drained soils that formed in material weathered from basic igneous rocks. Cibo soils are on foothills and mountainous uplands have slopes of 2 to 75 percent. Rock outcrop is impermeable, so run-off is very rapid with no erosion hazard.

**Clear Lake Clay, Drained 2 to 5 percent slopes,** consists of very deep, poorly drained soil located on alluvial fans and basins and swales of drainage ways. Surface and subsurface materials are dark gray and gray clay to a depth of 66 inches. Permeability is slow. Limitations for septic tank absorption fields are severe due to slow percolation.

**Greenfield Sandy Loam,** consists of deep, well drained soils that formed in moderately coarse and coarse textured alluvium derived from granitic and mixed rock sources. Greenfield sandy loam is used for the production of a wide variety of irrigated field, forage and fruit crops. Vegetation on uncultivated areas consists of annual grass, forbs, some shrubs and scattered oak trees.

**Havala Loam, 0 to 5 percent slopes,** consists of deep, well drained soils that formed from mixed alluvium. Havala soils are on old stream terraces and alluvial fans in mountain valleys. Use mainly for range, orchard, cultivated fields, and hay crops. Native vegetation is annual grasses, forbs, scattered live oak, blue oak, and white oak.

# Lemon Cove Community Plan 2019

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**Honcut Sandy Loam, 2 to 5 percent slopes,** consists of very deep, well drained soils that formed in moderately coarse textured alluvium from basic igneous and granitic rocks. Honcut soils are on floodplains and moderately sloping alluvial fans. Honcut soils are highly productive under irrigation. Crops includes alfalfa, small grains, forage crops, apricots, peaches, grapes, prunes, apples, oranges, pears and berries. Vegetation consists of open parklike areas of annual grasses, herbs and scattered oaks.

**Porterville Clay, 2 to 89 percent slopes,** deep well drained soils that formed in fine textured alluvial material from basic and metabasic igneous rock. Porterville soils are on fans and foothills, used mostly for range pasture. Vegetation is annual grasses, burclove, herbs and widely spaced shrubs. Most cultivated areas are irrigated and planted to oranges, lemons, olive, figs, and some grapes.

**Yettem Sandy Loam, 0 to 2 percent slopes,** consists of very deep, well drained soils that formed in alluvium from granitic sources. Yettem soils are on alluvial fans and flood plains. Vegetation is cropland and annual pasture. Crops are oranges, plums, olives, walnuts and grapes. The native vegetation is annual grasses and forbs.



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## Greenhouse Gases

“Executive Order S-3-05 was signed by Governor Schwarzenegger on June 1, 2005. This executive order established [GHG] emission reduction targets for California. Specifically, the executive order established the following targets:

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

The executive order additionally ordered that the Secretary of the California Environmental Protection Agency (Cal EPA) would coordinate oversight of the efforts among state agencies made to meet the targets and report to the Governor and the State Legislature biannually on progress made toward meeting the GHG emission targets. Cal EPA was also directed to report biannually on the impacts to California of global warming, including impacts to water supply, public health, and agriculture, the coastline, and forestry, and prepare and report on mitigation and adaptation plans to combat these impacts.

In response to the EO [executive order], the Secretary of Cal EPA created the Climate Action Team (CAT), composed of representatives from the Air Resources Board; Business, Transportation, & Housing; Department of Food and Agriculture; Energy Commission; California Integrated Waste Management Board (CIWMB); Resources Agency; and the Public Utilities Commission (PUC). The CAT prepared a recommended list of strategies for the state to pursue to reduce climate change emission in the state...”<sup>15</sup>

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.), which requires the CARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

The Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill (SB) 375, builds upon AB 32 by requiring CARB to develop regional GHG emissions reduction targets for passenger vehicles. Then each Metropolitan Planning Organization (MPO) must prepare a Sustainable Communities Strategy (SCS) to demonstrate how the region will meet its targets. The SCS will be incorporated into the Regional Transportation Plan (RTP).

The Air District adopted the *Climate Change Action Plan* (CCAP) in August 2008. “The CCAP directed the District Air Pollution Control Officer to develop guidance to assist Lead Agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project specific greenhouse gas (GHG) emissions on global climate change.

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<sup>15</sup> Tulare County General Plan 2030 Update RDEIR, pages 3.4-4 to 3.4-5

# Lemon Cove Community Plan 2019

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On December 17, 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted the guidance: Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, and the policy: District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency. The guidance and policy rely on the use of performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA.

“The Tulare County Climate Action Plan (CAP) (last updated in 2016), serves as a guiding document for County of Tulare (“County”) actions to reduce greenhouse gas emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the 2030 General Plan Update. The General Plan provides the supporting framework for development in the County to produce fewer greenhouse gas emissions during Plan buildout. The CAP builds on the General Plan’s framework with more specific actions that will be applied to achieve emission reduction targets consistent with California legislation.”<sup>16</sup>

## Federal Emergency Management Agency (FEMA)

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Community Panel Number: 06107C0695F, adopted December 18, 2012, (**see Figure 11**) shows Lemon Cove within Flood Zones portions of the Lemon Cove footprint is within a Flood Zone (Flood Zone A) and subject to 100-year flood hazard. FEMA requires development in Flood Zones A to be constructed so that a building’s ground floor elevation is above the flood contour line existing in the flood area. Structures located in Flood Zone A are recommended to be elevated one foot above natural ground. Elevation certificates are not required unless the property owner wishes to use them for insurance rating purposes; for example, a preferred risk policy.

FEMA determines areas subject to flood hazards and designates these areas by relative risk of flooding on a map for each community, known as the Flood Insurance Rate Map (FIRM). These areas are designated as Zone A, AE (1% Base Flood Elevation (BFE)), and X 2% on the FIRM. A 100-year flood is considered for purposes of land use planning and protection of property and human safety. The boundaries of the 100-year floodplain are delineated by FEMA on the basis of hydrology, topography, and modeling of flow during predicted rainstorms. Within Lemon Cove are areas of localized ponding and puddling that occur during heavy rainfall events. Additional projects will be required in the future to further expand storm water drainage capacity. The elevation of building pads should eliminate the potential for loss of property should flooding occur.

### **Flood Zone A:**

One percent annual change of flooding, no base flood elevation determined.

### **AE (unshaded)**

The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.

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<sup>16</sup> Tulare County Climate Action Plan, page 1



# Lemon Cove Community Plan 2019

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## **Flood Zone AE (shaded)**

The floodway is the channel of a stream plus any adjacent floodplain area that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood height.

## **Flood Zone X (unshaded)**

Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level. Zone C may have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. Zone X is the area determined to be outside the 500-year flood and protected by levee, from 100- year flood.

“Flooding is a natural occurrence in the Central Valley because it is a natural drainage basin for thousands of watershed acres of Sierra Nevada and Coast Range foothills and mountains. Two kinds of flooding can occur in the Central Valley: general rainfall floods occurring in the late fall and winter in the foothills and on the valley floor; and snowmelt floods occurring in the late spring and early summer. Most floods are produced by extended periods of precipitation during the winter months. Floods can also occur when large amounts of water (due to snowmelt) enter storage reservoirs, causing an increase in the amount of water that is released.”<sup>17</sup> “Flood events in the Tulare Lake region are caused by rainfall, snowmelt, and the resultant rising of normally dry lakes. Although significant progress has been made to contain floodwaters in the region, improvements to the flood control system are still needed to lessen the flood risk to life and property.”<sup>18</sup>

“Official floodplain maps are maintained by the Federal Emergency Management Agency (FEMA). “Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. “Base Flood” is the flood having a one percent chance of being equaled or exceeded in any given year. “One-hundred-year flood” or “100 year flood” has the same meaning as “base flood.” “Special flood hazard area” is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. “Floodway” means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map, on maps adopted by the State Reclamation Board when acting within its jurisdiction, and on the County Zoning Map (signified by the F-1 Primary Flood Plain Zone). The F-2 Secondary Flood Plain Combining Zone is intended for application to those areas of the County, which lie within the fringe area or setback of the flood plain and are subject to less severe inundation during flooding conditions than occur in the F-1 Zone.

FEMA determines areas subject to flood hazards and designates these areas by relative risk of flooding on a map for each community, known as the Flood Insurance Rate Map (FIRM). These areas are designated as Zone A, AO, A1-A30, AE, A99, or AH on the FIRM. A 100-year flood is considered for purposes of land use planning and protection of property and human safety. The boundaries of the 100-year floodplain are delineated by FEMA on the basis of hydrology, topography, and modeling

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<sup>17</sup> General Plan Background Report, page 8-13

<sup>18</sup> California Water Plan Update 2009, Tulare Lake, page TL-28 to TL-29

# Lemon Cove Community Plan 2019

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of flow during predicted rainstorms.”<sup>19</sup> Although some areas of Tulare County have experienced major flooding along its major rivers, the Lemon Cove Plan Area has not. There are portions of Lemon Cove, however, that are within and adjacent to the FEMA 100 year flood zones. According to the Tulare County General Plan Update, substantial flooding could occur in Tulare County if the two (2) major dams were to experience failure. The primary source of flood potential near the Lemon Cove community is the Kaweah River, located approximately one-half mile south of the Planning Area.

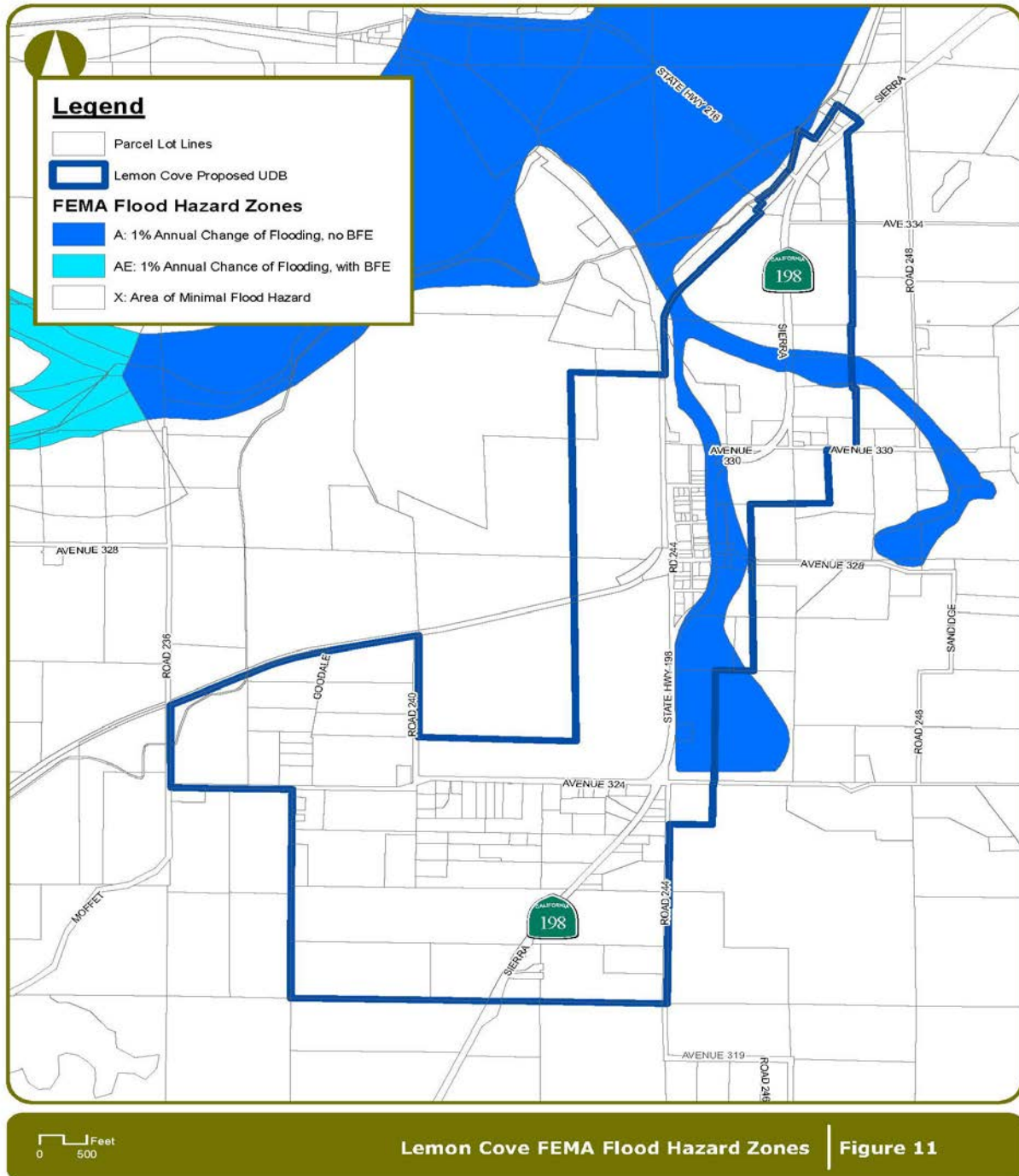
The County of Tulare has taken steps to be a part of the National Flood Insurance Program (NFIP), by actively adopting minimum regulatory standards as set forth by the Federal Emergency Management Agency (FEMA). The National Flood Insurance Program (NFIP) is administered by the (FEMA) to offer flood insurance to properties located in special flood hazard areas (SFHAs). Information about the NFIP, is available at the following website: [www.fema.gov](http://www.fema.gov). As part of the county’s participation in the NFIP, individuals are eligible to obtain flood insurance. Further flood information is available at the County of Tulare Resource Management Agency at the following website: <https://tularecounty.ca.gov/rma/index.cfm/public-works/flood-information/>. On June 16, 2009, Tulare County adopted the new Digital Flood Insurance Rate Maps (DFIRMs). Information is available to determine if a property is located in a SFHA by using the following FEMA Map Service Center link as follows: <https://msc.fema.gov/portal>.

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<sup>19</sup> General Plan Background Report, page 8-14

# Lemon Cove Community Plan 2019

Figure 11 FEMA Flood Map

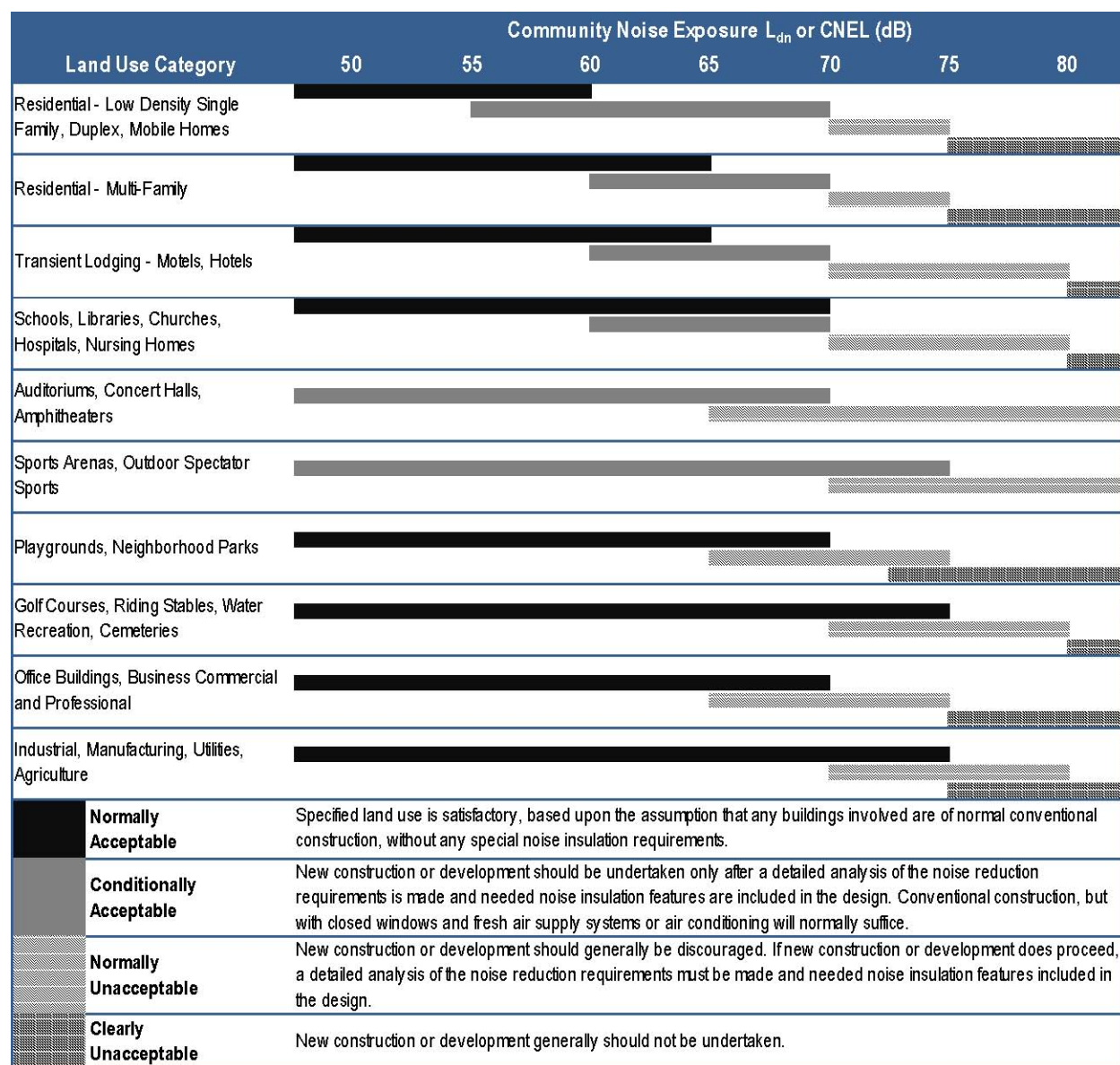


# Lemon Cove Community Plan 2019

## Noise

State of California General Plan Guidelines (California Governor's Office of Planning and Research, 2003) identifies guidelines for the Noise Elements of city and county General Plans, including a sound level/land-use compatibility chart that categorized, by land use, outdoor L<sub>dn</sub> ranges in up to four categories (normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable). These guidelines provide the State's recommendations for city and county General Plan Noise Elements (see Figure 12).

**Figure 12 Community Noise Exposure**



Source: Tulare County General Plan

# Lemon Cove Community Plan 2019

The 2010 Recirculated Environmental Impact Report (RDEIR) prepared for the Tulare County General Plan Update included the following information regarding freeway noise: Baseline traffic noise contours for major roads in the County were developed using Sound32 (Caltrans' computer implementation of the FHWA Traffic Noise Prediction Model). Table 3.5-3 in the RDEIR summarized the daily traffic volumes, the predicted Ldn noise level at 100 feet from the roadway centerline is approximately 79 feet, and the distance from the roadway centerline to the 60-, 65-, and 70-dB-Ldn contours are 82 feet, 1,813 feet, and 3,907 feet respectively.

The Health and Safety Element of the Tulare County General Plan adopted two Countywide goals regarding noise in 2012. They are: 1) Protect the citizens of Tulare County from the harmful effects of exposure to excessive noise; and 2) Protect the economic base of Tulare County by preventing the encroachment of incompatible land uses near known noise-producing industries, airports and other sources. The Tulare County General Plan 2030 models noise contours for lands adjacent to freeways, airports, and local industries for the base year (1986) and provides projected contours for the year 2010. The noise contours were prepared in terms of either the community noise equivalent level (CNEL) or day-night average decibel level (Ldn), which is descriptive of the total noise exposure at a given location for an annual average day.

The Noise Element includes performance standards for new residential or other noise-sensitive land uses which are to be located near noise-impacted areas. The Element indicates that these uses will not be permitted unless effective design measures can be integrated into the development to mitigate the impact of noise. **Table 18** summarizes the daily traffic volumes SR 198 and SR 216.

Table 18 Noise Levels					
Location	ADT	From Roadway Centerline			
		Distance (feet) to 70 Ldn Contour	Distance (feet) to 65 Ldn Contour	Distance (feet) to 60 Ldn Contour	Distance (feet) to 55 Ldn Contour
SR 198 from Spruce to SR 216	8,500	58	124	268	576
SR216 from Castlerock to SR 198	1,800	25	55	118	254

Source: 2010 General Plan Background Report

# Lemon Cove Community Plan 2019

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## State Responsibility Area (SRA)

Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. The State Responsibility Area (SRA) is the area of the state where the State of California is financially responsible for the prevention and suppression of wildfires. Local responsibility areas (LRA) include incorporated cities, cultivated agriculture lands, and portions of the desert. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government. Federal responsibility areas (FRA) include lands administered by the following Federal Agencies: The United States Department of Agriculture Forest Service, The United States Department of the Interior, National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, and Bureau of Land Management, State Responsibility Area (SRA), Fire Safe Regulations (Title 14- Natural Resources Division 1.5, Department of Forestry Chapter 7, Fire Protection Subchapter 2, SRA Fire Safe Regulations Articles 1-5). SRA regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction, and development in SRA. These measures provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. These regulations do not apply to existing structures, roads, streets and private lanes or facilities. These regulations apply as appropriate to all construction within the SRA approved after January 1, 1991, (**see Figure 13**).

## SL-2.3 Historic and Cultural Landscapes

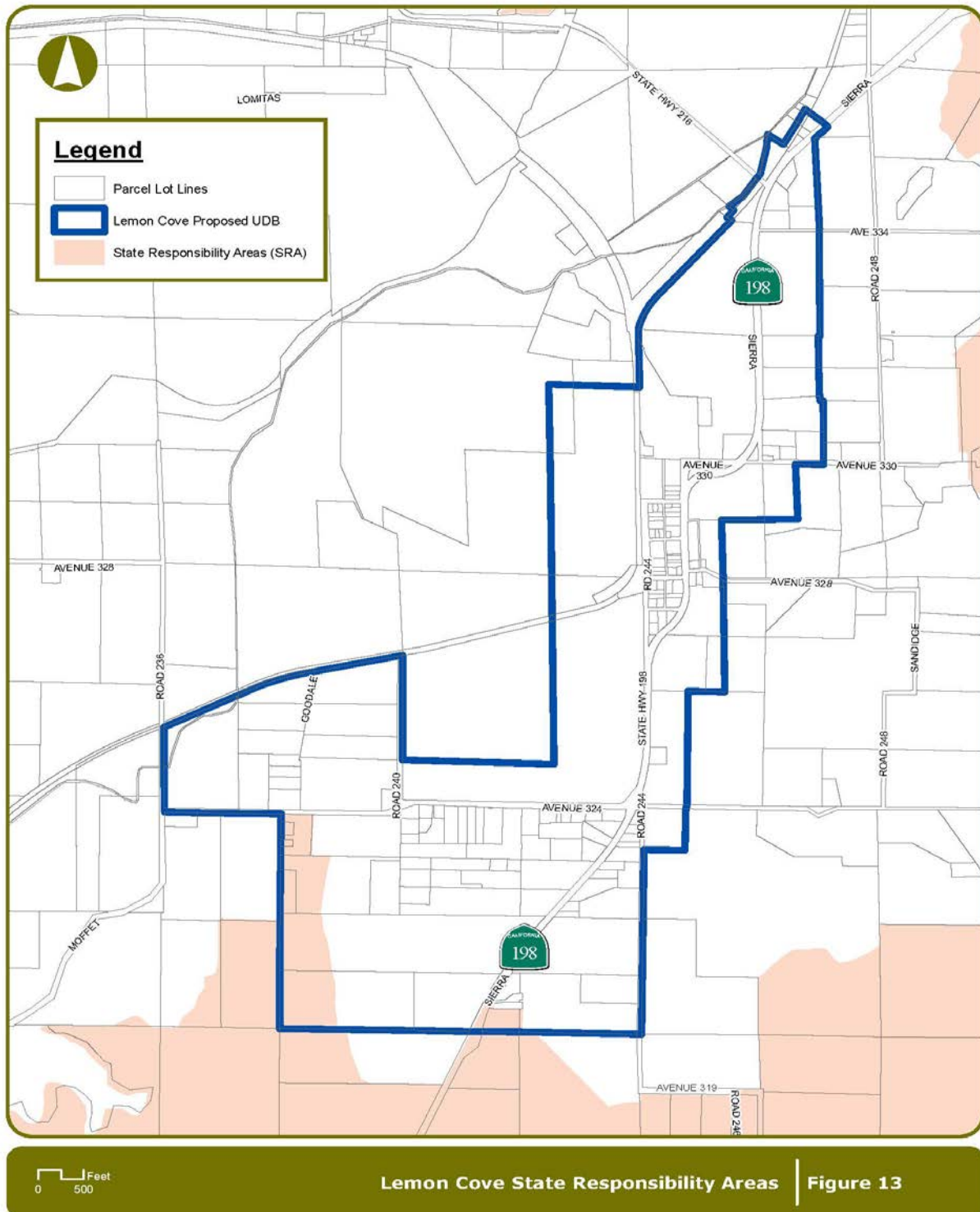
The County shall use the County's scenic routes and highways to connect cultural landscapes, historic landmarks and communities, and points of interest including:

1. Historic travel routes and trails,
2. Historic settlements,
3. Historic places, events, sites, buildings and structures,
4. Prehistoric and archeological features, and
5. Majestic trees, streetscapes, and parks.



# Lemon Cove Community Plan 2019

Figure 13 State Responsibility Areas



# Lemon Cove Community Plan 2019

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## Foothill Growth Management Plan

“The FGMP concept will retain and strengthen community identity in Springville, Lemon Cove, and Three Rivers though Lemon Cove is not within the FGMP boundary, it is adjacent to the FGMP area and may benefit from the FGMP policies. It is readily apparent that development should and will occur as logical infilling within the Urban Development Boundaries (UDB) of these three communities.”<sup>20</sup>

**FGMP-1** To maintain the natural beauty of the foothills while allowing focused growth in identified growth areas.

### **FGMP 1.12 Legally Conforming Commercial Uses**

The County shall designate existing, legally conforming commercial uses not located in the communities of Springville, Lemon Cove, and Three Rivers with an appropriate land use designation, providing the use is consistent with other policies in this FGMP.

### **FGMP 1.16 Applicable Development Standards**

Unless it can be demonstrated that an alternative standard will result in attainment of a superior environment, when preparing Specific Plans, Master Development Plans, or Area Development Plans and standards therein for areas within the foothills, at a minimum, the development standards within the FGMP Section 3.12 shall apply.

**FGMP-2** To strengthen and ensure the existing community values and identity in Springville, Three Rivers, Lemon Cove, and the Badger Development Corridor, as development proceeds:

### **FGMP 2.1 Community Commercial Development**

The County shall encourage new commercial development to first consider the communities of Springville, Three Rivers, and Lemon Cove, which are suitable for commercial development. For Planned Community Areas within the foothills, commercial areas will be designated within the development corridors through the Master Development Plan.

**FGMP-6** To provide local protection of scenic highways and routes within the foothills:

### **FGMP-6.1 Preservation of Scenic Highways**

The County shall ensure that the visual qualities of State Highways 190 and 198 and County scenic routes are maintained and protected against obtrusive development improvements.

### **FGMP-6.2 Identification of Scenic Highways**

The County shall continue to seek and identify County routes, which due to their scenic and rural characteristics, should receive a County “scenic routes” designation.

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<sup>20</sup> Tulare County General Plan Update 2030, Part II-Chapter 3. Foothill Growth Management Plan, page 3-5



# Lemon Cove Community Plan 2019

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## **FGMP-6.3 Development along Scenic Highways**

The County shall require that development along all scenic highways and routes meet the development standards of the FGMP.

## **FGMP-6.4 Development within Scenic Corridors**

The County shall require that projects located within a scenic corridor be designed in a manner, which does not detract from the visual amenities of that thoroughfare. The County shall support through the use of its authority and police powers, the design of infrastructure that minimizes visual impacts to surrounding areas by locating roadways in areas that minimize the visual impact on rural and natural places whenever feasible.

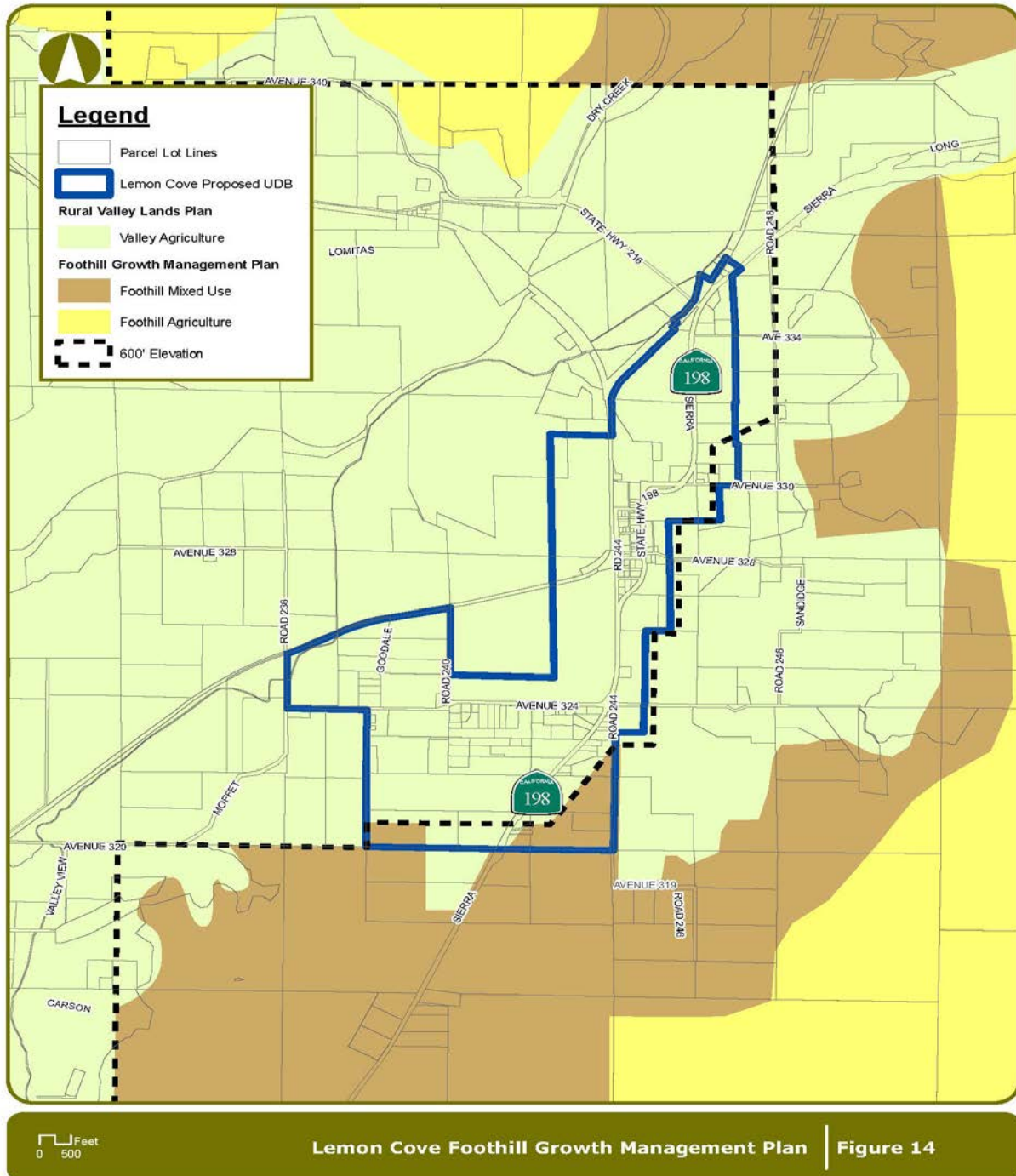
## **FGMP-6.5 Cluster Development**

The County shall encourage projects proposed on lands within a scenic corridor with a non-agricultural or non-open space land use designation, to use a cluster development concept. Appropriate land uses for the open space areas shall include, but will not be limited to, public or private open space, wildlife habitat or agriculture.

Accordingly, a developer proposing a project in the foothills will be required to provide the County with detailed information regarding the proposed project in context to the Third Level reference maps as well as a detail assessment of the project regarding the factors of the Second Level analysis. Utilizing the information, the County can determine compliance of the project. For example, FGMP policies preclude some land uses from locating in the PD-FM Zone. In addition, for example, it is the policy of the FGMP to strengthen the community identities of Springville, Lemon Cove, and Three Rivers; therefore, most retail commercial has been directed to these existing and new planned communities rather than areas outside these communities.

# Lemon Cove Community Plan 2019

Figure 14 Foothill Growth Management Plan



# Lemon Cove Community Plan 2019

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## Mineral Resource Zone MRZ Zone

“There is estimated to be a total of 932 million tons of aggregate resources in Tulare County. This figure includes 219 million tons of reserves available for mining and 200 million tons that are located in the hard rock quarries southeast of Porterville. Of that total, 19 million tons are located in Northern Tulare County, which is expected to be depleted by the year 2010 unless new resources are permitted for mining. Lemon Cove has been the most highly extracted area for PCC quality aggregate supplies.”<sup>21</sup>

“Economically, the most important minerals that are extracted in Tulare County are sand, gravel, crushed rock and natural gas. Other minerals that could be mined commercially include tungsten, which has been mined to some extent, and relatively small amounts of chromite, copper, gold, lead, manganese, silver, zinc, barite, feldspar, limestone, and silica. Minerals that are present but do not exist in the quantities desired for commercial mining include antimony, asbestos, graphite, iron, molybdenum, nickel, radioactive minerals, phosphate, construction rock, and sulfur. The majority of these activities appear to occur in the Sierra Foothill Area.”<sup>22</sup>

“The following MRZ categories are used by the State Geologist in classifying the State’s lands. The geologic and economic data and the arguments upon which each unit MRZ assignment is based are presented in the mineral land classification report transmitted by the State Geologist to the SMGB...

- A. *MRZ-1*—Areas where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. This zone is applied where well developed lines of reasoning, based on economic-geologic principles and adequate data, indicate that the likelihood for occurrence of significant mineral deposits is nil or slight.
- B. *MRZ-2a*—Areas underlain by mineral deposits where geologic data show that significant measured or indicated resources are present. As shown on the diagram of the California Mineral Land Classification System, MRZ-2 is divided on the basis of both degree of knowledge and economic factors. Areas classified MRZ-2a contain discovered mineral deposits that are either measured or indicated reserves as determined by such evidence as drilling records, sample analysis, surface exposure, and mine information. Land included in the MRZ-2a category is of prime importance because it contains known economic mineral deposits. A typical MRZ-2a area would include an operating mine, or an area where extensive sampling indicates the presence of a significant mineral deposit.\
- C. *MRZ-2b*—Areas underlain by mineral deposits where geologic information indicates that significant inferred resources are present. Areas classified MRZ-2b contain discovered deposits that are either inferred reserves or deposits that are presently sub-economic as determined by limited sample analysis, exposure, and past mining history. Further exploration work and/or changes in technology or economics could result in upgrading areas classified MRZ-2b to MRZ-2a. A typical MRZ-2b area would include sites where there are good geologic reasons to believe

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<sup>21</sup> Tulare County General Plan Update 2030, Background Report, February 2010, page 10-18

<sup>22</sup> Ibid. 10-17

# Lemon Cove Community Plan 2019

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that an extension of an operating mine exists or where there is an exposure of mineralization of economic importance.

- D. *MRZ-3a*—Areas containing known mineral deposits that may qualify as mineral resources. Further exploration work within these areas could result in the reclassification of specific localities into the MRZ-2a or MRZ-2b categories. MRZ-3a areas are considered to have a moderate potential for the discovery of economic mineral deposits. As shown on the diagram of the California Mineral Land Classification System, MRZ-3 is divided on the basis of knowledge of economic characteristics of the resources. An example of a MRZ-3a area would be where there is direct evidence of a surface exposure of a geologic unit, such as a limestone body, known to be or to contain a mineral resource elsewhere but has not been sampled or tested at the current location.
- E. *MRZ-3b*—Areas containing inferred mineral deposits that may qualify as mineral resources. Land classified MRZ- 3b represents areas in geologic settings which appear to be favorable environments for the occurrence of specific mineral deposits. Further exploration work could result in the reclassification of all or part of these areas into the MRZ-3a category or specific localities into the MRZ-2a or MRZ-2b categories. MRZ-3b is applied to land where geologic evidence leads to the conclusion that it is plausible that economic mineral deposits are present. An example of a MRZ-3b area would be where there is indirect evidence such as a geophysical or geochemical anomaly along a permissible structure which indicates the possible presence of a mineral deposit or that an ore-forming process was operative.
- F. *MRZ-4*—Areas where geologic information does not rule out either the presence or absence of mineral resources. The distinction between the MRZ-1 and MRZ-4 categories is important for land-use considerations. It must be emphasized that MRZ-4 classification does not imply that there is little likelihood for the presence of mineral resources, but rather there is a lack of knowledge regarding mineral occurrence. Further exploration work could well result in the reclassification of land in MRZ-4 areas to MRZ-3 or MRZ-2 categories.”<sup>23</sup>

## *Local Policy & Regulations*

### Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within the County of Tulare. General Plan policies that relate to the proposed Project are listed below.

**ERM-2.1 Conserve Mineral Deposits** - The County will encourage the conservation of identified and/or potential mineral deposits, recognizing the need for identifying, permitting, and maintaining a 50-year supply of locally available PCC grade aggregate.

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<sup>23</sup> California Surface Mining and Reclamation Policies and Procedures: Guidelines for classification and designation of mineral land, pages 4 to 6

# Lemon Cove Community Plan 2019

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**ERM-2.2 Recognize Mineral Deposits** - The County will recognize as a part of the General Plan those areas of identified and/or potential mineral deposits.

**ERM-2.3 Future Resource Development** - The County will provide for the conservation of identified and/or potential mineral deposits within Tulare County as areas for future resource development. Recognize that mineral deposits are significantly limited within Tulare County and that they play an important role in support of the economy of the County.

**ERM-2.5 Resources Development** - The County will promote the responsible development of identified and/or potential mineral deposits.

**ERM-2.7 Minimize Adverse Impacts** - The County will minimize the adverse effects on environmental features such as water quality and quantity, air quality, flood plains, geophysical characteristics, biotic, archaeological, and aesthetic factors.

**ERM-2.8 Minimize Hazards and Nuisances** - The County will minimize the hazards and nuisances to persons and properties in the area during extraction, processing, and reclamation operations.

**ERM-2.9 Compatibility** - The County will encourage the development of mineral deposits in a manner compatible with surrounding land uses.

**ERM-2.10 Incompatible Development** - Proposed incompatible land uses in the County shall not be on lands containing or adjacent to identified mineral deposits, or along key access roads, unless adequate mitigation measures are adopted or a statement of overriding considerations stating public benefits and overriding reasons for permitting the proposed use are adopted.

**ERM-2.11 Conditions of Approval** - The County shall establish procedures to ensure compliance with conditions of approval on all active and idle mines.

**ERM-2.12 Approved Limits** - Tulare County will establish procedures to ensure that vested interest mining operations remain within their approved area and/or production limits.

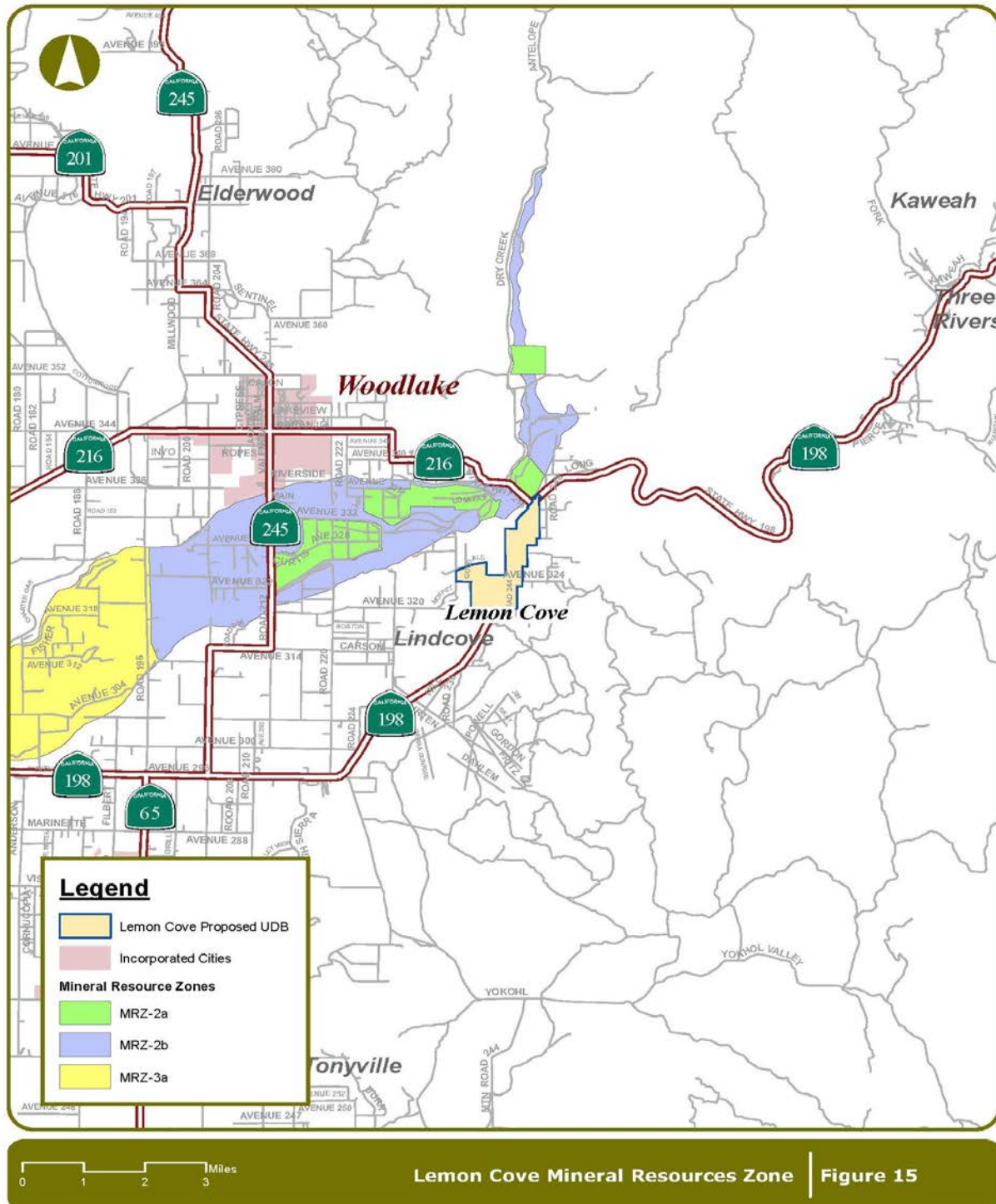
**ERM-2.13 SMARA Requirements** - All surface mines in the County, unless otherwise exempted, shall be subject to reclamation plans that meet SMARA requirements. Reclamation procedures shall restore the site for future beneficial use of the land consistent with the Tulare County General Plan, subsequent to the completion of surface mining activities. Mine reclamation costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures.

**ERM-3.1 Environmental Contamination** - All mining operations in the County shall be required to take precautions to avoid contamination from wastes or incidents related to the storage and disposal of hazardous materials, or general operating activity at the site.



# Lemon Cove Community Plan 2019

Figure 15 Mineral Resource Zone (MRZ)



# Lemon Cove Community Plan 2019

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## County Scenic Routes

The primary concern of the County must be the preservation and enhancement of the “Scenic Corridor, which is that band of land of varying width outside the right-of-way within which it is necessary to maintain effective control of the scenic appearance of the landscape as viewed by the passing motorist. There are two (see **Figure 16**) County Scenic Routes (SR) running through Lemon Cove. The first County Scenic Route is SR 198 runs from the City of Visalia through Lemon Cove to the Sequoia National Park and the second SR 216 runs from Visalia, to Ivanhoe to Woodlake, to Lemon Cove. The following policies are applicable to County Scenic Routes in the Lemon Cove UDB:

**SL-1.1 Natural Landscapes** - During review of discretionary approvals, including parcel and subdivision maps, the County shall as appropriate require new development to not significantly impact or block views of Tulare County’s natural landscapes. To this end, the County may require new development to:

1. Be sited to minimize obstruction of views from public lands and rights-of-ways,
2. Be designed to reduce visual prominence by keeping development below ridge lines, using regionally familiar architectural forms, materials, and colors that blend structures into the landscape,
3. Screen parking areas from view,
4. Include landscaping that screens the development,
5. Limit the impact of new roadways and grading on natural settings, and
6. Include signage that is compatible and in character with the location and building design.

**SL-1.2 Working Landscapes** - The County shall require that new non-agricultural structures and infrastructure located in or adjacent to croplands, orchards, vineyards, and open rangelands be sited so as to not obstruct important view sheds and to be designed to reflect unique relationships with the landscape by:

1. Referencing traditional agricultural building forms and materials,
2. Screening and breaking up parking and paving with landscaping, and
3. Minimizing light pollution and bright signage.

**SL-2.1 Designated Scenic Routes and Highways** - The County shall protect views of natural and working landscapes along the County’s highways and roads by maintaining a designated system of County scenic routes and State scenic highways by:

1. Requiring development within existing eligible State scenic highway corridors to adhere to land use and design standards and guidelines required by the State Scenic Highway Program,
2. Supporting and encouraging citizen initiatives working for formal designation of eligible segments of SR 198 and SR 190 as State scenic highways,
3. Formalizing a system of County scenic routes throughout the County, and
4. Requiring development located within County scenic route corridors to adhere to local design guidelines and standards.

# Lemon Cove Community Plan 2019

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**SL-2.2 Gateways to the Sequoias** - The County shall ensure that the “gateway highways” (State Highway 190 and State Highway 198) to the Sequoias feature the County’s unique history and scenery by:

1. Maintaining the rural character of roadway rights-of-ways, highway signage, and related roadway and structure design,
2. Protecting primary view sheds from development,
3. Prohibiting development of highway commercial projects that do not respond to their physical or cultural context, and
4. Featuring the community centers/main streets of the gateway communities of Three Rivers and Springville.

**SL-2.3 Historic and Cultural Landscapes** - The County shall use the County’s scenic routes and highways to connect cultural landscapes, historic landmarks and communities, and points of interest including:

1. Historic travel routes and trails,
2. Historic settlements,
3. Historic places, events, sites, buildings and structures,
4. Prehistoric and archeological features, and
5. Majestic trees, streetscapes, and parks.

**SL-2.4 New Billboards** - Unless superseded by State law, the County shall prohibit billboards and other forms of off-site advertising along State scenic highways, County scenic routes, and within areas designated for agriculture and open space.

**SL-2.5 Billboard Removal** - The County shall seek to reduce the number of billboards along State scenic highways and County scenic routes.

**SL-2.6 Billboard Placement** - The County shall control the placement of billboards throughout the unincorporated County to preserve scenic qualities along major routes.

**SL-3.3 Highway Commercial** - The County shall require highway commercial uses to be located and designed to reduce their visual impact on the travel experience along State scenic highways and County scenic routes by:

1. Encouraging commercial development to locate in existing communities and hamlets,
2. Designing highway commercial areas as an extension of community street patterns and vernacular design traditions, allowing the individual personalities of each community to extend to the highway edge, and
3. Discouraging development of frontage roads consistent with commercial strips except when consistent with regional growth corridor and community plans.

**SL-3.4 Planned Communities** - If planned communities are allowed, the County shall require that they are designed to minimize visual impact on scenic working and natural landscapes by:

1. Avoiding development along ridgelines and other highly visible locations,
2. Siting development in a manner that reduces the visibility of new development,



# Lemon Cove Community Plan 2019

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3. Mitigating light pollution on night sky conditions,
4. Utilizing architectural and site planning concepts that appropriately reflect local climate and site conditions, and
5. Integrating cultural, architectural, and historic resources into their plans.

**SL-4.1 Design of Highways** - The County shall work with Caltrans and Tulare County Association of Governments (TCAG) to ensure that the design of SR 99 and other State Highways protects scenic resources and provides access to vistas of working and natural landscapes by:

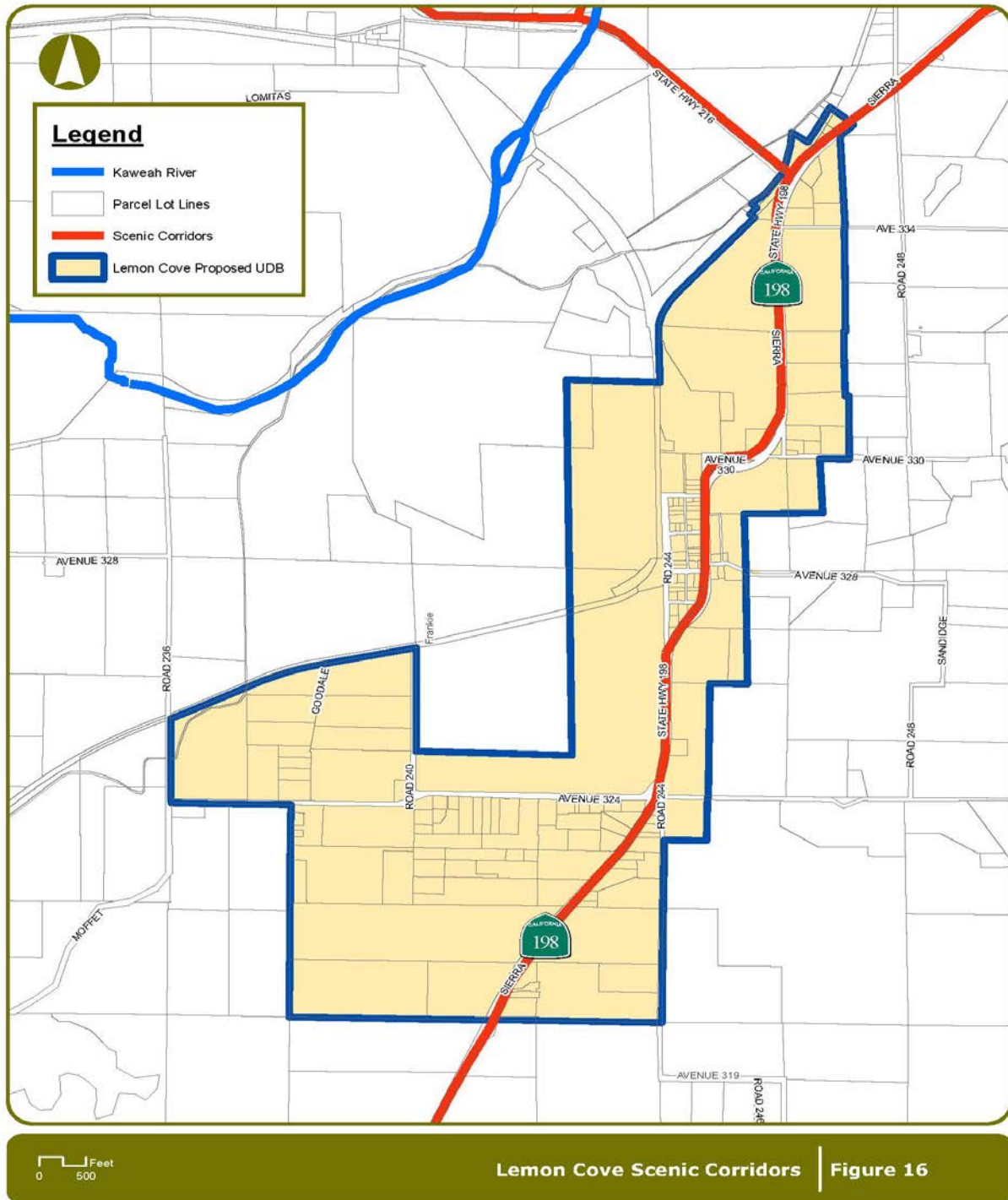
1. Limiting the construction of sound walls that block views of the County's landscapes (incorporate setbacks to sensitive land uses to avoid noise impacts whenever feasible),
2. Using regionally-appropriate trees and landscaping and incorporating existing landmark trees,
3. Preserving historic and cultural places and vistas,
4. Avoiding excessive cut and fill for roadways along State scenic highways and County scenic routes, and along areas exposed to a large viewing area, and
5. Promote highway safety by identifying appropriate areas for traffic pull-outs and rest areas.

**SL-4.2 Design of County Roads** - The County's reinvestment in rural County roads outside urban areas should, in addition to meeting functional needs and safety needs, preserve the experience of traveling on the County's "country roads" by:

1. Maintaining narrow as possible rights-of-ways,
2. Limiting the amount of curbs, paved shoulders, and other "urban" edge improvements,
3. Preserving historic bridges and signage, and
4. Promote County road safety by identifying appropriate areas for traffic pull-out.

# Lemon Cove Community Plan 2019

Figure 16 Lemon Cove Scenic Corridors



# Lemon Cove Community Plan 2019

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## Infrastructure

“Infrastructure is defined as “the basic physical and organizational structures needed for the operation of a society or enterprise or the services and facilities.” In regards to Lemon Cove, this Community Plan is intended to address deficiencies and the need for improvements to the drinking water system improvements, (wells, water distribution piping and storage tanks, curbs, gutters, streets, sidewalks, etc.)”<sup>24</sup>

## Domestic Water

Domestic water and sewer service in Lemon Cove is provided by the Lemon Cove Sanitary District (see **Figure 17**), formed in December 1950. **Table 19** shows the number of existing water and sewer connections, the capacity of each system, and the number of additional connections the systems can accommodate for new development (Housing Element, May 2012 and Municipal Service Review, May 2006). Maps of the sewer and water systems are currently unavailable.

### Lemon Cove Zone of Benefit (ZOB) Water System

The Lemon Cove Water System, a joint project with the Lemon Cove Sanitary District (LCSD), was completed in 1992. However, no domestic water connections were allowed in the Zone of Benefit (ZOB) because of nitrate levels which exceeded the State’s maximum standard. To remedy this adverse circumstance, the County retained a consulting hydrogeologist to conduct an investigation to resolve the potable water source issued. The consultant completed this investigation and a summary of his findings were presented to the Board of Supervisors on August 29, 1995. After consideration of these findings and upon the recommendation of this Department, the Board directed the Public Works Director to prepare a work plan, budget and financing plan for connecting the Fire Station well to the Lemon Cove System and for modifying the McKay’s Point well so as to produce potable water. There is no operation and maintenance agreement in effect between the County and the LCSD. LCSD has been acting on their own-behalf to operating, maintaining and administering potable water to the community of Lemon Cove since its completion (see **Attachment 7**).

### Municipal Service Review

According to the Municipal Service Review 2006 (MSR), the Lemon Cove Sanitary District operates a water supply and distribution system under the jurisdiction of the State Water Resource Control Board (SWRCB) Division of Drinking Water for the administration and enforcement of the Safe Drinking Water Act involving those systems in Tulare County with less than 200 connections. The District’s water supply and distribution system, which includes a 30,000 gallon storage tank, booster pump, and a 4,000 gallon pressure tank, supports approximately 50 active connections (see **Table 19**).

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<sup>24</sup> Tulare County Housing Element Action Program 9 Existing Infrastructure, April 2014.

# Lemon Cove Community Plan 2019

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The water system has no permanently installed treatment at this time, and there is no backup water supply on the District's system. The District's water system is fully metered, which is indicative of the District's desire to promote water conservation, and continue to provide effective water service to its residents.

According to the District's 2004 Consumer Confidence Report, water samples taken in December 2004 contained nitrate levels of 55 mg/L, which exceeds the maximum contaminant level (MCL) of 45 mg/L. The Lemon Cove Sanitary District has been issued a compliance order (No. 04-95) to address the elevated nitrate levels.

<b>Table 19 Existing Infrastructure</b>					
<b>Drinking Water</b>			<b>Waste Water*</b>		
<b>No. of Existing Connections</b>	<b>Capacity</b>	<b>Available</b>	<b>No. of Existing Connections</b>	<b>Capacity</b>	<b>Available</b>
50	50	0	50	75	25

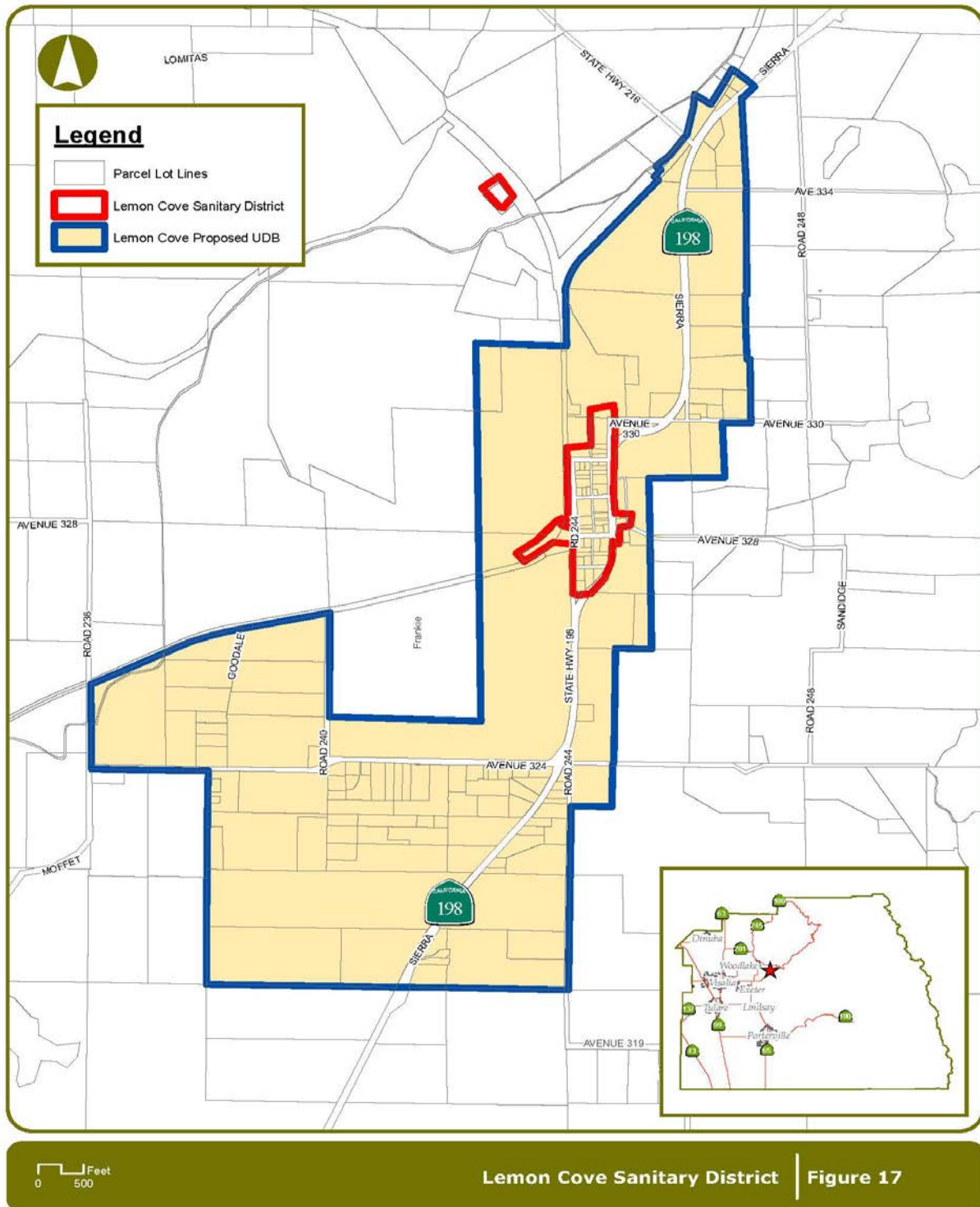
Assuming 50 equivalent dwelling units (EDUs), in order to meet Tulare County Improvement Standards the Lemon Cove Sanitary District water system would need to be capable of delivering a combined flow rate (from all source and storage facilities) of 780 gallons per minute (GPM) (500 GPM fire flow, and 280 GPM domestic demand) for a period of two hours while maintaining a minimum pressure of 25 pounds per square inch (PSI) to each lot served; The water system storage volume of 34,000 gallons would be capable of delivering a source flow of approximately 280 GPM for a period of two hours, indicating that the pumping efficiency of the District's only well would need to be 500 GPM in order to meet the requirements of the Tulare County Improvement Standards. Prior to granting any sphere of influence (SOI) expansions, it is recommended that the Local Agency Formation Commission (LAFCO) verify that there is adequate water system capacity to meet any anticipated increased demands.

## Future Water System

The LCSD obtained a \$500,000 Planning grant (June 2017) from the State Water Resource Control Board (SWRCB) Division of Drinking Water due to the violation of the Nitrate maximum contaminant level (MCL). The Plan for the installation of two wells to be located north of Lemon Cove/SR 198. Once the preliminary engineering design report is (estimated completion is 11/1/2019) finalized the Lemon Cove Sanitary District will be required to apply for a Construction grant to drill and connect the two wells to their system.

# Lemon Cove Community Plan 2019

Figure 17 Lemon Cove Sanitary District SOI



# Lemon Cove Community Plan 2019

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## Sanitary Sewer

The Lemon Cove Sanitary District (**see Figure 17**) is also responsible for providing sanitary sewer service to residents within its Boundary. It is assumed that there are 50 connections to the District's sewer system, the same number of connections to their water system. The District owns and operates a Wastewater Treatment Facility (WWTF) located approximately 0.7 miles north of the community. The WWTF is operated under the provisions of Waste Discharge Requirements Order No. 94-348, issued by the Regional Water Quality Control Board (RWQCB).

Order No. 94-348 prescribes that the monthly average dry weather discharge flow shall not exceed 20,000 gallons per day (GPD). According to the Wastewater User Charge Survey Report FY 2004-05 (Cal EPA- State Water Resources Control Board, May 2005), the average dry weather flow at the WWTF is approximately 12,000 GPD. Using a demand of 310 GPD per connection, it is estimated that the District's sanitary sewer treatment and disposal capabilities would allow for approximately 25 additional connections (equivalent dwelling units) to the system (**see Table 19**). The District would need to expand the capacity of its WWTF to support any significant development projects proposed within its SOI.

## Future Expansion of the Lemon Cove Wastewater Treatment Plant

The Lemon Cove Sanitary District is in the process of improving the existing wastewater treatment plant (WDR) Order No. 94-348. The wastewater treatment site consists of an existing 90-foot (northwest-southeast) by 70-foot (northeast-southwest) by 10-foot deep wastewater pond. The single two-celled, bentonite-sealed pond is currently dry. An overflow ditch lies to the east of the pond and will not be included in the Project improvements. The wastewater treatment plant is bordered by citrus groves in all directions. The District service area totals approximately 22.2 acres and includes approximately 50 connections. The existing pond was evaluated and determined to be in poor condition, thus improved disposal alternatives are necessary to maintain the highest levels of service. It was determined that an alternate disposal system within the existing footprint of the WWTP facility was feasible. The proposed upgrades to the existing WWTP includes:

- Installation of a 20,000 gallon (10-foot diameter X 35-foot long) septic tank,
- Installation of a 4,000 square foot leach field and associated leach lines, and
- Connection to the existing sewer collection system (with an 8-inch influent line).

Construction will occur as plans and funding are in place and is expected to take several months (expected to occur in 2020).

## Storm Drainage

A storm drainage system is designed to drain excess rain and groundwater (from roads, sidewalks, etc.) to some point where it is discharged into a channel, ponding basin, or piped system. The system itself typically consists of pipes connecting inlets and is facilitated by curbs and gutters, manholes, and sumps. The operation of the system consists of runoff being collected in the inlets and transported by pipes to a discharge location. Manholes provide access to storm drain pipes for inspection and cleanout.



# Lemon Cove Community Plan 2019

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A sump is a shallow, artificial pond designed to infiltrate storm water through permeable soils into the groundwater aquifer. It does not typically discharge to a detention basin.

Storm drainage systems should be designed so they have adequate capacity to accommodate runoff that enters the system for the design frequency, and should also be designed considering future development. An inadequate roadway drainage system could result in the following:

- ✓ Water overflowing the curb and entering adjacent property leading to damage
- ✓ Accelerated roadway deterioration and public safety concerns may occur due to excessive water accumulation on roadways
- ✓ Over saturation of the roadway structural section due to immersion will lead to pavement deterioration

Lemon Cove does not currently have a storm drainage system.

## Sustainable Groundwater Management Act SGMA

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (SGMA). The SGMA provides local governments and stakeholders the time needed to implement the complex law. Completion of plans in critically over used basins timeframe is January 31, 2020, and high- and medium-priority basins achieve sustainability 20-years after adoption of their plan (2040).

The Lemon Cove Sanitary District is a member of the Greater Kaweah Goundwater Sustainable Agency (GSA). Under SGMA, Greater Kaweah GSA is responsible for submitting a Groundwater Sustainable Plan (GSP) to the Department of Water Resources (DWR) by January 31, 2020. A memorandum of Understanding (MOU) is in place between the East Kaweah GSA, Mid Kaweah GSA, and Greater Kaweah GSA to coordinate throughout the SPP development phase to meet the sustainability requirements for the entire Kaweah Sub-basin.

## Energy Natural Gas/Electricity

Southern California Edison (SCE) is the main provider of electrical power, which maintains an extensive network of high-voltage and low-voltage electrical lines, substations, natural gas mains, and related facilities. In addition to power produced by its plants, SCE purchases power from other producers for use within its service area.

Residents of Lemon Cove use propane as their source of fuel.

## Solid Waste

Solid waste disposal services for the Community of Lemon Cove is provided by Mid Valley Disposal (Dbw Waste Connections). Solid waste generated in Lemon Cove can be disposed of at the Visalia Landfill, located at 8614 Avenue 328, Visalia, California.



# Lemon Cove Community Plan 2019

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## Public Services

### Tulare County Sheriff

Police protection in the Lemon Cove Planning Area is provided by the Tulare County Sheriff's Department (patrol service only). The main Sheriff's Office is located at 2404 W. Burrel Avenue, in Visalia, which serves the unincorporated areas of Tulare County.

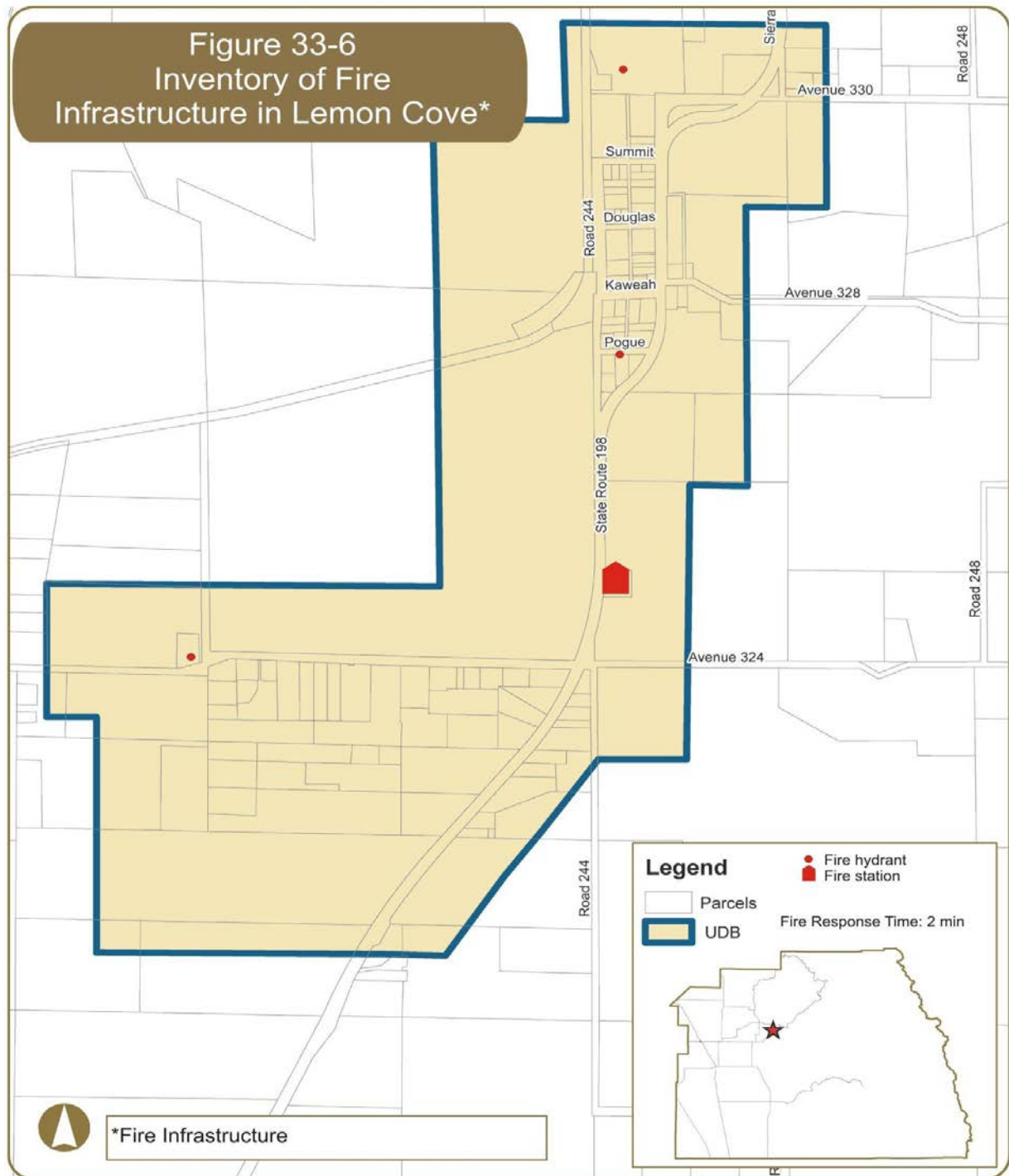
### Tulare County Fire Department

Fire protection and emergency medical services are provided by the Tulare County Fire Department. The community of Lemon Cove is served by the Tulare County Fire Department Station # 13 located at 32490 State Route 198 in Lemon Cove, and includes one (1) Patrol 13, Engine 13, and Water Tender 13, which are assigned to this location.

Tulare County Fire Battalion Chief Kevin Riggi, stated two (2) fire hydrants located within the Lemon Cove boundaries. These fire hydrants are located within the County rights-of-way. **Figure 18** display Existing Fire Hydrants in Lemon Cove.

# Lemon Cove Community Plan 2019

Figure 18 Inventory of Fire Infrastructure in Lemon Cove



# Lemon Cove Community Plan 2019

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## Schools

The Lemon Cove Community Planning Area is within the Sequoia Union School District with one (1) school located within its boundaries. Sequoia Union School District is located at 23958 Avenue 324, Lemon Cove, California. It offers pre-Kindergarten through 8<sup>th</sup> grade education and had a 2018-2019 enrollment of 358 students (**see Table 20**). According to records from the California Department of Education, school enrollment increased in the Sequoia Union Elementary School in 2018-2019<sup>25</sup>. Of these students, approximately 224 are White, 117 are Hispanic, 14 are two or More Races, 2 are Asian, and 1 is American Indian or Alaska Native.

Students in high school are bused to Exeter Union High School (Exeter Unified School District) located in Exeter, California approximately ten (10) miles from Lemon Cove. The College of the Sequoias provides community college instruction for Lemon Cove residents at its Visalia and Tulare campuses.

<b>Table 20 Sequoia Union Elementary School - Student Enrollment 2000-2019</b>		
<b>Year</b>	<b>Enrollment</b>	<b>Change</b>
<b>2000-2001</b>	339	
<b>2001-2001</b>	330	-9
<b>2002-2003</b>	337	+7
<b>2003-2004</b>	308	-29
<b>2004-2005</b>	296	-12
<b>2005-2006</b>	347	+51
<b>2006-2007</b>	380	+33
<b>2007-2008</b>	366	-14
<b>2008-2009</b>	331	-35
<b>2009-2010</b>	349	+18
<b>2010-2011</b>	338	-11
<b>2011-2012</b>	334	-4
<b>2012-2013</b>	306	-28
<b>2013-2014</b>	313	+8
<b>2014-2015</b>	305	-7
<b>2015-2016</b>	310	+5
<b>2016-2017</b>	333	+23
<b>2017-2018</b>	333	0
<b>2018-2019</b>	358	+25

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<sup>25</sup> California Department of Education, Data enrollment,  
<https://dq.cde.ca.gov/dataquest/dqccensus/EnrEthGrd.aspx?cds=5472116&aggllevel=district&year=2018-19>

# Lemon Cove Community Plan 2019

## Libraries

“The Tulare County Public Library System is comprised of interdependent branches, grouped by services, geography and usage patterns to provide efficient and economical services to the residents of the county. At present, there are 14 regional libraries and one main branch.”<sup>26</sup> The closest library is located in Woodlake, California (see Table 21).

Table 21 Library Location & Hours		
Branch	Address	Service Hours
Woodlake	Woodlake Branch 400 W. Whitney Woodlake, CA 93286	Tuesday to Friday: 9:00 am – 1:00 pm 2:00 pm – 5:00 pm

Library hours current as of December 5, 2019

## Parks

Cutler Park is located at 15520 Ivanhoe Drive, Visalia, California, approximately 20 miles west of Lemon Cove. Bravo Lake Botanical Garden is located approximately 5 miles northwest (577 E. Naranjo Blvd.) in Woodlake, California.

## **Roads**

### Road Conditions

There are various roadways in Lemon Cove that are in need of repair. Over time, roadway pavement can become damaged or begin to fail due to fatigue, aging, or surface abrasion. The binding agent within road pavement becomes rigid and less flexible as time passes and the surface of the pavement may start losing aggregates. If timely maintenance does not occur, potholes will start to occur within the road.

If the road is still structurally sound, a bituminous surface treatment, such as a chip seal or surface dressing can prolong the life of the road at low cost. Such repairs are considered medium if the maintenance strategy consists of:

- ✓ Chip seal - surface treatment in which the pavement is sprayed with asphalt and then immediately covered with aggregate and rolled. Chip seals are used primarily to seal the surface of a pavement with cracks not associated with heavy loads

Some roadways require more extensive repairs such as resurfacing, grinding, remix and or reconstruction. These repairs are considered major if the maintenance strategy consists of:

- ✓ Grind and remix - process by which construction materials are recycled and/ reused to add structure to roadways.
- ✓ Overlay resurfacing operation - consists of grinding off selected areas of old asphalt, patching any potholes, placing a fabric (in some cases), placing and compacting hot mix asphalt pavement, and adjusting any street hardware.

<sup>26</sup> General Plan Background Report, page 7-96

# Lemon Cove Community Plan 2019

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- ✓ Asphalt reconstruction - consists of excavating the entire roadway, placing and compacting rock beneath the roadway, and placing and compacting hot mix asphalt.
- ✓ Cold mix reconstruction - similar to asphalt reconstruction except cold mix asphalt is used. It is commonly used as patching material and on lower volume service roads.

**Table 22** lists the roadways in need of repair, the limits, and type of maintenance strategy proposed. **Figure 19** graphically displays this information on a map.

<b>Table 22 Road Maintenance Strategies</b>			
<b>No.</b>	<b>Roadway</b>	<b>Limits</b>	<b>Repair Code</b>
1	Avenue 324	Road 236 to Road 248	GRX
2	Avenue 328	SR 198 to Road 248	GRX
3	Avenue 330	SR 198 to east end	CHIP
4	Lemon Road	SR 198 to Avenue 330	CHIP

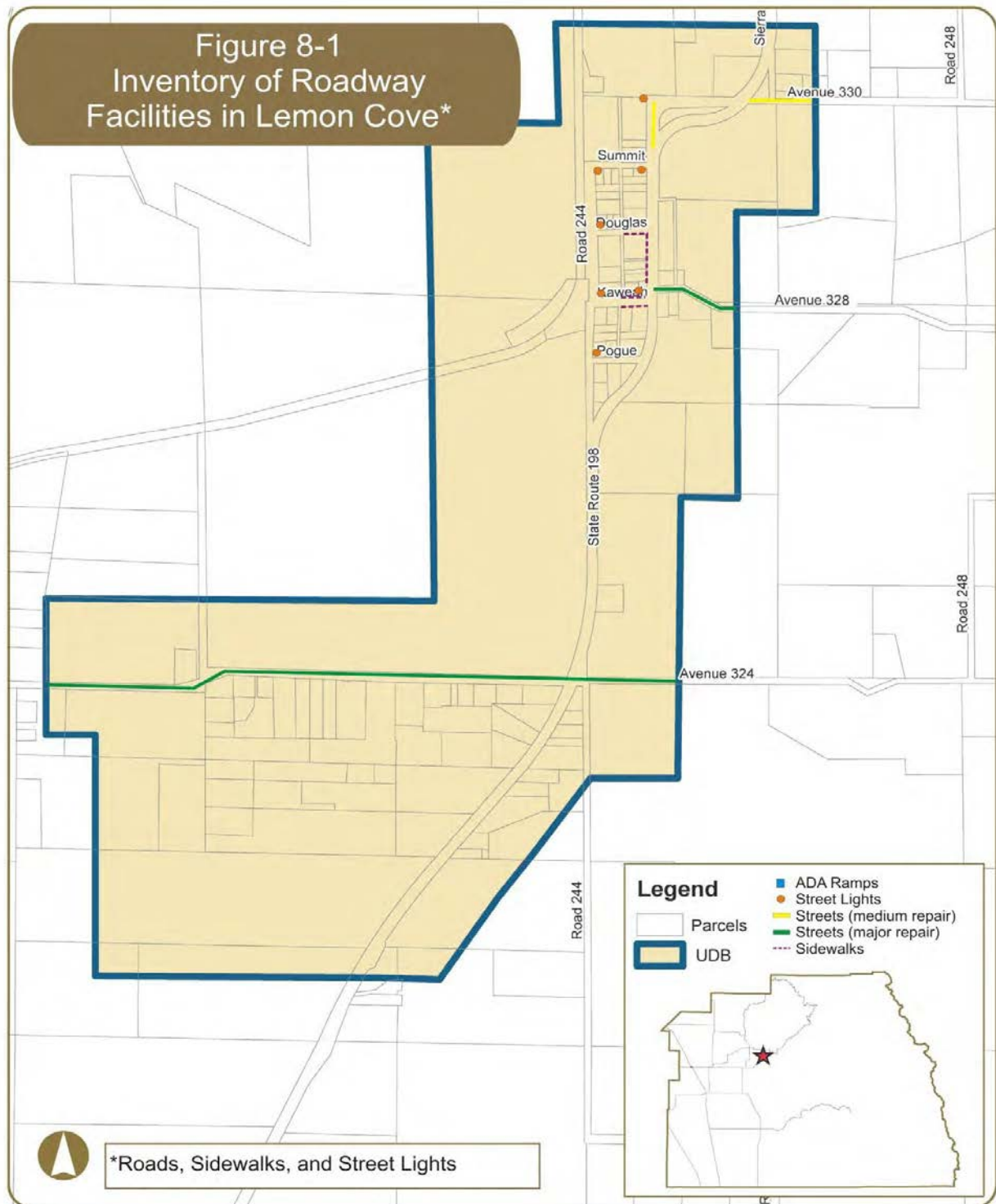
OLAY = Overlay resurfacing operation  
CHIP = Chip Seal

GRX = Grind and remix  
RCST = cold mix reconstruction

ACST = asphalt reconstruction

# Lemon Cove Community Plan 2019

Figure 19 Inventory of Roadway Facilities in Lemon Cove



# Lemon Cove Community Plan 2019

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## Sidewalks

Sidewalks are typically separated from a roadway by a curb and accommodate pedestrian travel. They improve mobility for those with disabilities and are also an important part of walking routes to schools. They provide the space for pedestrians to travel within the public right-of-way while being separated from vehicles and bicycles.

The 2010 California Building Code identifies a clear width minimum of 48 inches for sidewalks. This clear width minimum is the walkway width that is completely free of obstacles and not necessarily the sidewalk width. However, the 48 inch minimum does not provide sufficient passing space or space for two-way travel. Therefore, the guidelines state that for sidewalks less than 5 feet in width, passing lanes (wide enough for wheelchairs) shall be provided at 200-foot intervals. However, the clear width may be reduced to 3 feet if the enforcing agency determines that compliance with the 4-foot clear sidewalk width would create an unreasonable hardship due to right-of-way restrictions, natural barriers, or other existing conditions.

The County and VRPA Technologies surveyed existing sidewalks within the Community. **Table 23** identifies the location of existing sidewalks in Lemon Cove. **Figure 19** also displays this information graphically. The sidewalks represented in **Table 23** and **Figure 19** do not distinguish between ADA compliant sidewalks and noncompliant sidewalks. The majority of sidewalks represented below were constructed prior to current ADA guidelines and would be considered non-ADA compliant facilities. Such noncompliant facilities would require complete reconstruction to be considered ADA compliant.

Table 23 Location of Existing Sidewalks			
No.	Roadway	Limits	Location
1	Avenue 328	SR 198 to 200' west	North side
2	Avenue 328	SR 198 to 200' west	South side
3	Douglas Drive	SR 198 to 200' west	South side
4	SR 198	Douglas Drive to Avenue 328	West side

## ADA Curb Ramps

The Americans with Disabilities Act (ADA) of 1990 included design requirements for persons with disabilities in the public rights-of-way. Curb ramps are an important part of making sidewalks and street crossings accessible to people with disabilities (especially those who use wheelchairs). An ADA compliant curb ramp is a short ramp cutting through or built-up to a curb. It consists of the ramp itself, which is sloped to allow wheelchair access from the street to the sidewalk and flared sides that bring the curb to the level of the street.

Curb ramps are most typically found at intersections, but can also be located near on-street parking, transit stations and stops, and midblock crossings. Title II regulations require curb ramps at existing and new facilities.



# Lemon Cove Community Plan 2019

The County of Tulare completed a survey of ADA compliant ramps within the communities in August 2012. According to the survey, there are no ADA compliant curb ramps located within Lemon Cove.

## Street Lights

Street lights are typically located at the edge of roadways on top of utility poles. They are illuminated at night and improve the visibility and safety of the roadway and sidewalk by increasing motorist visibility and improving nighttime pedestrian security. They can also reduce nighttime pedestrian crashes by increasing the awareness of drivers relative to pedestrians.

**Table 24** identifies the location of existing streetlights that are maintained by Tulare County, in Lemon Cove, as well as their specifications. **Figure 19** also displays this information graphically. The below table specifies the locations, the pole number, lumens, pole type, arm direction and utility provider. Pole numbers can be arbitrary and are used to match the pole specifications with its location. Lumens measure the amount of light emitted from the bulb (the more lumens the brighter the light). The pole type "W" represents a wood post for which the light is commonly shared with a Utility provider. Similarly, "M" represents metal and "C" represents concrete.

Table 24 Existing Street Lights								
No	East-West Roadway	North-South Roadway	Location	Pole	Lumens	Pole Type	Arm Direction	Utility
1	Avenue 328	Road 244	NE Corner	1557370E	5800	W	W	SCE
2	Avenue 328	SR 198	NW Corner	1843145E	5800	W	S	SCE
3	Avenue 330	Lemon Road	NW Corner	1666526E	5800	W	S	SCE
4	Douglas Drive	Road 244	NE Corner	133650E	5800	W	S	SCE
5	Pogue Avenue	Road 244	NE Corner	2281867E	5800	W	W	SCE
6	Summit Drive	Road 244	SE Corner	600579E	5800	W	N	SCE
7	Summit Drive	Lemon Road/SR 198	SW Corner	2045421E	5800	W	E	SCE

(Source: Tulare County Public Works, March 2013)

# Lemon Cove Community Plan 2019

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## Lemon Cove Community Plan 2019

### The Need For A Community Plan

#### Relationship to the General Plan

Tulare County's General Plan provides a comprehensive statement of the objectives, themes and policies, which the community is seeking to achieve in the areas of land use, growth management, community design, transportation, open space, parks and public facilities, environmental conservation, health and safety, noise, and housing. This Community Plan, as an instrument, which promulgates and is an extension of the General Plan, incorporates, by definition, the stated general objectives, themes and policies. However, where more specific objectives and policies are stated, makes reference to such objectives and policies and provides further elaboration on the ways in which the Community Plan is responsive to this guidance. Relevant General Plan goals, policies, and programs that provide direction and input to this Community Plan are provided in this document. In addition, this plan has specific policies for the Community of Lemon Cove.

### Planning Framework

#### San Joaquin Valley Regional Blueprint

"The San Joaquin Valley Blueprint is the result of an unprecedented effort of the eight Valley Regional Planning Agencies (RPA), that include the Fresno Council of Governments, the Kern Council of Governments, the Kings County Association of Governments, the Madera County Transportation Commission, the Merced County Association of Governments, the San Joaquin Council of Governments, the Stanislaus Council of Governments, and the Tulare County Association of Governments, to develop a long-term regional growth strategy for the future of the San Joaquin Valley. Following three years of visioning and outreach by the eight Valley RPAs, the Regional Policy Council (RPC), the decision-making body for the Valleywide process, adopted the Valley Blueprint in April 2009.

The Blueprint is a long-range vision for a more efficient, sustainable, and livable future for the Valley. The Valleywide Blueprint is made up of three (3) elements: a 2050 growth scenario diagram that identifies areas of existing development, new development, and future regional transit and highway improvements; a Valleywide average target density of 6.8 units per acre for new residential growth to the year 2050; and a set of 12 Smart Growth Principles. Importantly, the Blueprint recognizes and incorporates by reference the visioning and outreach efforts undertaken by the eight Valley Regional Planning Agencies."<sup>27</sup>

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<sup>27</sup> San Joaquin Valley Blueprint Roadmap Guidance Framework, page i.

# Lemon Cove Community Plan 2019

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## Tulare County Regional Blueprint

“TCAG and its member agencies felt that it was important to prepare a Tulare County Regional Blueprint that clarified Tulare County’s role in the Blueprint process. The Tulare County Regional Blueprint is a stand-alone policy document that is consistent with the San Joaquin Valley Regional Blueprint. This document represents Tulare County’s local vision and goals as a participant in the San Joaquin Valley Regional Blueprint process.”<sup>28</sup> Key elements of the preferred growth scenario outlined in the Tulare County Regional Blueprint include, 25% increase in overall density and focused growth in urban areas.

## TCAG, Tulare County Regional Bicycle Transportation Plan, Regional Transportation Plan (RTP) and Sustainable Communities Strategy

In 2014, the TCAG updated a Regional Bicycle Plan that does not include any bicycle facilities through the Community of Lemon Cove. TCAG funded the grant for this Complete Streets Policy and in the RTP Action Element describes bicycle circulation patterns and pedestrian policies focusing on the Americans with Disabilities Planning Strategies and Transportation Demand Management to increase pedestrian activity. In addition, rail and goods movement is part of the Sustainable Communities Strategy in lieu of utilizing diesel powered freight trucks.

## Senate Bill 244, Housing Element Implementation

Senate Bill (SB) 244, passed by the California Legislature and signed into law in 2011, requires California municipalities analyze the inequality and infrastructure deficits within disadvantaged unincorporated communities (DUCs), which lack basic community infrastructure like sidewalks, safe drinking water, and adequate waste processing. As a part of this process and the implementation of the Housing Element, the County continues to identify housing related infrastructure needs, such as; water, sewer, natural gas or streetlights, using community needs assessments, housing condition surveys, public comments at community meetings, redevelopment implementation plans and amendments, community plans and other relevant information from the Health & Human Services Agency (HHSA) Environmental Health Services, Regional Water Quality Control Board, public utility districts, community services districts and other agencies. The County of Tulare prepared a 2016 Disadvantage Unincorporated Communities Assessment (infrastructure needs assessment) of the County in conjunction with SB 244, and Action Program 9 as part of the 2015 Tulare County Housing Element Update.

## Tulare County 2030 General Plan Implementation

This Community Plan is intended to implement the Tulare County 2030 General Plan. The General Plan Policies relevant to this Community Plan are outlined in General Plan Policies Section below. In addition to the General Plan Policies, this Community Plan outlines policies specific to Lemon Cove. Following are the ways in which this Community Plan implements the General Plan:

- Update Zoning Map to match the Community Plan Land Use Map.
- Addition of Design Standards to replace use permit standards.

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<sup>28</sup> Tulare County Regional Blueprint, page 3

# Lemon Cove Community Plan 2019

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- Update Zoning text to outline allowed uses in this Community Plan.
- Introduction of a Mixed Use Overlay Zoning District.
- Provides a Market Analysis of the Lemon Cove Area.
- Provides an updated analysis of Lemon Cove's population and housing characteristics.
- Defines an economic development strategy.

## Lemon Cove Community Plan Initiation

On April 4, 2017, the Tulare County Board of Supervisors (BOS) by Resolution No. 2017-0222, approved the Planning Branch proposal to update the Lemon Cove Community Plan. The project Initial Study / Mitigated Negative Declaration (IS / MND) is based on a projected annual population growth rate of 1.3%. Additional growth beyond the 1.3% annual growth rate will require further growth analysis pursuant to CEQA. The Lemon Cove Community Plan Update components described later in this section will become consistent with the General Plan 2030 Update, and will include the following primary goals and objectives.

- 1) Land Use and Environmental Planning - Promote development within planning areas next to the Regional SR 198 Corridor in order to implement the following General Plan goals:
  - a) Ensure that the text and mapping of the Community Plan Designations and Zoning Reclassifications address various development matters such as encouraging Agricultural Adaptive Reuse activities, recognizing Non-Conforming Use activities, and facilitating Ministerial Permit approvals;
  - b) Encourage infill development within Urban Development Boundaries, thereby discouraging leapfrog development within Tulare County;
  - c) Reduce development pressure on agriculturally designated lands within the Valley Floor, thereby encouraging agricultural production to flourish;
  - d) Reduce vehicle miles travelled throughout the County, thereby positively affecting air quality and greenhouse gas reduction; and
  - e) Help to improve the circulation and transit transportation system within this community, including, but not limited to, laying the groundwork for the construction of key projects such as Safe Routes to Schools, Complete Streets, and Bike Lanes/Pedestrian Paths.
- 2) Improvements for a “disadvantaged community” - It is expected that the community planning areas will be improved for the following reasons:
  - a) With faster project processing resulting from an updated community plan, increased employment opportunities are more likely to be provided by the private sector as proposed project developments can be approved as expeditiously as possible;
  - b) Increased housing grant awards are more likely to occur based on updated community plans that are consistent with the policies of the General Plan 2030 Update (August 2012) and the recently adopted Housing Element 2015 Update (November 2015); and

# Lemon Cove Community Plan 2019

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- c) With updated community plans, enhanced infrastructure grant awards are more likely, thereby providing access to funding to install or upgrade road, water, wastewater, and storm water facilities.
- 3) Strengthening Relationship with TCAG - An important benefit of this expedited community plan process will be the opportunity for RMA to strengthen the County's relationship with the Tulare County Association of Governments (TCAG) in that this and other community plans will help to facilitate the funding and implementation of several key transportation programs such as Safe Routes to Schools, Complete Streets, and Bike/Pedestrian Projects.

By pursuing these transportation programs through a heightened collaborative process, the likelihood of getting actual projects in the ground will be realized faster than historically achieved. In doing so, these communities and others can become safer and healthier by providing a more efficient transportation network.

## Community Outreach Process

The purpose of public workshops or community meetings is to engage in discussions with local residents and business owners regarding specific topics. Formal meetings were held at the local school, public utility district, and town council forums. Informal meetings were conducted with individual business owners or property owners associated to specific concerns or issues. Publicity for meetings times and locations generally consisted of newspaper releases, local newsletter informational items, handing out bi-lingual fliers at schools and posting fliers at various locations in the community. There have been over six (6) public meetings held in Lemon Cove regarding the 2019 Lemon Cove Community Plan.

### Lemon Cove Community Concerns

- 1) Alleys within the community contain overgrown vegetation specifically that alley behind the post office, who is responsible to cleaned up the alleys.
- 2) Community members expressed concerns with regard to homeowners building their fences on County rights-of-way along the alleys.

**UPDATE:** Staff has investigated and the project is currently out to bid. The project will include removal of some trees along the property line which should alleviate most of the issues in the alley way.

- 3) Community members expressed concern regarding a missing street sign at SR198/Pogue Avenue.

**UPDATE:** The street sign for SR 198/Pogue Avenue has been reattached to the stop sign post as per County Engineering Staff.

# Lemon Cove Community Plan 2019

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- 4) Residents of the community were concerned about the Phasing for Complete Streets. The community felt Phase 3, being a residential area, should be improved before Phase 2.

UPDATE: Addressing the importance of Phase 3 (residential area) to the community, Phase 2 and Phase 3 would be combined into one Phase (Phase 2). In addition, the north alignment of Phase 2 would continue along State Route 198 instead of being along proposed Road 244.

- 5) Residents of the community would like the horizontal alignment of State Route 198 straightened through Lemon Cove including concerns regarding traffic speed and proposed a northbound left turn lane on SR 198 to Avenue 324.

UPDATE: The SR 198 2016 Transportation Concept Report indicates that the year 2040 Transportation Concept for SR 198 in Lemon Cove is a two-lane conventional facility with operational improvements 2C(I). The 2040 concept level LOS is C and D through the proposed Lemon Cove UDB, which meets the General Plan minimum LOS D standard. The 20-25 Year System Operations and Management Concept includes construction of shoulders, upgrade/install guardrails, CAPM, and highway advisory radio. The 20-25 Facility Concept includes operational improvements, construction of shoulders, upgrade/install guard rails, CAPM, and highway advisory radio.

- 6) Residents expressed interest in substantially maintaining the existing residential zoning between Road 244 and State Route 198.

UPDATE: Existing Residential zoning is maintained in the proposed zoning plan.

## Tulare County Resource Management Agency Community Outreach

### **Lemon Cove Sanitary District meetings:**

- August 6, 2019
- September 3, 2019
- October 1, 2019
- November 5, 2019
- December 3, 2019

### **Sequoia Union School District Board meeting**

- September 12, 2019

### **Community Outreach Workshop (Sequoia Union School)**

- November 7, 2019

County Staff, in conjunction with Sequoia Union School District, held a community input workshop for residents of Lemon Cove, which was held on November 7, 2019, at 6:00 p.m. Prior to the meeting, the Sequoia Union School staff handed out bi-lingual fliers (announcing the community meeting). County staff also posted fliers at the Lemon Cove Post Office, Lemon Cove Fire Station and several



# Lemon Cove Community Plan 2019

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business in Lemon Cove. The meeting was held in the cafeteria of the Sequoia Union School located at 23958 Avenue 324, Lemon Cove, California. Tulare County Resource Management Agency provided one translator at the meeting.

## **Sustainability**

### Climate Change/Adaptation/Resiliency/Sustainability

According to the Tulare County Multi-Jurisdiction Local Hazard Mitigation Plan (LHMP) adopted by the Board of Supervisors in March of 2018, climate change has occurred throughout the history of the planet. Due to variations in the earth's inclination to the sun, volcanic activity and other factors such as asteroids impacts the amount of solar radiation reaching the earth's surface. The temperature of the planet correlates to the amount of solar radiation arriving at the surface and with it the climate. In relatively recent history, the last glacial period, popularly known as the Ice Age, occurred from c. 110,000 to 12,000 years ago. This most recent glacial period is part of a larger pattern of glacial and interglacial periods known as the Quaternary glaciation (c. 2,588,000 years ago to present). From this point of view, scientists consider this "Ice Age" to be merely the latest glaciation event in a much larger ice age, one that dates back over two million years and is still ongoing. During this last glacial period, there were several changes between glacier advance and retreat. The Last Glacial Maximum, the maximum extent of glaciation within the last glacial period, was approximately 22,000 years ago. While the general pattern of global cooling and glacier advance was similar, local differences in the development of glacier advance and retreat make it difficult to compare the details from continent to continent. Generally, the pattern of temperature variation and glaciation has lagged atmospheric carbon dioxide (CO<sub>2</sub>) content.

Tulare County has prepared the Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) to assess the natural, technological, and human-caused risks to County communities, to reduce the potential impact of the hazards by creating mitigation strategies. The 2017 MJLHMP represents the County's commitment to create a safer, more resilient community by taking actions to reduce risk and by committing resources to lessen the effects of hazards on the people and property of the County.

The plan complies with The Federal Disaster Mitigation Act (DMA 2000), Federal Register 44 CFR Parts 201 and 206, which modified the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) by adding a new section, 322-Mitigation Planning. This law, as of November 1, 2004, requires local governments to develop and submit hazard mitigation plans as a condition of receiving Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) and other mitigation project grants. The County; the Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake; the Tule River Tribe; and Special District staffs have coordinated preparation of the MJLHMP in cooperation with stakeholders, partner agencies and members of the public.

# Lemon Cove Community Plan 2019

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## Tulare County Climate Action Plan (CAP)

Tulare County adopted a CAP on August 28, 2012. The CAP is an implementation measure of the 2030 General Plan Update. The policies, regulations, and programs considered in the CAP include those by federal, state, and local governments.

“The Tulare County Climate Action Plan (CAP) serves as a guiding document for County of Tulare (“County”) actions to reduce greenhouse gas emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the 2030 General Plan Update. The General Plan provides the supporting framework for development in the County to produce fewer greenhouse gas emissions during Plan buildout. The CAP builds on the General Plan’s framework with more specific actions that will be applied to achieve emission reduction targets consistent with California legislation.”<sup>29</sup>

The CAP was updated on December 11, 2018. The 2018 CAP Update incorporates new baseline and future year inventories, and updates the County’s strategy to address the 2030 Target set by SB 32.

## Tulare County General Plan Policies (Sustainability)

The Tulare County General Plan has a number of policies that apply to projects within the County of Tulare. General Plan policies that relate to Sustainability include the following.

### **LU-1.1 Smart Growth and Healthy Communities**

The County shall promote the principles of smart growth and healthy communities in UDBs and HDBs, including:

1. Creating walkable neighborhoods,
2. Providing a mix of residential densities,
3. Creating a strong sense of place,
4. Mixing land uses,
5. Directing growth toward existing communities,
6. Building compactly,
7. Discouraging sprawl,
8. Encouraging infill,
9. Preserving open space,
10. Creating a range of housing opportunities and choices,
11. Utilizing planned community zoning to provide for the orderly pre-planning and long term development of large tracks of land which may contain a variety of land uses, but are under unified ownership or development control, and
12. Encouraging connectivity between new and existing development.

### **LU-1.8 Encourage Infill Development**

The County shall encourage and provide incentives for infill development to occur in communities and hamlets within or adjacent to existing development, in order to maximize the use of land within

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<sup>29</sup> Tulare County Climate Action Plan, page 1

# Lemon Cove Community Plan 2019

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existing urban areas, minimize the conversion of existing agricultural land, and minimize environmental concerns associated with new development.

## **LU-7.15 Energy Conservation**

The County shall encourage the use of solar power and energy conservation building techniques in all new development.

## **LU-7.16 Water Conservation**

The County shall encourage the inclusion of “extra-ordinary” water conservation and demand management measures for residential, commercial, and industrial indoor and outdoor water uses in all new urban development.

## **LU-7.17 Shared Parking Facilities**

The County shall encourage, where feasible, the use of shared parking facilities. Such areas could include developments with different day/night uses.

## **AQ-3.3 Street Design**

The County shall promote street design that provides an environment, which encourages transit use, biking, and pedestrian movements.

## **AQ-3.5 Alternative Energy Design**

The County shall encourage all new development, including rehabilitation, renovation, and redevelopment, to incorporate energy conservation and green building practices to the maximum extent feasible. Such practices include, but are not limited to building orientation and shading, landscaping, and the use of active and passive solar heating and water systems.

## **AQ-3.6 Mixed Land Uses**

The County shall encourage the clustering of land uses that generate high trip volumes, especially when such uses can be mixed with support services and where they can be served by public transportation.

## **TCAG Sustainable Communities Strategy (2014 Regional Transportation Plan)**

AB 32 set emission targets for the State of California. SB 375 requires the California Air Resources Board to set greenhouse gas emission targets for different regions in California. Under SB 375 Metropolitan Planning Organizations like TCAG are required to create a Sustainable Communities Strategy. TCAG included this strategy in the 2014 Regional Transportation Plan. Highlights of the implementation strategies include:

- Encourage jurisdictions in Tulare County to consider bicycle lanes, public transit, transit-oriented and mixed-use development, pedestrian networks, transit and other complete streets development during updates of general plan or other local plans.

# Lemon Cove Community Plan 2019

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- Implement a Complete Streets Program whereby agencies will prepare plans to accommodate all transportation users, including pedestrians, bicyclists, transit riders, and motor vehicle operators and riders, and implement those plans as aggressively as feasible.
- Provide for continued coordination and evaluation of the planned circulation system among cities and the county.
- Fund the development of capital improvement programs for complete streets and active transportation-type plans, as funds are available.
- Evaluate intersections, bridges, interchanges, and rail grade crossings for needed safety improvements.
- Develop funding strategies for safety projects in cooperation with Caltrans and member agencies.
- Examine alternative funding sources for streets, roads, state highways, rail systems, transit, bicycle, pedestrian, and other transportation mode improvements.
- Utilize Cap and Trade funds available for transit, if available, for projects in Tulare County.
- Encourage local agencies to support implementation of bicycle support facilities such as bike racks, showers, and other facilities during the project review process.
- Utilize Cap and Trade funds available for bicycle and pedestrian projects, if available, for projects in Tulare County.
- Encourage mixed-use developments in urbanized areas.
- Encourage provision of an adequate supply of housing for the region's workforce and adequate sites to accommodate business expansion to minimize interregional trips and long-distance commuting.
- Support and participate in efforts and coalitions promoting use of Cap and Trade funding for projects that help reduce greenhouse gas emissions in Tulare County.
- Support investment in bicycle and pedestrian systems, giving attention to projects and networks that will allow residents to walk and bicycle to frequented destinations, including schools, parks, healthcare institutions and transit stops.
- Provide environmental justice communities opportunities for input into transportation plans, programs, and projects in a manner consistent with Title VI of the 1964 Civil Rights Act and Executive Order 12898 on Environmental Justice, including the prohibition of intentional discrimination and adverse disparate impact with regard to race, ethnicity or national origin.

These implementation strategies are compatible with the Tulare County General Plan policies.

## Urban Development Boundary

Urban Development Boundaries (UDBs) are officially adopted and mapped County lines delineating the area expected for urban growth in cities and unincorporated communities over a 20-year period. Within UDB boundaries, the County and cities will coordinate plans, policies and standards related to building construction, subdivision development, land use and zoning regulations, street and highway construction, public utility systems, environmental studies, and other closely related matters affecting

# Lemon Cove Community Plan 2019

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the orderly development of urban fringe areas. These boundaries provide an official definition of the interface between future urban and agricultural land uses.<sup>30</sup>

“For unincorporated communities, the UDB is a County adopted line dividing land to be developed from land to be protected for agricultural, natural, open space, or rural uses. It serves as the official planning area for communities over a 20-year period. Land within an unincorporated UDB is assumed appropriate for development and is not subject to the Rural Valley Lands Plan or Foothill Growth Management Plan (RVLP Policy 1-1)”<sup>31</sup>

The purpose of this chapter is to review the adequacy of the Urban Development Boundary (UDB) and determine through analysis contained in this chapter whether modifications may be required. The proposed UDB will also function as the planning area boundary of the Lemon Cove Community Plan (see **Figure 20**). The UDB line establishes a twenty-year growth boundary for the community of Lemon Cove. Over the years, services will be extended into this area, which will allow new growth to occur. Since the UDB line defines the area where growth will occur, it is logical that it also serves as the planning area boundary for this plan.

In addition to defining where future development of the community of Lemon Cove will occur, designating an urban boundary can provide local agencies and citizens with other benefits, including:

1. Encouraging coordination between land use planning and the provision of governmental services.
2. Identifying and resolving potential interagency conflicts regarding service areas.
3. Encouraging efficient, economical and effective delivery of public services.
4. Allowing property owners to identify the type and level of service their lands presently receive or may receive in the future.
5. Assisting in the County's efforts to preserve open space and productive agricultural land.

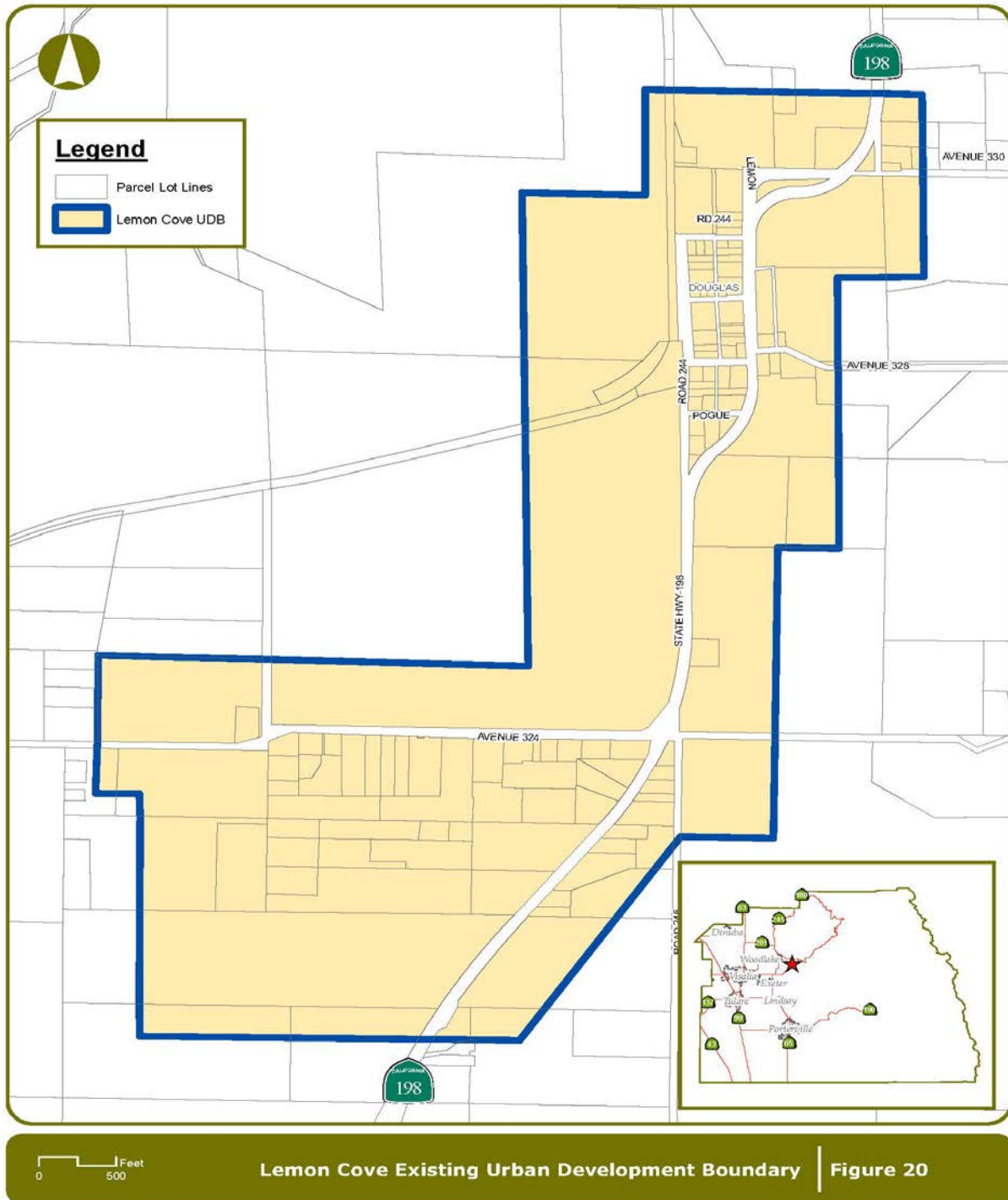
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<sup>30</sup> TCGPU Part 1, Goals and Policies Report, Planning Framework, page 2-3

<sup>31</sup> TCGPU Part 1, Goals and Policies Report, Planning Framework, page 2-3

# Lemon Cove Community Plan 2019

Figure 20 Existing Urban Development Boundary





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## Policy Framework

In determining a UDB and planning area for the Lemon Cove Community Plan, it is important to not only fulfill the requirements of State planning law, but also to the greatest degree possible, fulfill the local goals and policies that regulate land uses in the area. As discussed earlier, many County policies guide development in the Lemon Cove area. However, those, which have direct effect on the establishment of the community's urban boundary, include the following policies in the Tulare County General Plan Planning Framework Element:

### **PF-2.1 Urban Development Boundaries – Communities**

The County shall limit urban development to the area within the designated UDB for each community. Each community's UDB is defined as shown on Figures 2.2-2 thru 2.2-22.

### **PF-2.2 Modification of Community UDB**

1. The County may consider modification to a community UDB under any of, but not limited to, the following circumstances:
  - a. The location of the UDB shall be evaluated during preparation or update of a community plan.
  - b. All community UDBs should be reviewed on a five-year cycle to reflect changes in growth and development patterns.
  - c. A request for expansion of the UDB boundary can be applied for, as part of, a General Plan Amendment to the Land Use Diagram.
  - d. At the request of a special district or the community.
  - e. A UDB should be considered for expansion at such time as land for infill becomes limited. This condition is considered satisfied when 80 percent of the non-Williamson Act land within the UDB is developed for urban uses.
  - f. UDBs should not be expanded onto Prime Farmland if Farmland of Statewide Importance or of lesser quality is available and suitable for expansion.
2. Prior to approval of a UDB boundary expansion, the County shall ensure that infrastructure can be provided to serve the new areas added to the UDB and that sufficient water supplies are also available. This may require preparation of an infrastructure master plan that includes methods of financing of improvements and maintenance, as well as representation/documentation of availability and sufficiency of long-term water supplies.
3. Preservation of productive agricultural lands shall be the highest priority when considering modifications. Expansion of a UDB to include additional agricultural land shall only be allowed when other non-agricultural lands are not reasonably available to the community or are not suitable for expansion.

### **PF-2.3 UDB and Other Boundaries**

The County shall provide notice and opportunity for special districts, school districts, and other service providers to comment when evaluating the expansion of a Community's UDB.

# Lemon Cove Community Plan 2019

## PF-2.8 Inappropriate Land Use

Areas within UDBs are hereby set aside for those types of urban land uses, which benefit from urban services. Permanent uses, which do not benefit from such urban services, shall be discouraged within the UDBs. This is not intended to apply to agricultural or agricultural supported uses, including the cultivation of land or other uses accessory to the cultivation of land, provided that such accessory uses are time-limited through special use permit procedures.

## Existing Land Use Plan

**Table 25** shows that a majority of the land in the existing Lemon Cove Urban Development Boundary is designated Mixed-Use 374.07-acres. In total, there is approximately 404.89 acres of designated lands in the Lemon Cove Community Plan Area (see **Figure 21**). Approximately 30.82-acres within the Planning Area is dedicated to highway rights-of-way.

Table 25 Existing Land Use Plan	
Designation	Total Acreage
Mixed Use	374.07
Unclassified (Rights-of-Way)	30.82
<b>Total</b>	<b>404.89</b>

Source: Tulare County GIS

## Existing Zoning Districts

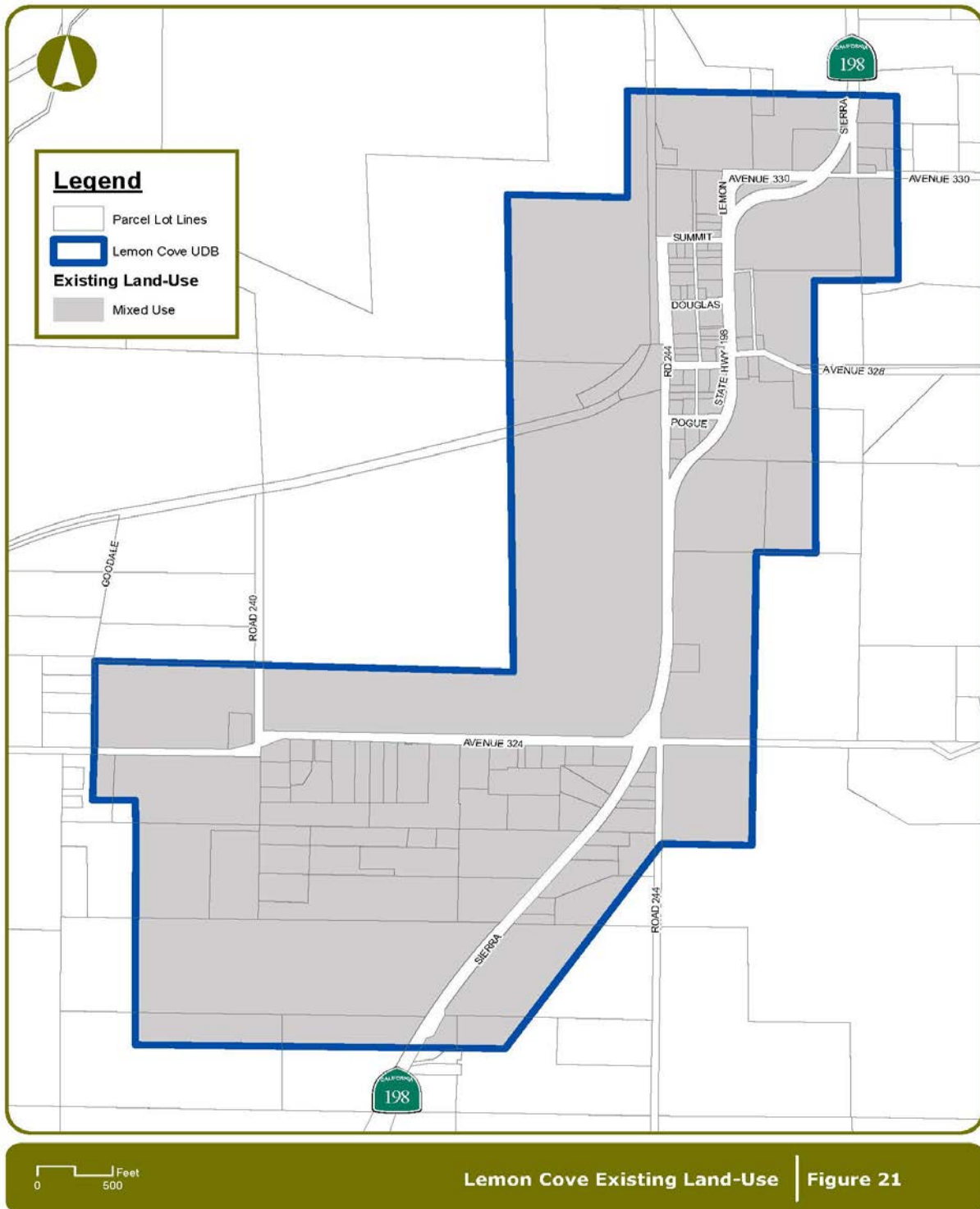
The existing zoning designations within the Lemon Cove Urban Development Boundary as shown in **Figure 22**, as demonstrated in **Table 26**.

Table 26 Existing Zoning Districts	
Zoning Designations	Existing Acres
A-1	246.31
AE-20	23.55
C-2-SC	2.93
O	6.62
PD-F-M	9.54
R-3	2.24
R-A	7.04
R-A-M	71.23
R-A-M-43	4.61
Unclassified (Rights of Way)	30.82
<b>Total</b>	<b>404.89</b>

Source: Tulare County GIS

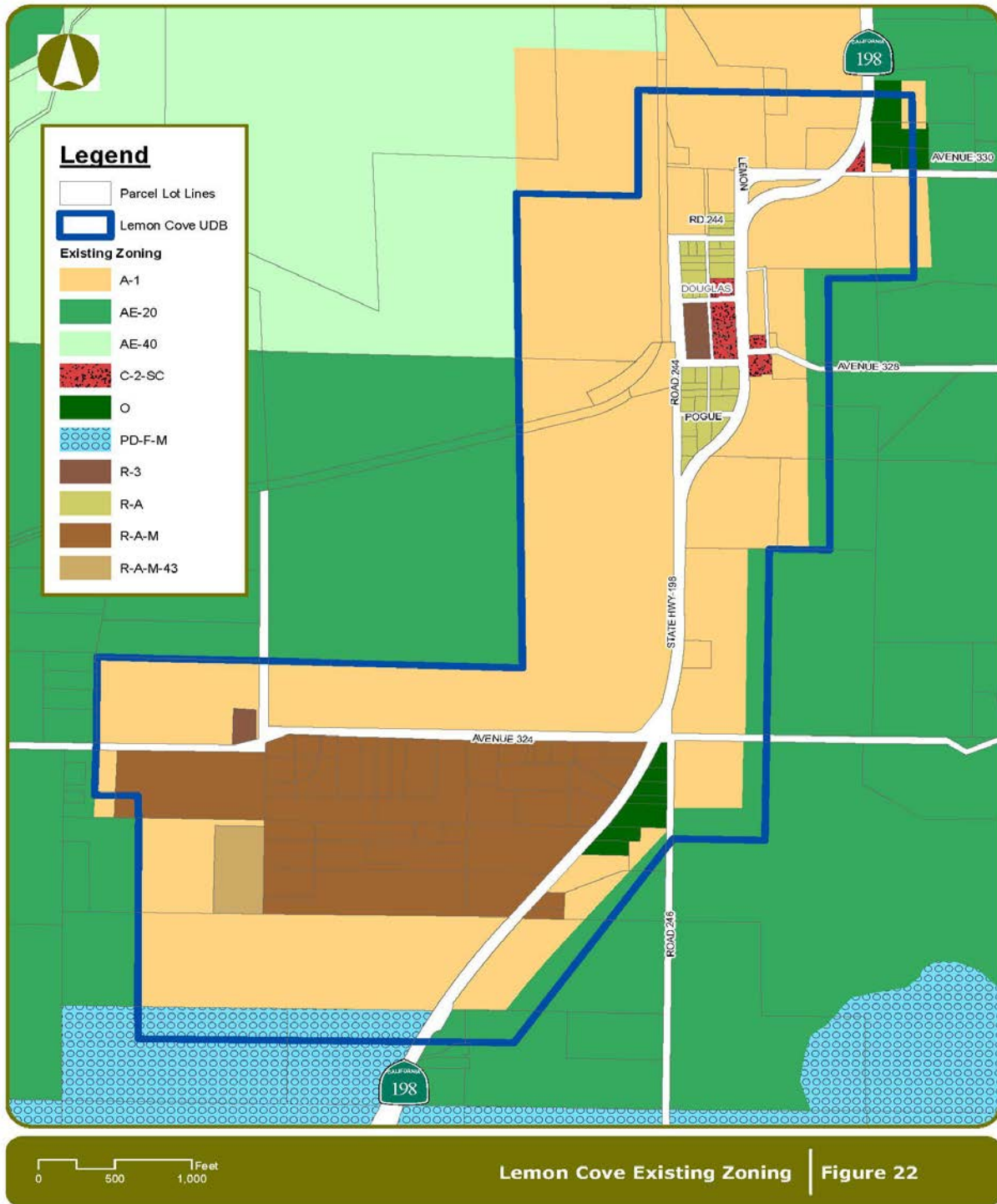
# Lemon Cove Community Plan 2019

Figure 21 Existing Land Use Plan Map



# Lemon Cove Community Plan 2019

Figure 22 Existing Zoning Districts Map



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## General Plan Policies

The following adopted policies from the Tulare County General Plan are applicable to the Lemon Cove Community Plan. Policies throughout the General Plan use the terminology “shall” and “should.” For the purposes of interpreting the policies in the General Plan, the term “shall” indicates a mandatory or required action or a duty to undertake an action unless the context indicates otherwise, in which case the term is synonymous with “should.” The term “should” indicates a directive subject to discretion and requires at least review or consideration and, in that context, substantial compliance with the spirit or purpose of these General Plan policies. The term “may” indicates at the sole discretion of the County.

### Land Use Policies

#### **PF-1.3 Land Uses in UDBs/HDBs**

The County shall encourage those types of urban land uses that benefit from urban services to develop within UDBs and HDBs. Permanent uses, which do not benefit from urban services, shall be discouraged within these areas. This shall not apply to agricultural or agricultural support uses, including the cultivation of land or other uses accessory to the cultivation of land provided that such accessory uses are time-limited through Special Use Permit procedures.

#### **PF-2.6 Land Use Consistency**

The County shall require all community plans, when updated, to use the same land use designations as used in this Countywide General Plan (See Chapter 4-Land Use). All community plans shall also utilize a similar format and content. The content may change due to the new requirements such as Global Climate Change and Livable Community Concepts, as described on the table provided (Table 2.1: Community Plan Content). The County may consider changes to this format for unique and special circumstances as determined appropriate. Until such time as a Community Plan is

adopted for those communities without existing Community Plans, the land use designation shall be Mixed Use, which promotes the integration of a compatible mix of residential types and densities, commercial uses, public facilities, and services and employment opportunities.

#### **PF-2.8 Inappropriate Land Use**

Areas within UDBs are hereby set aside for those types of urban land uses, which benefit from urban services. Permanent uses, which do not benefit from such urban services, shall be discouraged within the UDBs. This is not intended to apply to agricultural or agricultural supported uses, including the cultivation of land or other uses accessory to the cultivation of land, provided that such accessory uses are time-limited through Special Use Permit procedures.

#### **PF-4.7 Avoiding Isolating Unincorporated Areas**

The County may oppose any annexation proposal that creates an island, peninsula, corridor, or irregular boundary. The County will also encourage the inclusion of unincorporated islands or peninsulas adjacent to proposed annexations.

# Lemon Cove Community Plan 2019

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## Land Use Element

### **LU-1.1 Smart Growth and Healthy Communities**

The County shall promote the principles of smart growth and healthy communities in UDBs and HDBs, including:

1. Creating walkable neighborhoods,
2. Providing a mix of residential densities,
3. Creating a strong sense of place,
4. Mixing land uses,
5. Directing growth toward existing communities,
6. Building compactly,
7. Discouraging sprawl,
8. Encouraging infill,
9. Preserving open space,
10. Creating a range of housing opportunities and choices,
11. Utilizing planned community zoning to provide for the orderly pre-planning and long term development of large tracks of land which may contain a variety of land uses, but are under unified ownership or development control, and
12. Encouraging connectivity between new and existing development

### **LU-1.2 Innovative Development**

The County shall promote flexibility and innovation through the use of planned unit developments, development agreements, specific plans, Mixed Use projects, and other innovative development and planning techniques.

### **LU-1.3 Prevent Incompatible Uses**

The County shall discourage the intrusion into existing urban areas of new incompatible land uses that produce significant noise, odors, or fumes.

### **LU-1.4 Compact Development**

The County shall actively support the development of compact mixed use projects that reduce travel distances.

### **LU-1.5 Paper Subdivision Consolidations**

The County shall encourage consolidation of paper parcels/subdivisions, especially those lots that are designated Valley Agriculture (VA), Foothill Agriculture (FA), or Resource Conservation (RC), are irregular in shape, inadequate in size for proper use, or lack infrastructure.

### **LU-1.6 Permitting Procedures and Regulations**

The County shall continue to ensure that its permitting procedures and regulations are consistent and efficient.

### **LU-1.7 Development on Slopes**

The County shall require a preliminary soils report for development projects in areas with shallow or unstable soils or slopes in excess of 15 percent. If the preliminary soil report indicates soil conditions could be unstable, a detailed geologic/hydrologic report by a registered geologist, civil engineer, or engineering geologist shall be required demonstrating the suitability of any proposed or additional development.

### **LU-1.8 Encourage Infill Development**

The County shall encourage and provide incentives for infill development to occur in communities and hamlets within or adjacent to existing development in order to maximize the use of land within existing urban areas, minimize the conversion of existing agricultural land, and minimize environmental concerns associated with new development.



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## **LU-1.10 Roadway Access**

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

## **LU-3.1 Residential Developments**

The County shall encourage new major residential development to locate near existing infrastructure for employment centers, services, and recreation.

## **LU-3.1 Residential Developments**

The County shall encourage new major residential development to locate near existing infrastructure for employment centers, services, and recreation.

## **LU-3.2 Cluster Development**

The County shall encourage proposed residential development to be clustered onto portions of the site that are more suitable to accommodating the development, and shall require access either directly onto a public road or via a privately maintained road designed to meet County road standards.

## **LU-3.3 High-Density Residential Locations**

The County shall encourage high-density residential development (greater than 14 dwelling units per gross acre) to locate along collector roadways and transit routes, and near public facilities (e.g., schools, parks), shopping, recreation, and entertainment.

## **LU-3.4 Mountain, Rural, and Low-Density Residential**

The Mountain, Rural, and Low-Density Residential development located outside of a UDB shall be subject to the following requirements:

1. Able to meet the Rural Valley Lands Plan policies, Foothill Growth Management Plan policies, or Mountain Framework Plan policies and requirements.

2. Areas which qualify for minimum densities greater than 1 unit per 10 acres must meet the following characteristics (unless clustering is used):
  - a. Average slopes must be below a 30 percent grade,
  - b. Not identified as a moderate-to-high landslide hazard area, and
  - c. Access to new development is provided via an existing publicly-maintained road or via a new road improved consistent with adopted County standards.

## **LU-3.6 Project Design**

The County shall require residential project design to consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities and lot patterns will be determined by these and other factors. As a result, the maximum density specified by General Plan designations or zoning for a given parcel of land may not be attained.

## **LU-7.3 Friendly Streets**

The County shall encourage new streets within UDBs to be designed and constructed to not only accommodate traffic, but also serve as comfortable pedestrian and cyclist environments. These should include, but not be limited to:

1. Street tree planting adjacent to curbs and between the street and sidewalk to provide a buffer between pedestrians and automobiles, where appropriate,
2. Minimize curb cuts along streets,
3. Sidewalks on both sides of streets, where feasible,
4. Bike lanes and walking paths, where feasible on collectors and arterials, and
5. Traffic calming devices such as roundabouts, bulb-outs at intersections,

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traffic tables, and other comparable techniques.

## **LU-7.4 Streetscape Continuity**

The County shall ensure that streetscape elements (e.g., street signs, trees, and furniture) maintain visual continuity and follow a common image for each community.

## **LU-7.5 Crime Prevention through Design**

The County shall encourage design of open space areas, bicycle and pedestrian systems, and housing projects so that there is as much informal surveillance by people as possible to deter crime.

## **LU-7.15 Energy Conservation**

The County shall encourage the use of solar power and energy conservation building techniques in all new development.

## **LU-7.16 Water Conservation**

The County shall encourage the inclusion of “extra-ordinary” water conservation and demand management measures for residential, commercial, and industrial indoor and outdoor water uses in all new urban development.

## **LU-7.13 Preservation of Historical Buildings**

The County shall encourage and support efforts by local preservation groups to identify and rehabilitate historically significant buildings.

## **LU-7.14 Contextual and Compatible Design**

The County shall ensure that new development respects Tulare County’s heritage by requiring that development respond to its context, be compatible with

the traditions and character of each community, and develop in an orderly.

## **ED-2.11 Industrial Parks**

As part of new or updated community plans, the County shall designate sites for industrial development to meet projected demand.

## **Housing Policy 3.24**

When locating agricultural industry in rural areas, a determination should be made that there are transit opportunities and an adequate employment base living within a reasonable distance to the site.

## **AQ-3.2 Infill near Employment**

The County shall identify opportunities for infill development projects near employment areas within all unincorporated communities and hamlets to reduce vehicle trips.

## **AQ-3.6 Mixed Land Uses**

The County shall encourage the clustering of land uses that generate high trip volumes, especially when such uses can be mixed with support services and where they can be served by public transportation.

## **PFS-8.4 Library Facilities and Services**

The County shall encourage expansion of library facilities and services as necessary to meet the needs (e.g., internet access, meeting rooms, etc.) of future population growth.

## Circulation Policies

## **Q-3.3 Street Design**

The County shall promote street design that provides an environment, which encourages transit use, biking, and pedestrian movements.

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## **LU-7.3 Friendly Streets**

The County shall encourage new streets within UDBs to be designed and constructed to not only accommodate traffic, but also serve as comfortable pedestrian and cyclist environments. These should include, but not be limited to:

1. Street tree planting adjacent to curbs and between the street and sidewalk to provide a buffer between pedestrians and automobiles, where appropriate,
2. Minimize curb cuts along streets,
3. Sidewalks on both sides of streets, where feasible,
4. Bike lanes and walking paths, where feasible on collectors and arterials, and
5. Traffic calming devices such as roundabouts, bulb-outs at intersections, traffic tables, and other comparable techniques.

## **LU-7.4 Streetscape Continuity**

The County shall ensure that streetscape elements (e.g., street signs, trees, and furniture) maintain visual continuity and follow a common image for each community.

## **LU-1.10 Roadway Access**

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

## **SL-2 Designated Scenic Routes and Highways**

The County shall protect views of natural and working landscapes along the County's highways and roads by maintaining a designated system of County scenic routes and State scenic highways by:

1. Requiring development within existing eligible State scenic highway corridors to adhere to land use and design standards and guidelines required by the State Scenic Highway Program,

2. Supporting and encouraging citizen initiatives working for formal designation of eligible segments of State Highway 198 and State Highway 190 as State scenic highways,
3. Formalizing a system of County Scenic Routes throughout the County, and
4. Requiring development located within County scenic route corridors to adhere to local design guidelines and standards.

## **SL-4.1 Design of Highways**

The County shall work with Caltrans and Tulare County Association of Governments (TCAG) to ensure that the design of SR 198 and SR 216 and other State Highways protects scenic resources and provides access to vistas of working and natural landscapes by:

1. Limiting the construction of sound walls that block views of the County's landscapes (incorporate setbacks to sensitive land uses to avoid noise impacts whenever feasible),
2. Using regionally-appropriate trees and landscaping and incorporating existing landmark trees,
3. Preserving historic and cultural places and vistas,
4. Avoiding excessive cut and fill for roadways along State scenic highways and County scenic routes, and along areas exposed to a large viewing area, and
5. Promote highway safety by identifying appropriate areas for traffic pullouts and rest areas.

## **SL-4.2 Design of County Roads**

The County's reinvestment in rural County roads outside urban areas should, in addition to meeting functional needs and safety needs, preserve the experience of traveling on the County's "country roads" by:

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1. Maintaining narrow as possible rights-of-ways,
2. Limiting the amount of curbs, paved shoulders, and other “urban” edge improvements,
3. Preserving historic bridges and signage, and
4. Promote County road safety by identifying appropriate areas for traffic pullout.

## **TC-1.1 Provision of an Adequate Public Road Network**

The County shall establish and maintain a public road network comprised of the major facilities illustrated on the Tulare County Road Systems to accommodate projected growth in traffic volume.

## **TC-1.2 County Improvement Standards**

The County's public roadway system shall be built and maintained consistent with adopted County Improvement Standards, and the need and function of each roadway, within constraints of funding capacity.

## **TC-1.6 Intermodal Connectivity**

The County shall ensure that, whenever possible, roadway, highway, and public transit systems will interconnect with other modes of transportation. Specifically, the County shall encourage the interaction of truck, rail, and air-freight/passenger movements.

## **TC-1.7 Intermodal Freight Villages**

The County shall consider the appropriate placement of intermodal freight villages in locations within the Regional Growth Corridors.

## **TC-1.8 Promoting Operational Efficiency**

The County shall give consideration to transportation programs that improve the operational efficiency of goods movement, especially those that enhance farm-to-market connectivity

## **TC-1.9 Highway Completion**

The County shall support State and Federal capacity improvement programs for critical segments of the State Highway System. Priority shall be given to improvements to State Highways 65, 99, and 198, including widening and interchange projects in the County.

## **TC-1.10 Urban Interchanges**

The County shall work with TCAG to upgrade State highway interchanges from rural to urban standards within UDBs.

## **TC-1.11 Regionally Significant Intersections**

To enhance safety and efficiency, the County shall work to limit the frequency of intersections along regionally-significant corridors.

## **TC-1.12 Scenic Highways and Roads**

The County shall work with appropriate agencies to support the designation of scenic highways and roads in the County.

## **TC-1.16 County Level of Service (LOS) Standards**

The County shall strive to develop and manage its roadway system (both segments and intersections) to meet a LOS of “D” or better in accordance with the LOS definitions established by the Highway Capacity Manual.

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## **TC-1.18 Balanced System**

The County shall strive to meet transportation needs and maintain LOS standards through a balanced Multimodal Transportation Network that provides alternatives to the automobile.

## **TC-1.19 Balanced Funding**

The County shall promote a balanced approach to the allocation of transportation funds to optimize the overall County transportation system.

## **TC-2.3 Amtrak Service**

The County shall encourage Amtrak to add passenger service to the Union Pacific corridor in the County.

## **TC-4.1 Transportation Programs**

The County shall support the continued coordination of transportation programs provided by social service agencies, particularly those serving elderly and/or handicapped.

## **TC-4.2 Determine Transit Needs**

The County will continue to work with TCAG, cities, and communities in the County to evaluate and respond to public transportation needs.

## **TC-4.3 Support Tulare County Area Transit**

The County shall request the support of TCAG for development of transit services outlined in the County's Transit Development Plan (TDP). Efforts to expand Tulare County Area Transit should be directed towards: Encouraging new and improving existing transportation services for the elderly and disabled; and providing intercommunity services between unincorporated communities and cities.

## **TC-4.4 Nodal Land Use Patterns that Support Public Transit**

The County shall encourage land uses that generate higher ridership including; high density residential, employment centers, schools, personal services, administrative and professional offices, and social/recreational centers, to be clustered within a convenient walking distance of one another.

## **TC-4.7 Transit Ready Development**

The County shall promote the reservation of transit stops in conjunction with development projects in likely or potential locations for future transit facilities.

## **TC-5.1 Bicycle/Pedestrian Trail System**

The County shall coordinate with TCAG and other agencies to develop a Countywide integrated multi-purpose trail system that provides a linked network with access to recreational, cultural, and employment facilities, as well as offering a recreational experience apart from that available at neighborhood and community parks.

## **TC-5.2 Consider Non-Motorized Modes in Planning and Development**

The County shall consider incorporating facilities for non-motorized users, such as bike routes, sidewalks, and trails when constructing or improving transportation facilities and when reviewing new development proposals. For developments with 50 or more dwelling units or non-residential projects with an equivalent travel demand, the feasibility of such facilities shall be evaluated.

## **TC-5.3 Provisions for Bicycle Use**

The County shall work with TCAG to encourage local government agencies and businesses to consider including bicycle

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access and provide safe bicycle parking facilities at office buildings, schools, shopping centers, and parks.

## **TC-5.4 Design Standards for Bicycle Routes**

The County shall utilize the design standards adopted by Caltrans and as required by the Streets and Highway Code for the development, maintenance, and improvement of bicycle routes.

## **TC-5.5 Facilities**

The County shall require the inclusion of bicycle support facilities, such as bike racks, for new major commercial or employment locations.

## **TC-5.7 Designated Bike Paths**

The County shall support the creation and development of designated bike paths adjacent to or separate from commute corridors.

## **TC-5.8 Multi-Use Trails**

The County shall encourage the development of multi-use corridors (such as hiking, equestrian, and mountain biking) in open space areas, along power line transmission corridors, utility easements, rivers, creeks, abandoned railways, and irrigation canals.

## **TC-5.9 Existing Facilities**

The County shall support the maintenance of existing bicycle and pedestrian facilities.

## Housing Policies

## **LU-3.5 Rural Residential Designations**

The County shall not re-zone any new areas for residential development in the RVL P area, unless it can be shown that other objectives, such as buffers and the

relationship of the development to surrounding uses, can be achieved.

## **Housing Guiding Principle 1.1**

Endeavor to improve opportunities for affordable housing in a wide range of housing types in the communities throughout the unincorporated area of the County.

## **Housing Policy 1.11**

Encourage the development of a broad range of housing types to provide an opportunity of choice in the local housing market.

## **Housing Policy 1.13**

Encourage the utilization of modular units, prefabricated units, and manufactured homes.

## **Housing Policy 1.14**

Pursue an equitable distribution of future regional housing needs allocations, thereby providing a greater likelihood of assuring a balance between housing development and the location of employment opportunities.

## **Housing Policy 1.15**

Encourage housing counseling programs for low-income homebuyers and homeowners.

## **Housing Policy 1.16**

Review community plans and zoning to ensure they provide for adequate affordable residential development.

## **Housing Guiding Principle 1.2**

Promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, family status, disability, or any other arbitrary basis.



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## **Housing Guiding Principle 1.3**

Strive to meet the housing needs of migrant and non-migrant farmworkers and their families with a suitable, affordable and satisfactory living environment.

## **Housing Policy 1.31**

Encourage the provision of farmworker housing opportunities in conformance with the Employee Housing Act.

## **Housing Guiding Principle 1.4**

Enhance and support emergency shelters and transitional and supportive housing programs that assist the homeless and others in need.

## **Housing Policy 1.51**

Encourage the construction of new housing units for “special needs” groups, including senior citizens, large families, single heads of households, households of persons with physical and/or mental disabilities, minorities, farmworkers, and the homeless in close proximity to transit, services, and jobs.

## **Housing Policy 1.52**

Support and encourage the development and improvement of senior citizen group housing, convalescent homes and other continuous care facilities.

## **Housing Policy 1.55**

Encourage development of rental housing for large families, as well as providing for other housing needs and types.

## **Housing Guiding Principle 1.6**

Assess and amend County ordinances, standards, practices and procedures considered necessary to carry out the County’s essential housing goal of the attainment of a suitable, affordable and satisfactory living environment for every

present and future resident in unincorporated areas.

## **Housing Policy 2.14**

Create and maintain a matrix of Infrastructure Development Priorities for Disadvantaged Unincorporated Communities in Tulare County through analysis and investigation of public infrastructure needs and deficits, pursuant to Action Program 9.

## **Housing Guiding Principle 2.2**

Require proposed new housing developments located within the development boundaries of unincorporated communities to have the necessary infrastructure and capacity to support the development.

## **Housing Policy 2.21**

Require all proposed housing within the development boundaries of unincorporated communities is either (1) served by community water and sewer, or (2) that physical conditions permit safe treatment of liquid waste by septic tank systems and the use of private wells.

## **Housing Guiding Principle 3.1**

Encourage “smart growth” designed development that serves the unincorporated communities, the environment, and the economy of Tulare County.

## **Housing Policy 3.11**

Support and coordinate with local economic development programs to encourage a “jobs to housing balance” throughout the unincorporated area.

## **Housing Policy 3.23**

Prepare new and/or updated community plans that provide adequate sites for a variety

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of types of housing within the development boundaries of the community.

## Conservation Policies

### **AG-1.1 Primary Land Use**

The County shall maintain agriculture as the primary land use in the valley region of the County, not only in recognition of the economic importance of agriculture, but also in terms of agriculture's real contribution to the conservation of open space and natural resources.

### **AG-1.4 Williamson Act in UDBs and HDBs**

The County shall support non-renewal or cancellation processes that meet State law for lands within UDBs and HDBs.

### **AG-1.5 Substandard Williamson Act Parcels**

The County may work to remove parcels that are less than 10 acres in Prime Farmland and less than 40 Acres in Non-Prime Farmland from Williamson Act Contracts (Williamson Act key term for Prime/Non-Prime).

### **AG-1.6 Conservation Easements**

The County shall consider developing an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in this Element. This program may require payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism as a condition of approval for conservation of important agricultural land to non-agricultural use. If available, the ACEP shall be used for replacement lands determined to be of statewide significance (Prime or other

Important Farmlands), or sensitive and necessary for the preservation of agricultural land, including land that may be a part of a community separator as part of a comprehensive program to establish community separators. The in-lieu fee or other conservation mechanism shall recognize the importance of land value and shall require equivalent mitigation.

### **AG-1.7 Preservation of Agricultural Lands**

The County shall promote the preservation of its agricultural economic base and open space resources through the implementation of resource management programs such as the Williamson Act, Rural Valley Lands Plan, Foothill Growth Management Plan or similar types of strategies and the identification of growth boundaries for all urban areas located in the County.

### **AG-1.8 Agriculture within Urban Boundaries**

The County shall not approve applications for preserves or regular Williamson Act contracts on lands located within a UDB and/or HDB unless it is demonstrated that the restriction of such land will not detrimentally affect the growth of the community involved for the succeeding 10 years, that the property in question has special public values for open space, conservation, other comparable uses, or that the contract is consistent with the publicly desirable future use and control of the land in question. If proposed within a UDB of an incorporated city, the County shall give written notice to the affected city pursuant to Government Code §51233.

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## **AG-1.10 Extension of Infrastructure into Agricultural Areas**

The County shall oppose extension of urban services, such as sewer lines, water lines, or other urban infrastructure, into areas designated for agriculture use unless necessary to resolve a public health situation. Where necessary to address a public health issue, services should be located in public rights-of-way in order to prevent interference with agricultural operations and to provide ease of access for operation and maintenance. Service capacity and length of lines should be designed to prevent the conversion of agricultural lands into urban/suburban uses.

## **AG-1.11 Agricultural Buffers**

The County shall examine the feasibility of employing agricultural buffers between agricultural and non-agricultural uses, and along the edges of UDBs and HDBs. Considering factors include the type of operation and chemicals used for spraying, building orientation, planting of trees for screening, location of existing and future rights-of-way (roads, canals, power lines, etc.), and unique site conditions.

- a. Distance: to be determined,
- b. Stabilization of edge condition,
- c. Types of operation,
- d. Types of land uses (i.e. schools, etc.)
- e. Building orientation,
- f. Planting of trees for screening,
- g. Location of existing and future rights-of-way,
- h. Types of uses allowed inside the buffer-zone
- i. Unique site conditions,
- j. Responsibility for maintenance,
- k. Scale of development,
- l. Mechanism for exemptions.

## **AG-1.13 Agricultural Related Uses**

The County shall allow agriculturally related uses, including value-added processing facilities by discretionary approvals in areas designated Valley or Foothill Agriculture, subject to the following criteria:

1. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics;
2. The use shall not be sited on productive agricultural lands if less productive land is available in the vicinity;
3. The operational or physical characteristics of the use shall not have a significant adverse impact on water resources or the use or management of surrounding agricultural properties within at least one-quarter (1/4) mile radius;
4. A probable workforce should be located nearby or be readily available; and
5. For proposed value-added agricultural processing facilities, the evaluation under criterion "1" above shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services.

## **AG-1.16 Schools in Agricultural Zones**

The County shall discourage the location of new schools in areas designated for agriculture, unless the School District agrees to the construction and maintenance of all necessary infrastructure impacted by the project.

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## **AG-2.6 Biotechnology and Biofuels**

The County shall encourage the location of industrial, research oriented businesses specializing in biotechnologies, and biofuels that can enhance agricultural productivity, enhance food-processing activities in the County, provide for new agriculturally related products and markets, or otherwise enhance the agricultural sector in the County.

## **LU-7.12 Historic Buildings and Areas**

The County shall encourage preservation of buildings and areas with special and recognized historic, architectural, or aesthetic value. New development should respect architecturally and historically significant buildings and areas. Landscaping, original roadways, sidewalks, and other public realm features of historic buildings or neighborhoods shall be restored or repaired wherever feasible.

## **LU-7.13 Preservation of Historical Buildings**

The County shall encourage and support efforts by local preservation groups to identify and rehabilitate historically significant buildings.

## **LU-7.14 Contextual and Compatible Design**

The County shall ensure that new development respects Tulare County's heritage by requiring that development respond to its context, be compatible with the traditions and character of each community, and develop in an orderly fashion, which is compatible with the scale of surrounding structures.

## **LU-7.15 Energy Conservation**

The County shall encourage the use of solar power and energy conservation building techniques in all new development.

## **LU-7.16 Water Conservation**

The County shall encourage the inclusion of "extra-ordinary" water conservation and demand management measures for residential, commercial, and industrial indoor and outdoor water uses in all new urban development

## **Housing Guiding Principle 4.1**

Support and encourage County ordinances, standards, practices and procedures that promote residential energy conservation.

## **Housing Policy 4.13**

Promote energy efficiency and water conservation.

## **Housing Policy 4.21**

Promote energy conservation opportunities in new residential development.

## **Housing Policy 5.24**

Encourage the development of suitable replacement housing when occupied housing units are demolished due to public action.

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

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

## **ERM-1.2 Development in Environmentally Sensitive Areas**

The County shall limit or modify proposed development within areas that contain sensitive habitat for special status species and direct development into less significant habitat areas. Development in natural habitats shall be controlled so as to minimize

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erosion and maximize beneficial vegetative growth.

## **ERM-1.3 Encourage Cluster Development**

When reviewing development proposals, the County shall encourage cluster development in areas with moderate to high potential for sensitive habitat.

## **ERM-1.4 Protect Riparian Areas**

The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.

## **ERM-1.5 Riparian Management Plans and Mining Reclamation Plans**

The County shall require mining reclamation plans and other management plans to include measures that protect, maintain, and restore riparian resources and habitats.

## **ERM-1.6 Management of Wetlands**

The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.

## **ERM-1.8 Open Space Buffers**

The County shall require buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities. These buffers should be sufficient to assure the continued existence of the waterways and riparian habitat in their natural state.

## **ERM-1.12 Management of Oak Woodland Communities**

The County shall support the conservation and management of oak woodland communities and their habitats.

## **ERM-2.1 Conserve Mineral Deposits**

The County will encourage the conservation of identified and/or potential mineral deposits, recognizing the need for identifying, permitting, and maintaining a 50-year supply of locally available PCC grade aggregate.

## **ERM-2.2 Recognize Mineral Deposits**

The County will recognize as a part of the General Plan those areas of identified and/or potential mineral deposits.

## **ERM-3.2 Limited Mining in Urban Areas**

Within the County UDBs and HDBs, new commercial mining operations should be limited due to environmental and compatibility concerns.

## **ERM-3.3 Small-Scale Oil and Gas Extraction**

The County shall allow by Special Use Permit small-scale oil and gas extraction activities and facilities that can be demonstrated to not have a significant adverse effect on surrounding or adjacent land and are within an established oil and gas field outside of a UDB.

## **ERM-3.4 Oil and Gas Extraction**

Facilities related to oil and gas extraction and processing in the County may be allowed in identified oil and gas fields subject to a special use permit. The extraction shall demonstrate that it will be compatible with surrounding land uses and land use designations.

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## **ERM-4.1 Energy Conservation and Efficiency Measures**

The County shall encourage the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new construction and renovation of existing structures in accordance with State law.

## **ERM-4.2 Streetscape and Parking Area Improvements for Energy Conservation**

The County shall promote the planting and maintenance of shade trees along streets and within parking areas of new urban development to reduce radiation heating.

## **ERM-5.20 Allowable Uses on Timber Production Lands**

The County shall allow uses (not related to forest production) on lands designated Resource Conservation in forestry production areas, provided it is demonstrated that:

1. They are compatible with forestry uses,
2. Will not interfere with forest practices,
3. Consider forest site productivity and minimize the loss of productive forest lands,
4. Will meet standards relating to the availability of fire protection, water supply, and waste disposal, and
5. Will not degrade the watershed and/or water quality due to increased erosion.

## **ERM-7.1 Soil Conservation**

The County of Tulare shall establish the proper controls and ordinances for soil conservation.

## **WR-1.4 Conversion of Agricultural Water Resources**

For new urban development, the County shall discourage the transfer of water used for

agricultural purposes (within the prior ten years) for domestic consumption except in the following circumstances:

1. The water remaining for the agricultural operation is sufficient to maintain the land as an economically viable agricultural use,
2. The reduction in infiltration from agricultural activities as a source of groundwater recharge will not significantly impact the groundwater basin.

## **WR-1.5 Expand Use of Reclaimed Wastewater**

To augment groundwater supplies and to conserve potable water for domestic purposes, the County shall seek opportunities to expand groundwater recharge efforts.

## **WR-1.6 Expand Use of Reclaimed Water**

The County shall encourage the use of tertiary treated wastewater and household gray water for irrigation of agricultural lands, recreation and open space areas, and large landscaped areas as a means of reducing demand for groundwater resources.

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

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



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## **HS-9.2 Walkable Communities**

The County shall require where feasible, the development of parks, open space, sidewalks and walking and biking paths that promote physical activity and discourage automobile dependency in all future communities.

## **PF-1.4 Available Infrastructure**

The County shall encourage urban development to locate in existing UDBs and HDBs where infrastructure is available or may be established in conjunction with development. The County shall ensure that development does not occur unless adequate infrastructure is available, that sufficient water supplies are available or can be made available, and that there are adequate provisions for long term management and maintenance of infrastructure and identified water supplies.

## Open-Space Policies

## **LU-2.3 Open Space Character**

The County shall require that all new development requiring a County discretionary approval, including parcel and subdivision maps, be planned and designed to maintain the scenic open space character of open space resources including, but not limited to, agricultural areas, rangeland, riparian areas, etc., within the view corridors of highways. New development shall utilize natural landforms and vegetation in the least visually disruptive way possible and use design, construction and maintenance techniques that minimize the visibility of structures on hilltops, hillsides, ridgelines, steep slopes, and canyons.

## **SL-1.3 Watercourses**

The County shall protect visual access to, and the character of, Tulare County's scenic rivers, lakes, and irrigation canals by:

1. Locating and designing new development to minimize visual impacts and obstruction of views of scenic watercourses from public lands and right-of-ways, and
2. Maintaining the rural and natural character of landscape viewed from trails and watercourses used for public recreation.

## **ERM-5.1 Parks as Community Focal Points**

The County shall strengthen the role of County parks as community focal points by providing community center/recreation buildings to new and existing parks, where feasible.

## **ERM-5.2 Park Amenities**

The County shall provide a broad range of active and passive recreational opportunities within community parks. When possible, this should include active sports fields and facilities, community center/recreation buildings, children's play areas, multi-use areas and trails, sitting areas, and other specialized uses as appropriate.

## **ERM-5.3 Park Dedication Requirements**

The County shall require the dedication of land and/or payment of fees, in accordance with local authority and State law (for example, the Quimby Act), to ensure funding for the acquisition and development of public recreation facilities.

## **ERM-5.5 Collocated Facilities**

The County shall encourage the development of parks near public facilities such as schools, community halls, libraries, museums, prehistoric sites, and open space areas and shall encourage joint-use agreements whenever possible.

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## ERM-5.6 Location and Size Criteria for Parks

Park types used in Tulare County are defined as follows:

- **Neighborhood Play Lots (Pocket Parks).** The smallest park type, these are typically included as part of a new development to serve the neighborhood in which they are contained. Typical size is one acre or less. If a park of this type is not accessible to the general public, it cannot be counted towards the park dedication requirements of the County. Pocket Parks can be found in communities, hamlets, and other unincorporated areas.
- **Neighborhood Parks.** Neighborhood parks typically contain a tot lot and playground for 2-5 year olds and 5-12 year olds, respectively, one basketball court or two half-courts, baseball field(s), an open grassy area for informal sports activities (for example, soccer), and meandering concrete paths that contain low-level lighting for walking or jogging. In addition, neighborhood parks typically have picnic tables and a small group picnic shelter. These park types are typically in the range of 2 to 15 acres and serve an area within a ½ mile radius. Neighborhood parks can be found in communities, hamlets, and other unincorporated areas.
- **Community Parks.** Community parks are designed to serve the needs of the community as a whole. These facilities can contain the same facilities as the neighborhood park. In addition, these parks can contain sports facilities with night lighting, community centers, swimming pools, and facilities of special interest to the community. These parks are typically 15 to 40 acres in size and serve an area within a 2-mile radius.

Community parks can be found in communities, planned community areas, and large hamlets.

- **Regional Parks.** Regional parks are facilities designed to address the needs of the County as a whole. These facilities may have an active recreation component (play area, group picnic area, etc.), but the majority of their area is maintained for passive recreation (such as hiking or horseback riding), and natural resource enjoyment. Regional parks are typically over 200 acres in size, but smaller facilities may be appropriate for specific sites of regional interest.

The following guidelines should be observed in creating and locating County parks:

1. The County shall strive to maintain an overall standard of five or more acres of County-owned improved parkland per 1,000 population in the unincorporated portions of the County,
2. Neighborhood play lots (pocket parks) are encouraged as part of new subdivision applications as a project amenity, but are not included in the calculation of dedication requirements for the project,
3. Neighborhood parks at three acres per 1,000 population, if adjoining an elementary school and six acres per 1,000 population if separate [ERME IV-C; Open Space; Policy 3; Pg. 101],
4. Community parks at one-acre per 1,000 population if adjoining a high school and two acres per 1,000 population if separate [ERME IV-C; Open Space; Policy 4; Pg. 101],
5. Regional parks at one-acre per 1,000 population,
6. Only public park facilities shall be counted toward Countywide parkland standards, and

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7. A quarter mile walking radius is the goal for neighborhood parks.

## **ERM-5.12 Meet Changing Recreational Needs**

The County shall promote the continued and expanded use of national and State forests, parks, and other recreational areas to meet the recreational needs of County residents.

## **ERM-5.13 Funding for Recreational Areas and Facilities**

The County shall support the continued maintenance and improvement of existing recreational facilities and expansion of new recreational facilities opportunities for County, State, and Federal lands. The County shall strive to obtain adequate funding to improve and maintain existing parks, as well as construct new facilities.

## **ERM-5.15 Open Space Preservation**

The County shall preserve natural open space resources through the concentration of development in existing communities, use of cluster development techniques, maintaining large lot sizes in agricultural areas, discouraging conversion of lands currently used for agricultural production, limiting development in areas constrained by natural hazards, and encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production.

## **HS-9.1 Healthy Communities**

To the maximum extent feasible, the County shall strive through its land use decisions to promote community health and safety for all neighborhoods in the County by encouraging patterns of development that are safe and influence crime prevention, promote a high-quality physical environment, and encourage physical activity

by means such as sidewalks, and walking and biking paths that discourage automobile dependency in existing communities.

Other

## **PF-2.7 Improvement Standards in Communities**

The County shall require development within the designated UDBs to meet an urban standard for improvements. Typical improvements shall include curbs, gutters, sidewalks, and community sewer and water systems.

## **ERM-6.3 Alteration of Sites with Identified Cultural Resources**

When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development should be permitted in these areas only after a site specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource.

## **WR-3.9 Establish Critical Water Supply Areas**

The County shall designate Critical Water Supply Areas to include the specific areas used by a municipality or community for its water supply system, areas critical to groundwater recharge, and other areas possessing a vital role in the management of the water resources in the County.

## **PFS-6.1 Telecommunications Services**

The County shall work with telecommunication providers to ensure that all residents and businesses have access to telecommunications services, including

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broadband internet service. To maximize access to inexpensive telecommunications services, the County shall encourage marketplace competition from multiple service providers.

## **PFS-8.4 Library Facilities and Services**

The County shall encourage expansion of library facilities and services as necessary to meet the needs (e.g., internet access, meeting rooms, etc.) of future population growth.

## **PFS-8.5 Government Facilities in Community Centers**

The County shall actively support development and expansion of federal, State, County, districts, and other governmental offices and facilities where infrastructure exists within community core areas.

## **PFS-9.1 Expansion of Gas and Electricity Facilities**

The County shall coordinate with gas and electricity service providers to plan the expansion of gas and electrical facilities to meet the future needs of County residents.

## Noise Policies

### **HS-8.5 State Noise Standards**

The County shall enforce the State Noise Insulation Standards (California Administrative Code, Title 24) and Chapter 35 of the Uniform Building Code (UBC). Title 24 requires that interior noise levels not exceed 45 dB Ldn (or CNEL) with the windows and doors closed within new developments of multi-family dwellings, condominiums, hotels, or motels. Where it is not possible to reduce exterior noise levels within an acceptable range, the County shall require the application of noise reduction technology to reduce interior noise levels to an acceptable level.

### **HS-8.6 Noise Level Criteria**

The County shall ensure noise level criteria applied to land uses other than residential or other noise-sensitive uses are consistent with the recommendations of the California Office of Noise Control (CONC).

### **HS-8.7 Inside Noise**

The County shall ensure that in instances where the windows and doors must remain closed to achieve the required inside acoustical isolation, mechanical ventilation or air conditioning is provided.

### **HS-8.8 Adjacent Uses**

The County shall not permit development of new industrial, commercial, or other noise-generating land uses if resulting noise levels will exceed 60 dB Ldn (or CNEL) at the boundary of areas designated and zoned for residential or other noise-sensitive uses, unless it is determined to be necessary to promote the public health, safety and welfare of the County.

### **HS-8.9 County Equipment**

The County shall strive to purchase equipment that complies with noise level performance standards set forth in the Health and Safety Element.

### **HS-8.10 Automobile Noise Enforcement**

The County shall encourage the CHP, Sheriff's office, and local police departments to actively enforce existing sections of the California Vehicle Code relating to adequate vehicle mufflers, modified exhaust systems, and other amplified noise.

### **HS-8.11 Peak Noise Generators**

The County shall limit noise generating activities, such as construction, to hours of normal business operation (7 a.m. to 7 p.m.).

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No peak noise generating activities shall be allowed to occur outside of normal business hours without County approval.

## **HS-8.14 Sound Attenuation Features**

The County shall require sound attenuation features such as walls, berming, heavy landscaping, between commercial, industrial, and residential uses to reduce noise and vibration impacts.

## **HS-8.15 Noise Buffering**

The County shall require noise buffering or insulation in new development along major streets, and highways.

## Safety Policies

### **HS-1.1 Maintain Emergency Public Services**

The County shall ensure that during natural catastrophes and emergency situations, the County can continue to provide essential emergency services.

### **HS-1.9 Emergency Access**

The County shall require, where feasible, road networks (public and private) to provide for safe and ready access for emergency equipment and provide alternate routes for evacuation.

### **HS-1.10 Emergency Services Near Assisted Living Housing**

In approving new facilities, such as nursing homes, housing for the elderly and other housing for the mentally and physically infirm, to the extent possible, the County shall ensure that such facilities are located within reasonable distance of fire and law enforcement stations.

### **HS-5.2 Development in Floodplain Zones**

The County shall regulate development in the 100-year floodplain zones as designated on maps prepared by FEMA in accordance with the following:

1. Critical facilities (those facilities which should be open and accessible during emergencies) shall not be permitted.
2. Passive recreational activities (those requiring non-intensive development, such as hiking, horseback riding, picnicking) are permissible.
3. New development and divisions of land, especially residential subdivisions, shall be developed to minimize flood risk to structures, infrastructure, and ensure safe access and evacuation during flood conditions.

### **HS-5.8 Road Location**

The County shall plan and site new roads to minimize disturbances to banks and existing channels and avoid excessive cuts and accumulations of waste soil and vegetative debris near natural drainage ways.

### **HS-5.9 Floodplain Development Restrictions**

The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas.

### **HS-5.10 Flood Control Design**

The County shall evaluate flood control projects involving further channeling, straightening, or lining of waterways until alternative multipurpose modes of treatment, such as wider berms and landscaped levees, in combination with recreation amenities, are studied.

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## **HS-5.11 Natural Design**

The County shall encourage flood control designs that respect natural curves and vegetation of natural waterways while retaining dynamic flow and functional integrity.

## **HS-7.4 Upgrading for Streets and Highways**

The County shall evaluate and upgrade vital streets and highways to an acceptable level for emergency services.

## **PFS-7.1 Fire Protection**

The County shall strive to expand fire protection service in areas that experience growth in order to maintain adequate levels of service.

## **PFS-7.6 Provision of Station Facilities and Equipment**

The County shall strive to provide sheriff and fire station facilities, equipment (engines and other apparatus), and staffing necessary to maintain the County's service goals. The County shall continue to cooperate with mutual aid providers to provide coverage throughout the County.

## **PFS-7.11 Locations of Fire and Sheriff Stations/Sub-stations**

The County shall strive to locate fire and sheriff sub-stations in areas that ensure the minimum response times to service calls.

## **PFS-7.12 Design Features for Crime Prevention and Reduction**

The County shall promote the use of building and site design features as means for crime prevention and reduction.

## **PFS-8.3 Location of School Sites**

The County shall work with school districts and land developers to locate school sites consistent with current and future land uses. The County shall also encourage siting new schools near the residential areas that they serve and with access to safe pedestrian and bike routes to school.



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## General Plan Policies That Relate To Health

### **PF-2.7 Improvement Standards in Communities**

The County shall require development within the designated UDBs to meet an urban standard for improvements. Typical improvements shall include curbs, gutters, sidewalks, and community sewer and water systems.

#### Land Use Element

### **LU-1.1 Smart Growth and Healthy Communities**

The County shall promote the principles of smart growth and healthy communities in UDBs and HDBs, including:

1. Creating walkable neighborhoods,
2. Providing a mix of residential densities,
3. Creating a strong sense of place,
4. Mixing land uses,
5. Directing growth toward existing communities,
6. Building compactly,
7. Discouraging sprawl,
8. Encouraging infill,
9. Preserving open space,
10. Creating a range of housing opportunities and choices,
11. Utilizing planned community zoning to provide for the orderly pre-planning and long term development of large tracks of land which may contain a variety of land uses, but are under unified ownership or development control, and
12. Encouraging connectivity between new and existing development.

### **LU-1.2 Innovative Development**

The County shall promote flexibility and innovation through the use of planned unit developments, development agreements, specific plans, Mixed Use projects, and other innovative development and planning techniques.

### **LU-1.3 Prevent Incompatible Uses**

The County shall discourage the intrusion into existing urban areas of new incompatible land uses that produce significant noise, odors, or fumes.

### **LU-1.4 Compact Development**

The County shall actively support the development of compact mixed-use projects that reduce travel distances.

### **LU- 1.5 Paper Subdivision Consolidations**

The County shall encourage consolidation of paper parcels/subdivisions, especially those lots that are designated Valley Agriculture (VA), Foothill Agriculture (FA), or Resource Conservation (RC), are irregular in shape, inadequate in size for proper use, or lack infrastructure.

### **LU-1.6 Permitting Procedures and Regulations**

The County shall continue to ensure that its permitting procedures and regulations are consistent and efficient.

### **LU-1.7 Development on Slopes**

The County shall require a preliminary soils report for development projects in areas with

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shallow or unstable soils or slopes in excess of 15 percent. If the preliminary soil report indicates soil conditions could be unstable, a detailed geologic/hydrologic report by a registered geologist, civil engineer, or engineering geologist shall be required demonstrating the suitability of any proposed or additional development.

## **LU-1.8 Encourage Infill Development**

The County shall encourage and provide incentives for infill development to occur in communities and hamlets within or adjacent to existing development in order to maximize the use of land within existing urban areas, minimize the conversion of existing agricultural land, and minimize environmental concerns associated with new development.

## **LU-1.10 Roadway Access**

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

## **LU-3.1 Residential Developments**

The County shall encourage new major residential development to locate near existing infrastructure for employment centers, services, and recreation.

## **LU-3.3 High-Density Residential Locations**

The County shall encourage high-density residential development (greater than 14 dwelling units per gross acre) to locate along collector roadways and transit routes, and near public facilities (e.g., schools, parks), shopping, recreation, and entertainment.

## **LU-3.6 Project Design**

The County shall require residential project design to consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential

densities and lot patterns will be determined by these and other factors. As a result, the maximum density specified by General Plan designations or zoning for a given parcel of land may not be attained.

## **LU-7.3 Friendly Streets**

The County shall encourage new streets within UDBs to be designed and constructed to not only accommodate traffic, but also serve as comfortable pedestrian and cyclist environments. These should include, but not be limited to:

1. Street tree planting adjacent to curbs and between the street and sidewalk to provide a buffer between pedestrians and automobiles, where appropriate,
2. Minimize curb cuts along streets,
3. Sidewalks on both sides of streets, where feasible,
4. Bike lanes and walking paths, where feasible on collectors and arterials, and
5. Traffic calming devices such as roundabouts, bulb-outs at intersections, traffic tables, and other comparable techniques.

## **LU-7.5 Crime Prevention through Design**

The County shall encourage design of open space areas, bicycle and pedestrian systems, and housing projects so that there is as much informal surveillance by people as possible to deter crime.

## **LU-7.15 Energy Conservation**

The County shall encourage the use of solar power and energy conservation building techniques in all new development.

## **LU-7.16 Water Conservation**

The County shall encourage the inclusion of “extra-ordinary” water conservation and demand management measures for residential, commercial, and industrial indoor

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and outdoor water uses in all new urban development.

## Housing Element

### **Housing Policy 1.51**

Encourage the construction of new housing units for “special needs” groups, including senior citizens, large families, single heads of households, households of persons with physical and/or mental disabilities, minorities, farmworkers, and the homeless in close proximity to transit, services, and jobs.

### **Housing Policy 3.12**

Support locally initiated programs to provide neighborhood parks and recreational facilities for residential areas within unincorporated communities.

### **Housing Policy 3.13**

Encourage subdivision and housing unit design, which provides for a reasonable level of safety and security.

### **Housing Policy 3.16**

Actively seek federal, state, and private foundation grant funds for park and recreation facilities in unincorporated areas, including dual-use storm drainage ponding basins/recreation parks.

### **Housing Policy 4.21**

Promote energy conservation opportunities in new residential development.

### **Housing Policy 4.22**

Enforce provisions of the Subdivision Map Act regulating energy-efficient subdivision design.

### **Housing Policy 5.21**

Administer and enforce the relevant portions of the Health and Safety Code.

### **Housing Policy 5.26**

Prohibit concentrations of dwelling units near potentially incompatible agricultural uses as defined in the Animal Confinement Facilities Plan.

## Environmental Resources Management Element

### **ERM-5.2 Park Amenities**

The County shall provide a broad range of active and passive recreational opportunities within community parks. When possible, this should include active sports fields and facilities, community center/recreation buildings, children’s play areas, multi-use areas and trails, sitting areas, and other specialized uses as appropriate.

## Air Quality Element

### **AQ-1.3 Cumulative Air Quality Impacts**

The County shall require development to be located, designed, and constructed in a manner that would minimize cumulative air quality impacts. Applicants shall be required to propose alternatives as part of the State CEQA process that reduce air emissions and enhance, rather than harm, the environment.

### **AQ-1.4 Air Quality Land Use Compatibility**

The County shall evaluate the compatibility of industrial or other developments which are likely to cause undesirable air pollution with regard to proximity to sensitive land uses, and wind direction and circulation in an effort to alleviate effects upon sensitive receptors.

### **AQ-1.7 Support Statewide Climate Change Solutions**

The County shall monitor and support the efforts of Cal/EPA, CARB, and the SJVAPCD, under AB 32 (Health and Safety

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Code §38501 et seq.), to develop a recommended list of emission reduction strategies. As appropriate, the County will evaluate each new project under the updated General Plan to determine its consistency with the emission reduction strategies.

## **AQ-1.8 Greenhouse Gas Emissions Reduction Plan/Climate Action Plan**

The County will develop a Greenhouse Gas Emissions Reduction Plan that identifies greenhouse gas emissions within the County as well as ways to reduce those emissions. The Plan will incorporate the requirements adopted by the California Air Resources Board specific to this issue. In addition, the County will work with the Tulare County Association of Governments and other applicable agencies to include the following key items in the regional planning efforts.

1. Inventory all known, or reasonably discoverable, sources of greenhouse gases in the County,
2. Inventory the greenhouse gas emissions in the most current year available, and those projected for year 2020, and
3. Set a target for the reduction of emissions attributable to the County's discretionary land use decisions and its own internal government operations.

## **AQ-2.2 Indirect Source Review**

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

1. Providing bicycle access and parking facilities,

2. Increasing density,
3. Encouraging mixed use developments,
4. Providing walkable and pedestrian-oriented neighborhoods,
5. Providing increased access to public transportation,
6. Providing preferential parking for high-occupancy vehicles, car pools, or alternative fuels vehicles, and
7. Establishing telecommuting programs or satellite work centers.

## **AQ-2.3 Transportation and Air Quality**

When developing the regional transportation system, the County shall work with TCAG to comprehensively study methods of transportation which may contribute to a reduction in air pollution in Tulare County. Some possible alternatives that should be studied are:

1. Commuter trains (Light Rail, Amtrak, or High Speed Rail) connecting with Sacramento, Los Angeles, and San Francisco, with attractive services scheduled up and down the Valley,
2. Public transportation such as buses and light rail, to serve between communities of the Valley, publicly subsidized if feasible,
3. Intermodal public transit such as buses provided with bicycle racks, bicycle parking at bus stations, bus service to train stations and airports, and park and ride facilities, and
4. Community transportation systems supportive of alternative transportation modes, such as cycling or walking trails, with particular attention to high-density areas.

## **AQ-3.2 Infill near Employment**

The County shall identify opportunities for infill development projects near employment areas within all unincorporated communities and hamlets to reduce vehicle trips.

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## **AQ-3.3 Street Design**

The County shall promote street design that provides an environment, which encourages transit use, biking, and pedestrian movements.

## **AQ-3.4 Landscape**

The County shall encourage the use of ecologically based landscape design principles that can improve local air quality by absorbing CO<sub>2</sub>, producing oxygen, providing shade that reduces energy required for cooling, and filtering particulates. These principles include, but are not limited to, the incorporation of parks, landscaped medians, and landscaping within development.

## **AQ-3.5 Alternative Energy Design**

The County shall encourage all new development, including rehabilitation, renovation, and redevelopment, to incorporate energy conservation and green building practices to the maximum extent feasible. Such practices include, but are not limited to: building orientation and shading, landscaping, and the use of active and passive solar heating and water systems.

## **AQ-3.6 Mixed Land Uses**

The County shall encourage the clustering of land uses that generate high trip volumes, especially when such uses can be mixed with support services and where they can be served by public transportation.

## Health and Safety Element

### **HS-1.4 Building and Codes**

Except as otherwise allowed by State law, the County shall ensure that all new buildings intended for human habitation are designed in compliance with the latest edition of the California Building Code, California Fire Code, and other adopted standards based on risk (e.g., seismic hazards, flooding), type of

occupancy, and location (e.g., floodplain, fault).

### **HS-1.5 Hazard Awareness and Public Education**

The County shall continue to promote awareness and education among residents regarding possible natural hazards, including soil conditions, earthquakes, flooding, fire hazards, and emergency procedures.

### **HS-1.6 Public Safety Programs**

The County shall promote public safety programs, including neighborhood watch programs, child identification and fingerprinting, public awareness and prevention of fire hazards, and other public education efforts.

### **HS-1.7 Safe Housing and Structures**

The County shall continue to seek grant funding for the rehabilitation of deteriorated and dilapidated structures and provide available information regarding housing programs and other public services.

### **HS-1.9 Emergency Access**

The County shall require, where feasible, road networks (public and private) to provide for safe and ready access for emergency equipment and provide alternate routes for evacuation.

### **HS-1.10 Emergency Services near Assisted Living Housing**

In approving new facilities, such as nursing homes, housing for the elderly and other housing for the mentally and physically infirm, to the extent possible, the County shall ensure that such facilities are located within reasonable distance of fire and law enforcement stations.

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## **HS-4.3 Incompatible Land Uses**

The County shall prevent incompatible land uses near properties that produce or store hazardous waste.

## **HS-4.4 Contamination Prevention**

The County shall review new development proposals to protect soils, air quality, surface water, and groundwater from hazardous materials contamination.

## **HS-4.5 Increase Public Awareness**

The County shall work to educate the public about household hazardous waste and the proper method of disposal.

## **HS-4.6 Pesticide Control**

The County shall monitor studies of pesticide use and the effects of pesticide on residents and wildlife and require mitigation of the effects wherever feasible and appropriate.

## **HS-4.8 Hazardous Materials Studies**

The County shall ensure that the proponents of new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project. Recommendations required to satisfy federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project.

## **HS-5.1 Development Compliance with Federal, State, and Local Regulations**

The County shall ensure that all development within the designated floodway or floodplain zones conforms with FEMA regulations and the Tulare County Flood Damage Prevention Ordinance.

New development and divisions of land, especially residential subdivisions, shall be developed to minimize flood risk to structures, infrastructure, and ensure safe access and evacuation during flood conditions.

## **HS-5.2 Development in Floodplain Zones**

The County shall regulate development in the 100-year floodplain zones as designated on maps prepared by FEMA in accordance with the following:

1. Critical facilities (those facilities which should be open and accessible during emergencies) shall not be permitted.
2. Passive recreational activities (those requiring non-intensive development, such as hiking, horseback riding, picnicking) are permissible.
3. New development and divisions of land, especially residential subdivisions, shall be developed to minimize flood risk to structures, infrastructure, and ensure safe access and evacuation during flood conditions.

## **HS-8.5 State Noise Standards**

The County shall enforce the State Noise Insulation Standards (California Administrative Code, Title 24) and Chapter 35 of the Uniform Building Code (UBC). Title 24 requires that interior noise levels not exceed 45 dB Ldn (or CNEL) with the windows and doors closed within new developments of multi-family dwellings, condominiums, hotels, or motels. Where it is not possible to reduce exterior noise levels within an acceptable range the County shall require the application of noise reduction technology to reduce interior noise levels to an acceptable level.



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## **HS-9.1 Healthy Communities**

To the maximum extent feasible, the County shall strive through its land use decisions to promote community health and safety for all neighborhoods in the County by encouraging patterns of development that are safe and influence crime prevention, promote a high-quality physical environment and encourage physical activity by means such as sidewalks and walking and biking paths that discourage automobile dependency in existing communities.

## **HS-9.2 Walkable Communities**

The County shall require where feasible, the development of parks, open space, sidewalks, and walking and biking paths that promote physical activity and discourage automobile dependency in all future communities.

### Water Resource Element

## **WR-2.1 Protect Water Quality**

All major land use and development plans shall be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. The County shall confer with other appropriate agencies, as necessary, to assure adequate water quality review to prevent soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris; and runoff from the site.

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

The County shall continue to support the State in monitoring and enforcing provisions to control non-point source water pollution contained in the U.S. EPA NPDES program

as implemented by the Water Quality Control Board.

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

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

### Transportation and Circulation Element

## **TC-1.18 Balanced System**

The County shall strive to meet transportation needs and maintain LOS standards through a balanced Multimodal Transportation Network that provides alternatives to the automobile.

## **TC-1.19 Balanced Funding**

The County shall promote a balanced approach to the allocation of transportation funds to optimize the overall County transportation system.

## **TC-4.1 Transportation Programs**

The County shall support the continued coordination of transportation programs provided by social service agencies, particularly those serving elderly and/or handicapped.

## **TC-4.2 Determine Transit Needs**

The County will continue to work with TCAG, cities, and communities in the County to evaluate and respond to public transportation needs.

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## **TC-4.3 Support Tulare County Area Transit**

The County shall request the support of TCAG for development of transit services outlined in the County's Transit Development Plan (TDP). Efforts to expand Tulare County Area Transit should be directed towards:

1. Encouraging new and improving existing transportation services for the elderly and disabled, and
2. Providing intercommunity services between unincorporated communities and cities.

## **TC-4.4 Nodal Land Use Patterns that Support Public Transit**

The County shall encourage land uses that generate higher ridership including; high density residential, employment centers, schools, personal services, administrative and professional offices, and social/recreational centers, to be clustered within a convenient walking distance of one another.

## **TC-5.1 Bicycle/Pedestrian Trail System**

The County shall coordinate with TCAG and other agencies to develop a Countywide integrated multi-purpose trail system that provides a linked network with access to recreational, cultural, and employment facilities, as well as offering a recreational experience apart from that available at neighborhood and community parks.

## **TC-5.2 Consider Non-Motorized Modes in Planning and Development**

The County shall consider incorporating facilities for non-motorized users, such as bike routes, sidewalks, and trails when constructing or improving transportation facilities and when reviewing new development proposals. For developments with 50 or more dwelling units or non-residential projects with an

equivalent travel demand, the feasibility of such facilities shall be evaluated.

## **TC-5.3 Provisions for Bicycle Use**

The County shall work with TCAG to encourage local government agencies and businesses to consider including bicycle access and provide safe bicycle parking facilities at office buildings, schools, shopping centers, and parks.

## Public Facilities and Services Element

### **PFS-1.1 Existing Development**

The County shall generally give priority for the maintenance and upgrading of County-owned and operated facilities and services to existing development in order to prevent the deterioration of existing levels-of-service.

### **PFS-1.3 Impact Mitigation**

The County shall review development proposals for their impacts on infrastructure (for example, sewer, water, fire stations, libraries, streets, etc.). New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. The lack of available public or private services or adequate infrastructure to serve a project, which cannot be satisfactorily mitigated by the project, may be grounds for denial of a project or cause for the modification of size, density, and/or intensity of the project.

### **PFS-1.4 Standards of Approval**

The County should not approve any development unless the following conditions are met:

1. The applicant can demonstrate all necessary infrastructure will be installed and adequately financed,

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2. Infrastructure improvements are consistent with adopted County infrastructure plans and standards, and
3. Funding mechanisms are provided to maintain, operate, and upgrade the facilities throughout the life of the project.

## **PFS-1.5 Funding for Public Facilities**

The County shall implement programs and/or procedures to ensure that funding mechanisms necessary to adequately cover the costs related to planning, capital improvements, maintenance, and operations of necessary public facilities and services are in place, whether provided by the County or another entity.

## **PFS-1.6 Funding Mechanisms**

The County shall use a wide range of funding mechanisms, such as the following, to adequately fund capital improvements, maintenance, and on-going operations for publicly-owned and/or operated facilities:

1. Establishing appropriate development impact fees,
2. Establishing assessment districts, and
3. Pursuing grant funding.

## **PFS-1.7 Coordination with Service Providers**

The County shall work with special districts, community service districts, public utility districts, mutual water companies, private water purveyors, sanitary districts, and sewer maintenance districts to provide adequate public facilities and to plan/coordinate, as appropriate, future utility corridors in an effort to minimize future land use conflicts.

## **PFS-1.8 Funding for Service Providers**

The County shall encourage special districts, including community service districts and public utility districts to:

1. Institute impact fees and assessment districts to finance improvements,
2. Take on additional responsibilities for services and facilities within their jurisdictional boundaries up to the full extent allowed under State law, and
3. Investigate feasibility of consolidating services with other districts and annexing systems in proximity to promote economies of scale, such as annexation to city systems and regional wastewater treatment systems.

## **PFS-1.9 New Special Districts**

When feasible, the County shall support the establishment of new special districts, including community service districts and public utility districts, to assume responsibility for public facilities and services.

## **PFS-1.10 Homeowner Associations**

The County shall support the creation of homeowner associations, condominium associations, or other equivalent organizations to assume responsibility for specific public facilities and services.

## **PFS-1.11 Facility Sizing**

The County shall ensure that publicly-owned and operated facilities are designed to meet the projected capacity needed in their service area to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental sizing, the initial design shall include adequate land area and any other elements to easily expand in the future.

## **PFS-1.12 Security**

The County shall seek to minimize vulnerability of public facilities to natural and man-made hazards and threats.

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## **PFS-2.1 Water Supply**

The County shall work with agencies providing water service to ensure that there is an adequate quantity and quality of water for all uses, including water for fire protection, by, at a minimum, requiring a demonstration by the agency providing water service of sufficient and reliable water supplies and water management measures for proposed urban development.

## **PFS-2.2 Adequate Systems**

The County shall review new development proposals to ensure that the intensity and timing of growth will be consistent with the availability of adequate production and delivery systems. Projects must provide evidence of adequate system capacity prior to approval.

## **PFS-2. Well Testing**

The County shall require new development that includes the use of water wells to be accompanied by evidence that the site can produce the required volume of water without impacting the ability of existing wells to meet their needs.

## **PFS-2.4 Water Connections**

The County shall require all new development in UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, Area Plans, existing water district service areas, or zones of benefit, to connect to the community water system, where such system exists. The County may grant exceptions in extraordinary circumstances, but in these cases, the new development shall be required to connect to the water system when service becomes readily available.

## **PFS-2.5 New Systems or Individual Wells**

Where connection to a community water system is not feasible per PFS-2.4: Water

Connections, service by individual wells or new community systems may be allowed if the water source meets standards for quality and quantity.

## **PFS-3.1 Private Sewage Disposal Standards**

The County shall maintain adequate standards for private sewage disposal systems (e.g., septic tanks) to protect water quality and public health.

## **PFS-3.2 Adequate Capacity**

The County shall require development proposals to ensure the intensity and timing of growth is consistent with the availability of adequate wastewater treatment and disposal capacity.

## **PFS-3.3 New Development Requirements**

The County shall require all new development, within UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, Area Plans, existing wastewater district service areas, or zones of benefit, to connect to the wastewater system, where such systems exist. The County may grant exceptions in extraordinary circumstances, but in these cases, the new development shall be required to connect to the wastewater system when service becomes readily available.

## **PFS-3.4 Alternative Rural Wastewater Systems**

The County shall consider alternative rural wastewater systems for areas outside of community UDBs and HDBs that do not have current systems or system capacity. For individual users, such systems include elevated leach fields, sand filtration systems, evapotranspiration beds, osmosis units, and holding tanks. For larger generators or groups

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of users, alternative systems, including communal septic tank/leach field systems, package treatment plants, lagoon systems, and land treatment, can be considered.

## **PFS-3.7 Financing**

The County shall cooperate with special districts when applying for State and federal funding for major wastewater related expansions/upgrades when such plans promote the efficient solution to wastewater treatment needs for the area and County.

## **PFS-4.2 Site Improvements**

The County shall ensure that new development in UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, and Area Plans includes adequate stormwater drainage systems. This includes adequate capture, transport, and detention/retention of stormwater.

## **PFS-4.3 Development Requirements**

The County shall encourage project designs that minimize drainage concentrations and impervious coverage, avoid floodplain areas, and where feasible, provide a natural watercourse appearance.

## **PFS-4.4 Stormwater Retention Facilities**

The County shall require on-site detention/retention facilities and velocity reducers when necessary to maintain existing (pre-development) storm flows and velocities in natural drainage systems. The County shall encourage the multi-purpose design of these facilities to aid in active groundwater recharge.

## **PFS-4.5 Detention/Retention Basins Design**

The County shall require that stormwater detention/retention basins be visually unobtrusive and provide a secondary use, such as recreation, when feasible.

## **PFS-4.6 Agency Coordination**

The County shall work with the Army Corps of Engineers and other appropriate agencies to develop stormwater detention/retention facilities and recharge facilities that enhance flood protection and improve groundwater recharge.

## **PFS-4.7 NPDES Enforcement**

The County shall continue to monitor and enforce provisions to control non-point source water pollution contained in the U.S. Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) program.

## **PFS-5.1 Land Use Compatibility with Solid Waste Facilities**

The County shall ensure that solid waste facility sites (for example, landfills) are protected from the encroachment by sensitive and/or incompatible land uses.

## **PFS-5.8 Hazardous Waste Disposal Capabilities**

The County shall require the proper disposal and recycling of hazardous materials in accordance with the County's Hazardous Waste Management Plan.

## **PFS-7.2 Fire Protection Standards**

The County shall require all new development to be adequately served by water supplies, storage, and conveyance facilities supplying adequate volume, pressure, and capacity for fire protection.

## **PFS-7.5 Fire Staffing and Response Time Standards**

The County shall strive to maintain fire department staffing and response time goals consistent with National Fire Protection Association (NFPA) standards.

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Fire Staffing and Responses Time Standards			
	Demographics	Staffing/ Response Time	% of Calls
Urban	>1,000 people/sq. mi.	15 FF/9 min.	90
Suburban	500-100 people/sq. mi.	10 FF/10 min.	80
Rural	<500 people/sq. mi.	6 FF/14 min.	80
Remote*	Travel Dist.>8 min.	4 FF/no specific response time	90

\*Upon assembling the necessary resources at the emergency scene, the fire department should have the capacity to safely commence an initial attack within 2 minutes, 90% of the time.

FF: fire fighters

## PFS-7.12 Design Features for Crime Prevention and Reduction

The County shall promote the use of building and site design features as means for crime prevention and reduction.

## PFS-8.2 Joint Use Facilities and Programs

The County shall encourage the development of joint school facilities, recreation facilities, and educational and service programs between school districts and other public agencies.

## PFS-8.3 Location of School Sites

The County shall work with school districts and land developers to locate school sites consistent with current and future land uses. The County shall also encourage siting new schools near the residential areas that they serve and with access to safe pedestrian and bike routes to school.

## PFS-9.1 Expansion of Gas and Electricity Facilities

The County shall coordinate with gas and electricity service providers to plan the expansion of gas and electrical facilities to meet the future needs of County residents.

## PFS-9.2 Appropriate Siting of Natural Gas and Electric Systems

The County shall coordinate with natural gas and electricity service providers to locate and design gas and electric systems that minimize impacts to existing and future residents.

## PFS-9.3 Transmission Corridors

The County shall work with the Public Utilities Commission and power utilities so that transmission corridors meet the following minimum requirements:

1. Transmission corridors shall be located to avoid health impacts on residential lands and sensitive receptors, and
2. Transmission corridors shall not impact the economic use of adjacent properties.



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## Goals, Objectives, and Policies Specific to Lemon Cove

Goals, objectives and policies are the fundamental building blocks of the planning process. Goals describe the desirable results to which the plan is committed while objectives describe the intermediate steps or achievements which must be taken to reach the goals. Policies describe more specific actions or processes which must be undertaken in order to achieve objectives.

Taken as a whole, goals, objectives and policies provide the guidelines as to how the community is to grow in terms of type, quantity and quality of development. The goals, objectives and policies are an integral part of the plan itself and the final land use map and plan description must reflect the goals, objectives and policies of the community. The plan map then is a graphic portrayal of what goals, objectives and policies are intended to accomplish.

The goals, objectives and policies of this community plan are divided into four categories. The four areas are: Community Development, Housing, Economic Base, and Environmental Quality.

### **\*\*\*\*\* Ground Water Management Act Policy \*\*\*\*\***

**Goal: That the County and Greater Kaweah Groundwater Sustainability Agency work collaboratively under the Tulare County General Plan to assist the Lemon Cove Sanitary District in establishing conservation measures and credits in order to sustainably grow water and sewer infrastructure consistent with the Projected Growth Rates considered in the General Plan of Tulare County.**

Objective: To not inhibit the 2019 Lemon Cove Community Plan, the projected growth rates due to the Groundwater Management Act. Instead, to use thoughtful localized conservation measures, funding and credits for storm water retention / groundwater reclamation that can be utilized by the Sequoia Union School District and Sanitary District in order meet the demands of the Greater Kaweah GSA and the Management Area.

Policy 1: The County as a member of the Greater Kaweah GSA will use its role as a GSA member to assist the Lemon Cove Sanitary District, and Sequoia Union School District to enhance and establish conservation measures that reduce the demand requirements consistent with previous drought measures (2014-15) that are still the law of California, and under the precepts of SGMA.

Policy 2: The Lemon Cove Sanitary District, and Sequoia Union School District should work with the Greater Kaweah GSA to establish credits for storm water retention / ground water reclamation consistent with the County General Plan.

Policy 3: The Lemon Cove Sanitary District seek and be given credits consistent with the Greater Kaweah GSA's ultimate definitions of available reclamation credits for recycled waste water effluent land applications.

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Policy 4: That the Sequoia Union School District be given credits for any ground water reclamation, they can supply through utilization of their existing storm water detention basins.

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## Community Development

### **GOAL I: Foster a cohesive community with easy access to necessary services and support facilities**

Objective: Prevent premature urban-type development on agriculturally productive lands.

Policies:

1. Encourage in-filling of vacant land and compatible development on underdeveloped land as a priority before development of agriculturally productive lands.
2. The County shall carefully coordinate the extension of water and sewer services in the Plan Area with the Lemon Cove Sanitary District to promote orderly and efficient development patterns.

### **GOAL II: Avoid land use conflicts through planning separation of uses.**

Objective: Promote concentrations of similar or compatible uses.

Policies:

1. Promote a concentration of industrial and commercial activities within selected areas to allow for cost efficient provision of necessary services and to protect residential neighborhoods.
2. The County shall discourage the intrusion into existing urban areas of new incompatible land uses that produce significant noise, odors, or fumes.

3. The County shall ensure that new development respects Tulare County's heritage by requiring that development respond to its context, be compatible with the traditions and character of each community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.
4. The County shall discourage the intrusion into existing urban areas of new incompatible land uses that produce significant noise, odors, or fumes.
5. Land well suited for industrial development because of access, availability of infrastructure and proximity to similar land uses should be designated for industry and protected from the encroachment of incompatible uses.
6. Establish areas zoned exclusively for industry, commerce and residences consistent with the policies in this plan.
7. Phase-out existing nonconforming commercial and industrial concerns within planned residential areas through appropriate zoning amortization procedures.
8. Locate high-density residential uses in close proximity to planned shopping areas.
9. Require public, quasi-public and high density residential uses to locate where direct access to major streets is available.
10. The County shall ensure that solid waste facility sites (for example, landfills) are protected from the encroachment by sensitive and/or incompatible land uses.

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11. The County shall cooperate with all affected school districts to provide the highest quality educational services and school facilities possible.
12. The County shall work with the Sequoia Union School District in facilitating the location and establishment of new school sites, or expansion of existing sites, as needed.
13. The County shall work with the Sequoia Union School District to provide safe routes to school.
14. The County of Tulare will solicit recommendations from all interested public agencies on matters regarding the Lemon Cove Community Plan.
15. The Lemon Cove Community Plan should be reviewed every five years to determine if amendments are appropriate.
16. When considering any land use proposal, capital expenditure or other matters of community importance, the County of Tulare will request input from the local service district and other affected agencies.

Objective: Provide for appropriate buffers between areas set aside for commercial activities and single family residential uses.

Policies:

1. Require adequate setbacks, side and rear yards, landscaping and screening between living and working areas.
2. Utilize roadways right of ways and other physical features to separate planned living and working areas.

Objective: Encourage land uses adjacent to State Route 198, which are consistent with noise impacts.

Policies:

1. Encourage commercial and/or industrial development to locate adjacent to SR 198 where access is appropriate for such development.
2. Require installation of walls, berms or heavy planting along SR 198 in conjunction with any new residential development.
3. Discourage new residential development on vacant lots within areas proposed for commercial and industrial development.
4. Encourage the eventual conversion of existing residential uses within areas proposed for commercial and industrial development to nonresidential uses; except living quarters used in conjunction with a business.
5. Phase-out existing non-conforming commercial and industrial uses within planned residential areas by zoning such areas residential, and by enforcement of local zoning regulations pertaining to illegal buildings and uses.
6. Tulare County shall designate and zone sufficient amounts of land to accommodate existing and projected industrial, commercial, residential, and public (e.g., parks and recreational) needs of the community.
7. Provide for appropriate buffers between areas set aside for commercial activities and single family residential uses.

**GOAL III: Achieve development densities consistent with levels of available service.**

Objective: Urbanization in the planning areas should be contiguous and compact.

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## Policies:

1. The County shall encourage high-density residential development (greater than 14 dwelling units per gross acre) to locate along collector roadways and transit routes, and near public facilities (e.g., schools, parks), shopping, recreation, and entertainment.
2. The County shall review development proposals for their impacts on infrastructure (sewer, water, fire stations, libraries, streets, etc). New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. The lack of available public or private services or adequate infrastructure to serve a project, which cannot be satisfactorily mitigated by the project, may be grounds for denial of a project or cause for the modification of size, density, and/or intensity of the project.
3. The extension of water and sewer facilities into the planning area shall be coordinated with the policies of this Plan and the goals and policies of the Tulare County General Plan. Development in the planning area shall pay their fair share for services.

Objective: Avoid over use of individual waste disposal systems in unsewered areas.

## Policies:

1. Prohibit new residential development in excess of seven families per acre until such time as a central sewage collection system is constructed.
2. Prohibit commercial and industrial development with excessive wastewater discharge characteristics.

Objective: Encourage merger of existing vacant substandard lots within the townsite of Lemon Cove.

## Policies:

1. Conduct a study of the Lemon Cove townsite area to determine the impact of a comprehensive vacant lot merger action and undertake such a merger, if feasible.

## **GOAL IV: Coordinate Community Development Decisions with the Lemon Cove Sanitary District Municipal Service.**

Objective: Ensure that all development can be served by the Lemon Cove Sanitary District during the planning period.

## Policies:

1. Coordinate zoning with availability of utilities and community services.
2. Promote commercial and industrial development with wastewater discharge characteristics which can be accommodated by the Lemon Cove Sanitary District.
3. Encourage industries with excessive effluent to pre-treat wastewater prior to disposal to the Lemon Cove Sanitary District wastewater system.
4. Encourage coordination between developers and the Lemon Cove Sanitary District throughout the application and development process to prevent time delays and to assure that the Lemon Cove Sanitary District can accommodate the needs of any proposed development.
5. Before the issuance of any land use permit, the Tulare County Resource Management Agency must receive confirmation from the Lemon Cove Sanitary District that water and sewer

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service requirements can be accommodated.

6. Assist the Lemon Cove Sanitary District in applications for grant funds to carry out their capital improvement program for providing, maintaining and improving their sewer and water systems to serve new and existing developments which implement the goals and objectives of this Plan and of the Tulare County General Plan.
7. Prohibit to the extent allowed by law all development from holding, diverting and/or disposing of storm water run-off at locations, or in such a manner, as to cause groundwater recharge contributable to raising the groundwater to an unsafe level in the vicinity of the Lemon Cove Sanitary District wastewater treatment facilities.
8. Investigate the necessity of preparing a drainage plan, within five years of adoption of the Community Plan, for diverting and disposing of storm water runoff and excess irrigation water at a location, or locations, where the retention or disposition of such water will not contribute to raising the groundwater level in the vicinity of the Lemon Cove Sanitary District wastewater treatment facilities.
9. Before the issuance of any land use permit, the Tulare County Resource Management Agency will require all project applications for new development or redevelopment to include storm water disposal plans in accordance with the recommendations of the Tulare County Resource Management Agency and Caltrans to prevent runoff flows into the State highway right-of-way.

## Housing

**GOAL I: Provide safer and adequate housing for all citizens within the community.**

Objective: Reduce deficiencies in existing housing stock.

### Policies:

1. Through the Housing Element process, the County shall strive to minimize or eliminate blight in Lemon Cove.
2. Apply the health, safety and welfare standards of Tulare County Ordinance Code, which may require demolition of vacant substandard housing units.
3. Encourage relocation of families from substandard housing units by expanding affordable housing opportunities within the community.
4. Inform potential rehabilitators of substandard housing that incentives such as reduced building permit fees are available.
5. The County will strive to ensure that there is an adequate amount of planned residential land to meet the housing needs of Lemon Cove.
6. The County will ensure that there are adequate sites and will work with the Lemon Cove Sanitary District and other agencies to ensure that there are adequate public facilities to support future housing needs in Lemon Cove.
7. The County will work diligently towards the rehabilitation of the housing stock in Lemon Cove.
8. The County will attempt to maintain a balance between owner and renter-occupied housing stock in Lemon Cove.
9. Sites for multi-family development shall be identified which do not overburden any one area of the community or

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neighborhood. Large developments should be located on collector or arterial streets.

Objective: Encourage new housing construction within the community to meet the needs of low and moderate income residents.

Policies:

1. Enable the housing industry to proceed with construction in a timely and cost-efficient fashion by providing adequate amounts of residential zoning.
2. Assure that the housing industry is made aware of residential development potentials in Lemon Cove.
3. Coordinate residential zoning with availability of utilities and community services.
4. Provide adequate amounts of residential zoning to encourage the housing industry to proceed with construction of residential development in a timely and cost-efficient fashion.

Economic Base

**GOAL V: Develop a strong and diversified economy.**

Objective: Provide sufficient land for industrial and commercial development to meet the needs of the community and region and strengthen and maintain a viable community economy.

Policies:

1. Promote a concentration of industrial and commercial activities within selected areas to allow for cost efficient provision of necessary services and to protect residential neighborhoods.

2. Zone an area for a community shopping center in the northeastern portion of the community to meet local consumer needs.
3. Reserve areas with convenient State Route access for highway-oriented commercial development, thereby encouraging outside cash flow into the community.
4. New service commercial uses should be located away from existing or planned residential areas or mitigation measures should be incorporated into the design of the project that will eliminate any undesirable conditions.
5. The County shall encourage industrialization in Lemon Cove, especially industries that provide non-seasonal employment, and which require close freeway access.

Objective: Provide the services necessary to support new industrial and commercial development.

Policies:

1. Encourage the Lemon Cove Sanitary District to give priority to community service development in the areas reserved for commercial and industrial growth on the plan.
2. Place emphasis on development and upgrading of water supply facilities to meet fire protection standards in planned commercial and industrial areas.

Objective: Provide the necessary safe guards to attract quality industrial and commercial development to the community.



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## Policies:

1. Assure that commercial and industrial developments are designed so that traffic will not impact upon residential areas.
2. Develop standards for signs, landscaping, and fencing to improve the attractiveness of industrial and commercial areas.

## Environmental Quality and Public Safety

### **GOAL VI: Preserve and enhance the quality of life for present and future generation of Lemon Cove citizens.**

Objective: Upgrade the level of community health, sanitation and safety.

## Policies:

1. Encourage capital improvements (curbs, gutters, streets paving, lighting, etc.) within existing developed areas, which will upgrade the community image and improve safety.
2. The County shall, within its authority, protect the public from danger to life and property caused by fire.
3. The County shall, within its authority, protect the public against crime against people and property.

Objective: Provide sufficient open space for community recreation needs.

## Policies:

1. Encourage reservation of open space for recreational purposes in conjunction with future residential developments.
2. Facilitate innovation in housing and subdivision design so that private recreation and open space areas can be accommodated.

3. Assist in the development of a community park as feasible and appropriate in conjunction with a future site of the Sequoia Union School District.

## Objective: Protect Agricultural Lands:

1. Land within the respective Urban Development Boundary of Lemon Cove, which is designated as residential reserve, commercial reserve, or industrial reserve shall be retained in agricultural use until such time as conversion to urban use (as defined in the Tulare County General Plan) is appropriate. When a rezoning occurs without a general plan amendment, the reserve designation shall be removed from the parcel.
2. The following criteria shall be used to determine when conversion to urban use is appropriate:
  - a. The property is not subject to an agricultural preserve contract;
  - b. Full urban services, schools, and infrastructure sufficient to serve urban development either are available or can be made available; and
  - c. At least 30 % the property boundaries are contiguous to existing urban development.
3. Until productive agricultural lands are ready to be developed they shall be retained in parcels of sufficient size to allow agricultural uses.
4. Agricultural uses outside the UDB shall be protected from conflicting urban uses by aligning the UDB along streets, canals or other man-made or natural features in order to buffer the two uses to the extent possible.

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5. The County (and developers) shall carefully coordinate the extension of public water and sewer services in the planning area with Lemon Cove Sanitary District, to promote logical and orderly development patterns.
6. New agricultural preserves and contracts shall not be approved for properties within Lemon Cove Sanitary District.
7. Commercial and residential uses will be required to connect to public services provided by the Lemon Cove Sanitary District.
8. Large lot agricultural zoning such as AE-10 shall be applied as a holding zone to properties, which do not meet the criteria set forth in policy Agriculture Policy 2 above.
9. Promote growth along SR 198 for industrial and commercial uses to preserve adjacent agricultural lands consistent with the Corridor Framework Policies in the Tulare County General Plan.

Objective: Prohibit to the extent allowed by law activities that will have a significant adverse effect on the environmental quality of Lemon Cove.

Policies:

1. Prohibit to the extent allowed by law new intensive animal raising operations within the "windshed" area of Lemon Cove.

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## General Plan Framework

### Value Statements

1. The beauty of the County and the health and safety of its residents will be protected and enhanced.
2. The County will create and facilitate opportunities to improve the lives of all County residents.
3. The County will protect its agricultural economy while diversifying employment opportunities.
4. Every community will have the opportunity to prosper from economic growth.
5. Growth will pay its own way providing sustainable, high quality infrastructure and services.

### Framework Concepts

#### ▪ ***Concept 1: Agriculture***

One of the most identified assets in Tulare County is the rich agricultural land on the valley floor and in the foothills. The General Plan identifies agriculture not only as an economic asset to the County but also as a cultural, scenic, and environmental element to be protected and to insure that the utilization of these resources may continue to economically succeed.

#### ▪ ***Concept 2: Land Use***

Tulare County has a number of unincorporated communities that will grow and develop and natural resource lands (agriculture, mineral extraction, and open space) that will be preserved and permitted to expand. It is anticipated that much of the projected population growth will require a range of housing choices, neighborhood support services, and employment producing uses that are centrally located in cities and unincorporated communities. The County will also utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses.

#### ▪ ***Concept 3: Scenic Landscapes***

The scenic landscapes in Tulare County will continue to be one of its most visible assets. The Tulare County General Plan emphasizes the enhancement and preservation of these resources as critical to the future of the County. The County will continue to assess the recreational, tourism, quality of life, and economic benefits that scenic landscapes provide and implement programs that preserve and use this resource to the fullest extent.

#### ▪ ***Concept 4: Natural and Cultural Resources***

As Tulare County develops its unincorporated communities, the County will ensure that development occurs in a manner that limits impacts to natural and cultural resources through the implementation of its Goals and Policies and through proper site planning and design techniques.

### Guiding Principles

#### ▪ ***Principle 1: Opportunities***

Provide opportunities for small unincorporated communities to grow or improve quality of life and their economic viability.

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- ***Principle 2: Reinvestment***

Promote reinvestment in existing unincorporated communities in a way that enhances the quality of life and their economic viability in these locations.

- ***Principle 3: Protection of Resources***

Protect the County's important agricultural resources and scenic natural lands from urban encroachment through the implementation of Goals and Policies of the General Plan.

- ***Principle 4: Limit Rural Residential Development***

Strictly limit rural residential development potential in important agricultural areas outside of unincorporated communities, hamlets, and city UDBs, UDBs (i.e., avoid rural residential sprawl).

- ***Principle 5: Agricultural Facilities***

Allow existing and outdated agricultural facilities in rural areas to be retrofitted and used for new agricultural related businesses (including non-agricultural uses) if they provide employment.

- ***Principle 6: Planning Coordination and Cooperation***

Enhance planning coordination and cooperation with the agencies and organizations with land management responsibilities in and adjacent to Tulare County.

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## PRELIMINARY ASSESSMENT OF LAND NEEDS

### Market Analysis

#### Renter Affordability

According to the US Census Bureau, the 2013-2017 American Community Survey (see **Table 27**) data indicated that in 2017 the cost of rent in Lemon Cove was lower than in Tulare County and the State of California, but that rent constituted a larger percentage of household income. The median rent was \$590.00 in Lemon Cove, whereas the median rent was \$877.00 in Tulare County and \$1,358 in the State of California, respectively. In Lemon Cove, the percentage of households paying 35% or more of income on housing was 81.3% while the percentage of households paying 35% or more of income on housing was 47.2% in Tulare County and 46.4% in the State of California.

Table 27 American Survey: Renter Cost 2013-2017							
Geography	Median Rent	Gross Rent as a % of Household Income					
		Less than 15.0 %	15.0% to 19.9%	20.0% to 24.9%	25.0% to 29.9%	30.0% to 34.9%	35.0% or more
California	\$1,358	9.6%	10.9%	12.1%	11.5%	9.6%	46.4%
Tulare County	\$877	10.6%	10.5%	12.1%	10.7%	8.7%	47.2%
Lemon Cove CDP	\$590	0.0%	18.8%	0.0%	0.0%	0.0%	81.3%
Source: 2013-2017 American Community Survey 5-Year Estimates							

#### Owner Affordability

According to the 2013-2017 American Community Survey data indicated that in 2017 the cost of a mortgage in Lemon Cove was lower than in Tulare County and the State of California. The mortgage constituted a smaller percentage of household income compared to Tulare County and the State of California. The median owner cost (with mortgage) was \$1,396 in Lemon Cove, whereas the median owner cost was \$1,345 in Tulare County and \$2,206 in the State of California, respectively. In Lemon Cove, the percentage of households paying 35% or more of income on housing was 34.4%. The percentage of households paying 35% or more of income on housing was 31.7% in Tulare County and 30.7% in the State of California (see **Table 28**).

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**Table 28 American Community Survey: Owner Cost 2013-2017**

Geography	Median Owner Cost (with mortgage)	Mortgage as a % of Household Income				
		Less than 20.0%	20.0% to 24.9%	25.0% to 29.9%	30.0% to 34.9%	35.0% or more
California	\$2,206	32.5%	19.6%	12.5%	9.0%	30.7%
Tulare County	\$1,345	36.2%	14.5%	10.4%	7.1%	31.7%
Lemon Cove CDP	\$1,396	26.6%	21.9%	3.1%	14.1%	34.4%

Source: 2013-2017 American Community Survey 5-Year Estimates

## Existing Businesses

According to the US Business Directory, there were 90 businesses in the Lemon Cove area in 2018, (including apartment complexes) [https://us-business.info/directory/lemon\\_cove-ca/](https://us-business.info/directory/lemon_cove-ca/) (see Table 29).

**Table 29 Existing Businesses in Lemon Cove**

Caltrans Maintenance Yard	Bogan Trucking	C & J Commercial Property	Vulcan Materials Co.
US Army Corps of Engineers	Drycrik Journal	Lemon Cove Village Community Church	Main Squeeze Market
Kaweah Lemon Company	Kaweah Marina	Lemon Cove Granite Pit	US Post Office
Lemon Cove Village and RV Park	Lemon Cove Market and Gas Station	Plantation Bed & Breakfast	US Kaweah Heritage Visitor Center
Sequoia Union School	Prince Mart	Sierra Chief	
	Transportation Department	Tulare County Fire Department	

## Market Feasibility

The community of Lemon Cove (see Table 29) has one (1) grocery store, Lemon Cove Market and Gas Station. Bogan Trucking, Plantation Bed and Breakfast, are also located in Lemon Cove.

## Assessment of Land Needs

### Population Growth Forecast

With the existing 404.1-acre Lemon Cove Urban Development Boundary, agricultural activities, such as orchards and pasture, currently constitute 66.7 percent of the Planning Area. The forecasted increase in population from 2017-2030 is 274 persons. (see Table 30).



# Lemon Cove Community Plan 2019

<b>Growth Rate</b>	<b>2017</b>	<b>2020</b>	<b>2030</b>
0.013	<b>232</b>	<b>241</b>	<b>274</b>

## Demand Forecast

Within the existing 404.1 acre UDB, approximately 134 acres are urbanized. By dividing the estimated 2017 population of 751 by 232 urbanized acres, a ratio of 3.24 persons per urbanized acres is calculated. The forecasted increase in population from 2017 to 2030 is 42 persons. Projecting this ratio into the future (42 persons divided by 3.24) suggests that an additional 13 acres will be needed by the year 2030. The existing Urban Development Boundary contains approximately 6.5 vacant acres (see Table 35). The additional projected need of 13 acres can easily be accommodated within the proposed UDB. Utilizing a conservative figure of 6 residential units per acre minimum lot size as allowed in the R-A zoning district of which 2.95 vacant acres currently exist within the proposed UDB, and multiplying those 2.95 acres by 6 units per acre would yield approximately 17.7 residential units that could be constructed within the UDB during the planning horizon period. Dividing the forecasted increase in population from 2017 to 2030 of 42 persons divided by an average 4 persons per household indicates that approximately 10.5 new residential units are required to meet the forecasted population demand. The housing growth forecasted on population growth in Table 32 of 21 additional units between 2017 and 2030 can be accommodated through vacant R-A zoning as mentioned above and through A-1 zoning which serves as a holding zone.

## Population and Housing Units

The year 2017 baseline population was determined by projecting the 2017 American Community Survey (Survey) data population by an annual growth rate of 1.3% annually. The Survey indicated that in year 2017 the community had 115 dwelling units (including vacant dwellings) with a population of 232. At an annual growth rate of 1.3%, the projected housing units (**see Tables 31 and 32**) are 120 and 136 in years 2020 and 2030, respectively, and projected population is 241 and 274 in Years 2020 and 2030, respectively.

# Lemon Cove Community Plan 2019

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**Table 32 Population Projection**

Year	Population	Growth (%)
2017	232	0.013
2018	235	0.013
2019	238	0.013
2020	241	0.013
2021	244	0.013
2022	247	0.013
2023	251	0.013
2024	254	0.013
2025	257	0.013
2026	261	0.013
2027	264	0.013
2028	267	0.013
2029	271	0.013
2030	274	0.013

**Table 31 Housing Projection**

Year	Housing	Growth (%)
2017	115	0.013
2018	116	0.013
2019	118	0.013
2020	120	0.013
2021	121	0.013
2022	123	0.013
2023	124	0.013
2024	126	0.013
2025	128	0.013
2026	129	0.013
2027	131	0.013
2028	133	0.013
2029	134	0.013
2030	136	0.013

## Opportunities & Constraints

### Opportunities

#### Complete Streets

The Complete Streets Act of 2007 (Assembly Bill 1358) requires counties when updating General Plans, to identify how the jurisdiction will provide for the routine accommodation of all users of the roadway including motorists, pedestrians, bicyclists, individuals with disabilities, seniors, and users of public transportation.

#### Affordable Housing

The community of Lemon Cove has a median income of \$29,898, which is considerably less than 60% of the State's median income of \$ 67,169. Approximately 3.7% of the households in Lemon Cove spend 30% or more of their income on housing. As such, there is a high need for affordable housing.

Moreover, 56.3% of renters spent 35% or more of their income on rent. As 35.9% of the households include single parents with children and Lemon Cove's average household size of 3.36 for renters and 3.96 for owner-occupied units, it is very likely that many children in Lemon Cove share bedrooms.

# Lemon Cove Community Plan 2019

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## Urban Development Boundary

Although State planning law does not define specific requirements for establishing planning area boundaries, it is generally agreed that the planning boundaries should include the territory within a community's probable ultimate physical boundaries and service area. Urban Development Boundaries provide a planning framework that promotes the viability of communities, hamlets, and cities while protecting the agricultural, open space, scenic, cultural, historic, and natural resource heritage of the County. In the past, the County used three key planning tools to guide urban development in all unincorporated areas of the County. The first was the Urban Boundaries Element; the second are the Area Plans; the third are the General Plans for identified incorporated cities and Community Plans for unincorporated communities. In 1974, Tulare County added an Urban Boundaries Element to its General Plan. The element required the designation of an urban boundary for every "viable" unincorporated community in the county. The Urban Boundaries Element also established Urban Improvement Areas (20-year planning boundaries) for certain communities. The 1974 Urban Boundaries Element designated both an Urban Area Boundary and an Urban Improvement Area for Lemon Cove.

In 1983, the Urban Boundaries Element was amended to create Urban Development Boundaries (UDBs, which are also to function as 20-year planning boundaries) and to Change the function of the Urban Area Boundary to simply a "comment line" around incorporated cities. Under the 1983 amendment, Urban Area Boundaries are no longer established around unincorporated communities - and Urban Improvement Areas are to be phased out over time (replaced with UDBs) as each community's boundaries are updated.

For unincorporated communities as per the Planning Framework Element of the General Plan, the UDB is a County adopted line dividing land to be developed from land to be protected for agricultural, natural, open space, or rural uses. It serves as the official planning area for communities over a 20-year period. Land within an unincorporated UDB is assumed appropriate for development and is not subject to the Rural Valley Lands Plan or Foothill Growth Management Plan.

## Zoning Districts Map

The currently Zoning Map for Lemon Cove is very similar to the Land Use Map outlined in the General Plan. There are a couple of zoning changes that need to occur to allow the General Plan and Zoning Ordinance to be in conformity with each other.

## **Constraints**

There are several constraints or restrictions which will impact the nature and location of future development within the community. In particular, these constraints pertain to existing problems of public health and safety, acceptable noise levels impacts of deteriorating housing and lack of a full range of community services. Following are constraints that were recognized in the preparation of this plan.

# Lemon Cove Community Plan 2019

## Noise Contours

Constraint: There are a variety of sources that produce noise in the Lemon Cove Plan Area and include traffic operations, and agricultural operations. Traffic noise is the most dominant source of ambient noise in the County, according to the Tulare County General Plan EIR (see Table 33). SR 198 runs through the Lemon Cove Planning Area and would be the largest source of traffic noise in the area due to the high volumes of traffic. State Route 216 connects SR 198 in Lemon Cove.

Table 33 Noise Levels					
Location	ADT	From Roadway Centerline			
		Distance (feet) to 70 Ldn Contour	Distance (feet) to 65 Ldn Contour	Distance (feet) to 60 Ldn Contour	Distance (feet) to 55 Ldn Contour
SR 198 from Spruce to SR 216	8,500	58	124	268	576
SR216 from Castlerock to SR 198	1,800	25	55	118	254

Source: 2010 General Plan Background Report

Solution: Mitigation measures identified in the Tulare County 2030 General Plan's Noise Element will allow the development of some land uses providing certain standards are met which reduce the impact of noise within the noise-impacted areas. Properties adjacent to SR 198 are areas designated as noise-impacted in the community.

## Agricultural Lands

Constraints: The presence of approximately 86.54 acres of Williamson Act Lands (Agricultural Preserves) along the periphery of the Planning Area may deter the natural "grow out" pattern of urban related uses. Although a constraint, Agricultural Preserves prevent premature urban development of agricultural lands and encourage in filling of existing vacant parcels within the immediate core of the Plan Area.

Solutions: As the need arises for developable land, (and if justifiable), Agricultural Preserves can be canceled by a landowner with the approval of the Tulare County Board of Supervisors. Another option available to landowners is nonrenewal of their ten-year contracts. This option allows their land to revert to "regular" agricultural lands over a ten-year period and, subsequently allowing the landowner an opportunity to develop his land through the regular permitting process.

## Limited Employment Opportunities

Constraints: Employment opportunities within the Lemon Cove Planning Area are rather limited due to the absence of year-round high employment-generating land uses (i.e., industry). The proximity of Visalia to the Planning Area will continue to contribute to limited employment opportunities within Lemon Cove. As the area develops commercial uses, some jobs will be created but not to the extent, industrial development could provide.

# Lemon Cove Community Plan 2019

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## Infrastructure Needs

### Domestic Water/Sewer

The Lemon Cove Sanitary District has received a \$500,000 Planning Grant from the State Water Resource Control Board (SWRCB) Division of Drinking Water for the installation of two wells to be located north of Lemon Cove.

Lemon Cove Sanitary District is in the process of improving the existing Wastewater Treatment Plant (WWTP). The proposed upgrades to the existing WWTP includes:

- Installation of a 20,000 gallon (10-foot diameter X 35-foot long) septic tank,
- Installation of a 4,000 square foot leach field and associated leach lines, and
- Connection to the existing sewer collection system (with an 8-inch influent line).

Construction will occur as plans and funding are in place and is expected to take several months (expected to occur in 2020).

## Tulare County Economic Development Strategy

Tulare County's current Economic Development Strategy focuses on tourism, the agricultural industry and pursuing grants.

### Agriculture

Tulare County has a booth at the World Agricultural Exposition (Ag Expo) every year. The Economic Development Office uses the event to promote Tulare County tourism and business opportunities. Partnering with the County's Purchasing Department the Ag Expo provides an excellent method to market directly to the global agriculture related businesses attending the Ag Expo and sell surplus county equipment.

### Grants

- State Water Resources Control Board – State Revolving Fund: \$500,000 for Traver Community Wastewater System Improvements Planning Study and Design, once plans are near complete we will apply for construction funding between \$8 and 10 million.
- State Water Resources Control Board: have applied and received \$5 million in construction funding for Phase 1 of the Yettem Seville Water System.
- County Measure R funding \$575k for sidewalks and ADA improvements in Goshen.
- ATP Active Transportation Program- Statewide competitive \$2 million funding is anticipated for Safe Routes to School and ADA improvements in and around Goshen.
- Low Carbon Transit Program funding \$147,474.00.
- Prop 84 – Goshen Neighborhood Improvement Program funding \$2,153,900.00.
- Yettem & Seville Project Phase 1 funding \$4,300,200.00

# Lemon Cove Community Plan 2019

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- Navigation Aids at Sequoia Field Airport funding \$340,200.00
- Transit Operations & Maintenance Facility (TOMF) funding \$10,800,000.00

## Solar Projects

In Tulare County, there have been 13 Utility Scale Solar Projects that have a capacity of 198 MW. There are nine (9) projects in /Under Construction with a capacity of 260 MW. In terms of total solar projects (including Utility Scale, Solar on Dairies, Commercial Solar, and Residential Solar) there have been 1570 projects built that account for a capacity of 227.5 MW. The Corridor offers realistic potential to locate solar projects closer to the urban areas and outside of the direct line-of-sight viewshed of the Highway 99 Corridor. **Figure 23** provides a summary of solar development in Tulare County.



# Lemon Cove Community Plan 2019

**Figure 23 Solar Development in Tulare County**

Utility Scale Solar Projects		
Phase of Construction	No. of Permits	Total Capacity (MW)
Under Review	0	0.0
Pre-construction/Under Construction	1	45.0
Constructed	21	413.0
<b>Total</b>	<b>22</b>	<b>458.0</b>
Solar Projects on Dairies		
Phase of Construction	No. of Permits	Total Capacity (MW)
Under Review	0	0.0
Pre-construction/Under Construction	6	3.6
Constructed	44	39.7
<b>Total</b>	<b>50</b>	<b>43.3</b>
Other Commercial Solar Projects		
Phase of Construction	No. of Permits	Total Capacity (MW)
Under Review	0	0.0
Pre-construction/Under Construction	36	8.9
Constructed	172	44.8
<b>Total</b>	<b>208</b>	<b>53.7</b>
Anaerobic Digesters		
Phase of Construction	No. of Permits	Total Capacity (MW)
Under Review	0	
Pre-construction/Under Construction	16	
Constructed	4	
<b>Total</b>	<b>20</b>	
Residential Solar Projects (based on 7 kw/sfd average)		
Phase of Construction	No. of Permits	Total Capacity (MW)
Under Review	13	0.09
Pre-construction/Under Construction	127	0.89
Constructed	2092	14.64
<b>Total</b>	<b>2232</b>	<b>15.6</b>
Solar Project Totals		
Phase of Construction	No. of Permits	Total Capacity (MW)
Under Review	13	0.09
Pre-construction/Under Construction	186	58.39
Constructed	86	512.14
<b>Total</b>	<b>2532</b>	<b>570.74</b>

# Lemon Cove Community Plan 2019

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## Online Presence

Tulare County is currently developing and growing the Economic Development Website by offering content that is current, informative and useful for decision-makers in an effort to attract, retain and expand a diverse business community in all regions of the County. We are currently building an online industrial/commercial property inventory. We are reaching out to brokers in order to post their listings on our website. The Tulare County Economic Development Office maintains an active presence on Facebook and Twitter. In addition, the Tulare County Film Commission Website contains the latest videos of groundbreaking and ribbon cutting events. Content development will continue to grow over time.

## **Reducing Barriers to Economic Development**

### California Competes

“The California Competes Tax Credit is an income tax credit available to businesses that want to locate in California or stay and grow in California. Tax credit agreements will be negotiated by GO-Biz and approved by a newly created “California Competes Tax Credit Committee,” consisting of the State Treasurer, the Director of the Department of Finance, the Director of GO-Biz, one appointee from the Senate, and one appointee from the Assembly.”<sup>32</sup>

“The California Competes Tax Credit only applies to state income tax owed to the Franchise Tax Board. The credit is non-refundable, and in the case where the credit allowed exceeds tax owed, the excess may be carried over to reduce the tax in the following year, and the succeeding five years if necessary, until exhausted.”<sup>33</sup>

“The value of the credit will be based on the following factors:

- The number of jobs the business will create or retain in this state.
- The compensation paid or proposed to be paid by the business to its employees, including wages and fringe benefits.
- The amount of investment in this state by the business.
- The extent of unemployment or poverty where the business is located.
- The incentives available to the business in this state, including incentives from the state, local government, and other entities.
- The incentives available to the business in other states.
- The duration of the business’ proposed project and the duration the business commits to remain in this state.
- The overall economic impact in this state of the business.
- The strategic importance of the business to the state, region, or locality.
- The opportunity for future growth and expansion in this state by the business.
- The extent to which the anticipated benefit to the state exceeds the projected benefit to the business from the tax credit.”<sup>34</sup>

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<sup>32</sup> California Competes Tax Credit FAQ

<sup>33</sup> California Competes Tax Credit FAQ

<sup>34</sup> California Competes Tax Credit FAQ

# Lemon Cove Community Plan 2019

“The tentative amount of credits that GO-Biz can allocate is as follows:

- \$30 million in fiscal year 2013/14.
- \$150 million in fiscal year 2014/15.
- \$200 million in each fiscal year 2015/16 through 2017-18.”<sup>35</sup>

“...25 percent of the total credits available each year is expressly reserved for small businesses (gross receipts of less than \$2 million during the previous taxable year).”<sup>36</sup>

## Tulare County Strategy

In rural areas, elimination of all barriers to economic development is the foundation for growth. This Plan addresses the following four potential barriers to Economic Development.

- *Infrastructure:* The water system is at capacity and the wastewater system is near limiting capacity. In order for more development to occur, service levels for water and wastewater need to be expanded. Grant funding is needed to increase service levels.”
- *Use Permits:* There are a number of uses that currently require Planning Commission approval. In many cases, these uses are beneficial for the community and do not necessarily need discretionary review. In order to reduce the cost of and length of time to obtain entitlements, use permit requirements are being reduced.
- *Education:* Tulare County has five satellite campuses for four-year universities: California State University-Fresno, University of California - Davis, Fresno Pacific University, Brandman University, and the University of Phoenix. Community Colleges in Tulare County include the College of the Sequoias, Porterville College, and San Joaquin Valley College. Workforce Development Partners include Proteus Inc., and CSET.

Table 34 Estimated Education Attainment of Lemon Cove Population				
	Percent Less than 9th grade	Percent 9th to 12th grade, no diploma	Percent High School graduate (includes equivalency)	Percent bachelor's degree or higher
California	9.9%	8.0%	20.6%	20.1%
Tulare County	20.5%	11.4%	25.4%	9.4%
Lemon Cove CDP	0.0%	0.0%	43.7%	12.0%

Source: 2013-2017 American Community Survey, 5-year

<sup>35</sup> California Competes Tax Credit FAQ

<sup>36</sup> California Competes Tax Credit FAQ

# Lemon Cove Community Plan 2019

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Based on the 2013-2017 American Community Survey (see **Table 34**), 43.7% of students graduate from High School. As part of the safe routes to schools, Tulare County will provide pedestrian facilities for children to walk or bike to school. This should make it easier for children to get to school.

## Home Occupation Regulations

Encouraging small-scale entrepreneurship is one way to foster economic development. Although some home occupations are allowed by-right, these home occupations have regulations which limit the type and scope of allowed businesses. By reducing some of these regulations, we can eliminate a few barriers to small-scale entrepreneurship. The following are proposed changes to the Zoning Ordinance.

### Eliminate:

Section 15.A.7.a.6 “No one other than residents of the dwelling shall be employed in the conduct of a home occupation.”

Section 15.A.7.b.6 “No one other than residents of the dwelling shall be employed in the conduct of a home occupation.”

Section 15.A.7.c.5 “A rural home occupation shall be limited in employment to residents of the property and not more than one (1) additional person.”

### Replace with:

“Employment in a rural occupation shall be limited to residents of the property and not more than three (3) additional non-resident persons.”

### Add:

Home occupations located within the Lemon Cove UDB will not require a use permit.

**Health Care:** Health care is important for economic development, as businesses need healthy employees. The nearest medical offices are located in Woodlake, Exeter, and Visalia.

**Vacant Land:** Staff has prepared a vacant parcel inventory which identifies vacant parcels of various sizes and various zoning districts (see **Table 35**).

**Table 35 List of Vacant Parcels**

APN #	Acres	Zone
113-250-066	1.77	A-1
113-250-067	0.80	A-1
113-250-067	0.51	AE-20
113-250-067	0.22	AE-20
113-110-005	0.23	C-2-SC
113-250-048	2.95	R-A-M

# Lemon Cove Community Plan 2019

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## Development Suitability Analysis

The purpose of a development suitability analysis is to determine the areas of the community and surrounding vicinity, which could most appropriately accommodate new growth. It is a means of identifying areas free of development constraints and areas in which improvements must be made before urban only to determine the location of the Lemon Cove Urban Development Boundary, but development can be allowed. This development suitability analysis will be used not also to help establish land use patterns for the community's future growth.

To determine development suitability, factors that either encourage or constrain development were selected and mapped. Each factor was assigned a suitability rating to show the level of influence it will have on potential new development. Suitability ratings used in this study include:

- |                   |   |
|-------------------|---|
| <i>Very High:</i> | <i>These areas are "infill lands", or are surrounded on three sides by existing urbanized land and are, or can be easily be, serviced with urban services.</i>  |
| <i>High:</i>      | <i>These areas are lands free of development constraints and which are either adjacent to existing development and are, or can be, served with community sewer and water service. Wastewater service areas but which are near existing urban development.</i> |
| <i>Moderate:</i>  | <i>These lands are outside existing boundaries of local water and these lands also exhibit other qualities that make them suitable for future development.</i>  |
| <i>Low:</i>       | <i>These lands should be precluded from intensive development until certain constraining conditions can be changed or corrected. Examples of such constraints include flooding and Williamson Act Lands.</i>  |

From the process of mapping of the various factors potentially influencing the develop ability of the community and surrounding environs, a composite analysis of the application of these factors to each segment of the planning area is possible. The patterns, which emerged from this composite analysis, have enabled the overall developed suitability of the planning area to be mapped, in conformance with the ratings described above. Lands within the Lemon Cove Sanitary District are considered very high. Remaining lands within the UDB outside the Sanitary District are considered moderate with the exception of the area sounding the Sanitary District, which is low due to Williamson Act constraints.

## **Proposed Planning Areas**

### **Policy Plan**

This chapter of the Lemon Cove Community Plan prescribes the policy framework, which will govern the development of the community over the term of the planning period (through the year 2030). It includes text which sets out explicit policy statements about the quality, character, and manner in which development in the community will take place.

# Lemon Cove Community Plan 2019

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The plan, although long range in scope, is to be used on a day to day basis to guide the decisions of County staff, the Planning Commission, and the Board of Supervisors as they affect community development. Further, it will provide residents and property owners in the community with direction and guidelines regarding the evolution and growth of their town and its resources. Importantly, this plan will aid other public agencies and entities, such as the school district and the water company, in their own long-range planning and capital expenditure programming. Each subsequent section of this chapter addresses a topical aspect of the community-planning environment. For each aspect, background discussion of relevant issues is included, policies are stated, and implementation programs and activities are outlined.

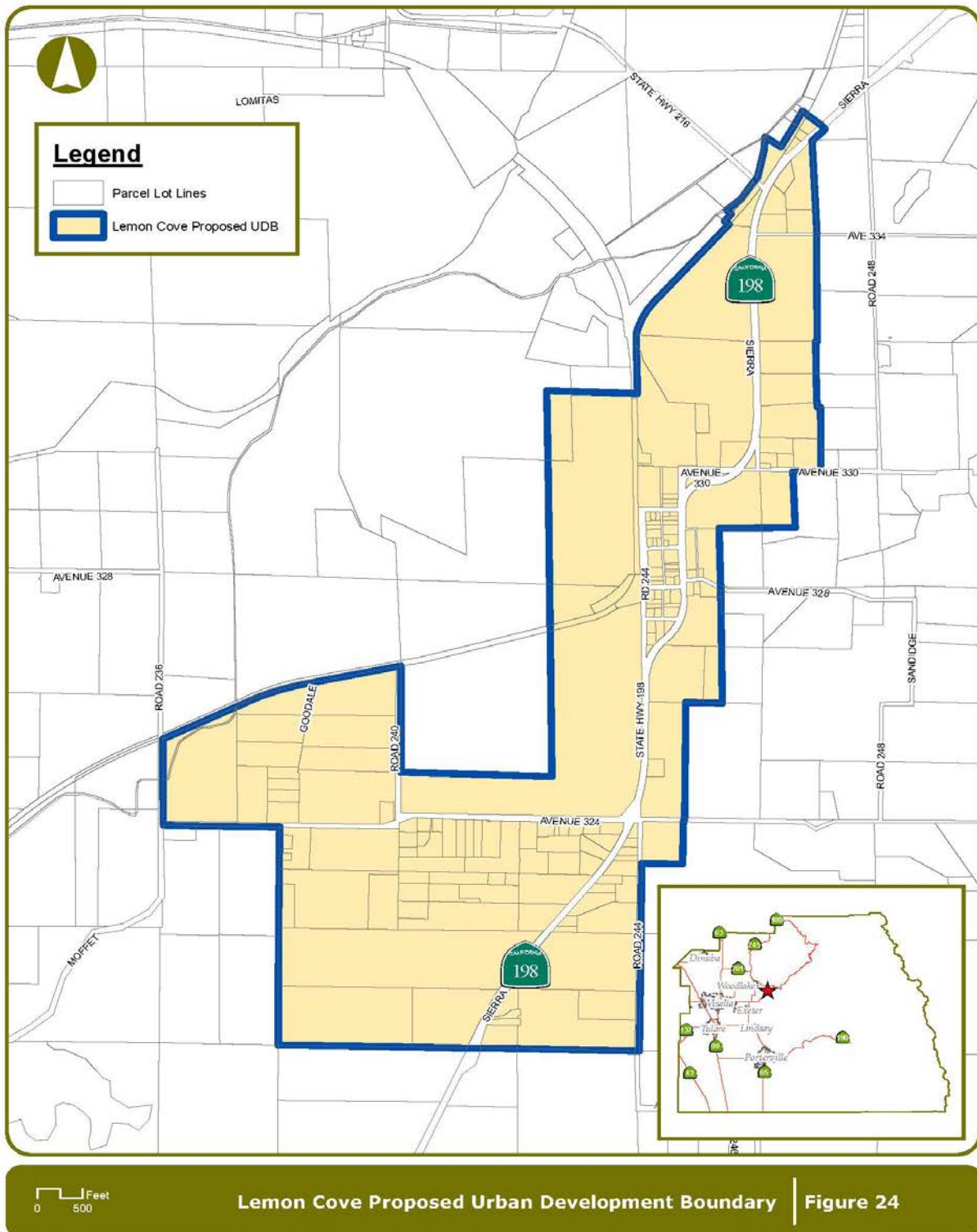
## **Proposed Urban Development Boundary**

The Community Plan encompasses the Lemon Cove Sanitary District including the Lemon Cove Wastewater Treatment Plant. The Community Plan proposes approximately 263.7 acre expansion to the existing Urban Development Boundary (UDB) and amendments to land use and zoning designations. As such, the proposed Community Plan will expand the existing 404.1-acre UDB (**see Figure 24**) by approximately 39.5%, for a total UDB area of approximately 667.8 acres.



## Lemon Cove Community Plan 2019

### Figure 24 Proposed Urban Development Boundary



# Lemon Cove Community Plan 2019

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## General Plan Consistency

### Policy Relationship to the General Plan

The Lemon Cove Community Plan is a component in Part III of the Tulare County General Plan and, as such, has the same force and effect as any other adopted element of the general plan. Structurally, the Lemon Cove Community Plan is part of the Land Use and Circulation Element of the overall general plan. The principal emphasis of the community plan is on establishing local land use and circulation system patterns and prescribing associated standards and policies. In addition to the specific prescriptions of the community plan, the broader policies and standards of the overall Land Use and Circulation Element apply to Lemon Cove.

Also applicable to Lemon Cove, and governing all future development in the community, are the other elements (e.g. Planning Framework, Environmental Resources Management, Air Quality, Health and Safety, Transportation and Circulation, etc.) of the Tulare County General Plan. In instances where the policies and/or standards of the Lemon Cove Community Plan are more specific or more restrictive than those in other elements of the general plan, the community plan shall take precedence and prevail.

### Land Use Plan

One of the most important purposes of the Lemon Cove Community Plan is to establish land use patterns and development policies and standards for the community for the planning period, through the year 2030. The general intent of the land use plan for Lemon Cove is to identify the most appropriate types and distribution of land uses for the community, based on environmental, circulation, infrastructure, services, opportunities and constraints, urban development boundary suitability analysis, and other economic capacities and concerns discussed in the previous chapters of the plan.

The County of Tulare, through existing policies, has encouraged both incorporated and unincorporated communities to establish urban development and land use patterns, which are compact and contiguous. This policy position has reduced so-called “leap frog” development County-wide, has helped preserve agricultural lands, and has minimized land use conflicts between urban and agricultural areas. The Lemon Cove Community Plan 2019 analysis supporting the establishment of an Urban Development Boundary (UDB) for Lemon Cove is described, and the UDB is delineated. This boundary is sensitive to and consistent with the Countywide policy of encouraging compact and contiguous urban growth, and at the same time enables the community to accommodate any foreseen demand for economic and population expansion. **Figure 24** depicts and prescribes the proposed land-use pattern development recommended for Lemon Cove.

### Proposed Land Use Plan

The proposed Mixed Use designations (**see Figure 25**) increase to 627.94 acres and the Rights-of-way increases to 450.15 acres for a total of 673.10 acres (**see Table 36**).

# Lemon Cove Community Plan 2019

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Table 36 Proposed Land Use Plan	
Land Use	Acres
Mixed Use	628.71
Unclassified (Rights-of-Way)	44.38
<b>Lemon Cove</b>	<b>673.09</b>

## Proposed Land Use Designations

The following land use designations along with descriptions including density and intensity, are recommended for Lemon Cove to address land demand needs through the 2030 planning horizon year to include the Wastewater Treatment plan and surrounding areas consistent with the Sphere of Influence for the Lemon Cove Sanitary District.

### Mixed Use (MU)

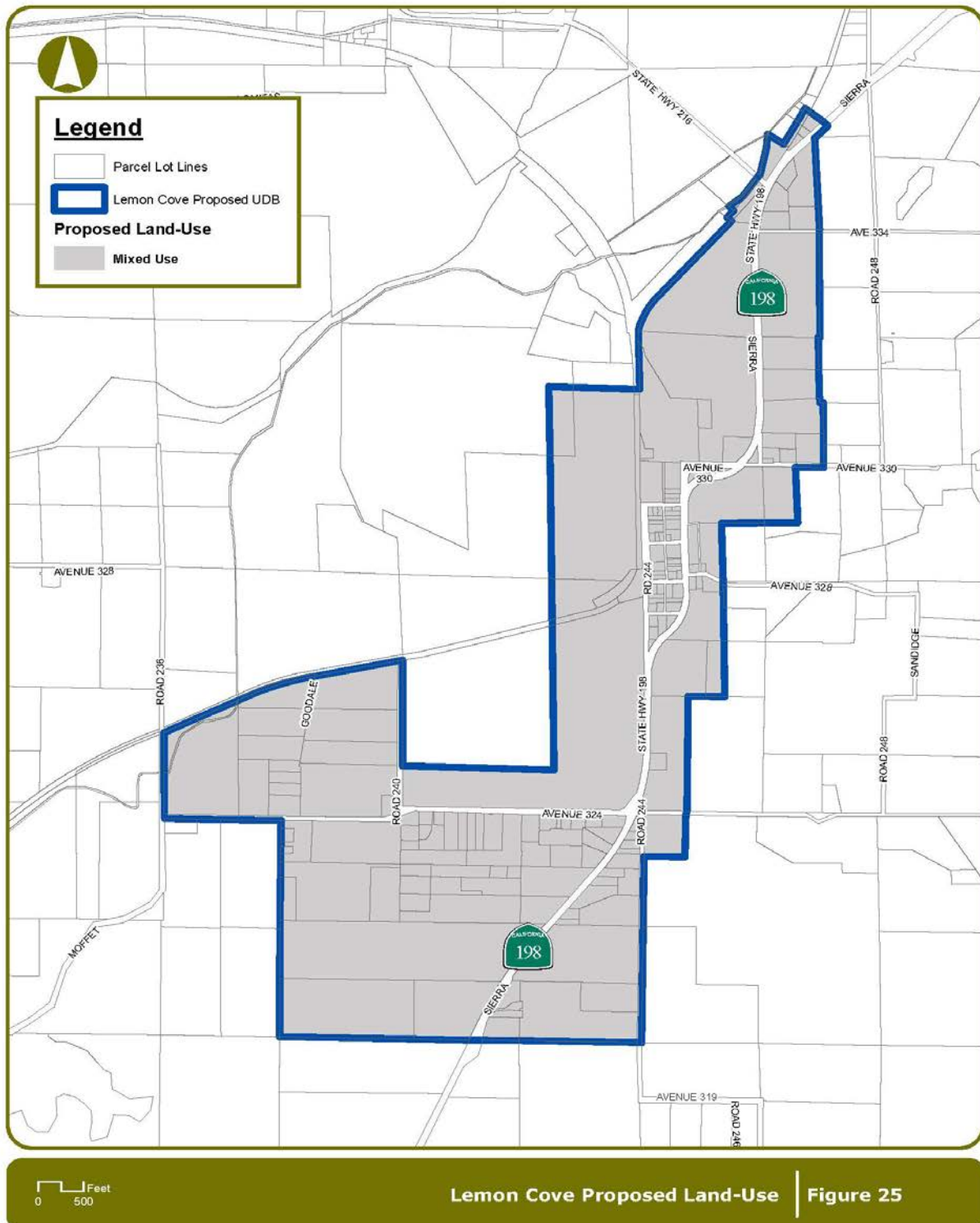
This designation establishes areas appropriate for the planned integration of some combination of retail, office, single and multi-family residential, hotel, recreation, limited industrial, public facilities or other compatible use. Mixed Use areas allow for higher density and intensity development, redevelopment, or a broad spectrum of compatible land uses ranging from a single use on one parcel to a cluster of uses. These areas are intended to provide flexibility in design and use for contiguous parcels having multiple owners, to protect and enhance the character of the area. The consideration of development proposals in Mixed Use areas should focus on compatibility between land uses, and the development potential of a given area compared to the existing and proposed mix of land uses and their development impacts. Density bonuses for residential units of 25 % to 35 % may be granted, according to the Density Bonus Ordinance or State law, to Mixed Use areas to encourage the development of affordable housing units, compact development in the implementation of development strategies that support the use of mass transit, reduction of air impacts, and implementation of measures that contribute to the reduction of global warming. Specific plans may be required to assist in the consideration of Mixed Use development proposals. This designation is found within UDBs, HDBs, PCAs, and MSCs and pursuant to regional growth corridor plans and policies.

Maximum Density: 1-30.0 Dwelling Units/Acre

Maximum Intensity: 0.5 FAR

# Lemon Cove Community Plan 2019

Figure 25 Lemon Cove Proposed Land Use Plan



# Lemon Cove Community Plan 2019

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## Proposed Zoning Districts

### Proposed Zoning Districts

The proposed Zoning Districts Map (see **Figure 26**) for Lemon Cove is compatible to the Land Use Map outlined in the General Plan. Zoning changes need to occur in order to allow the General Plan and Zoning Ordinance to be in conformity with each other (see **Table 37**).

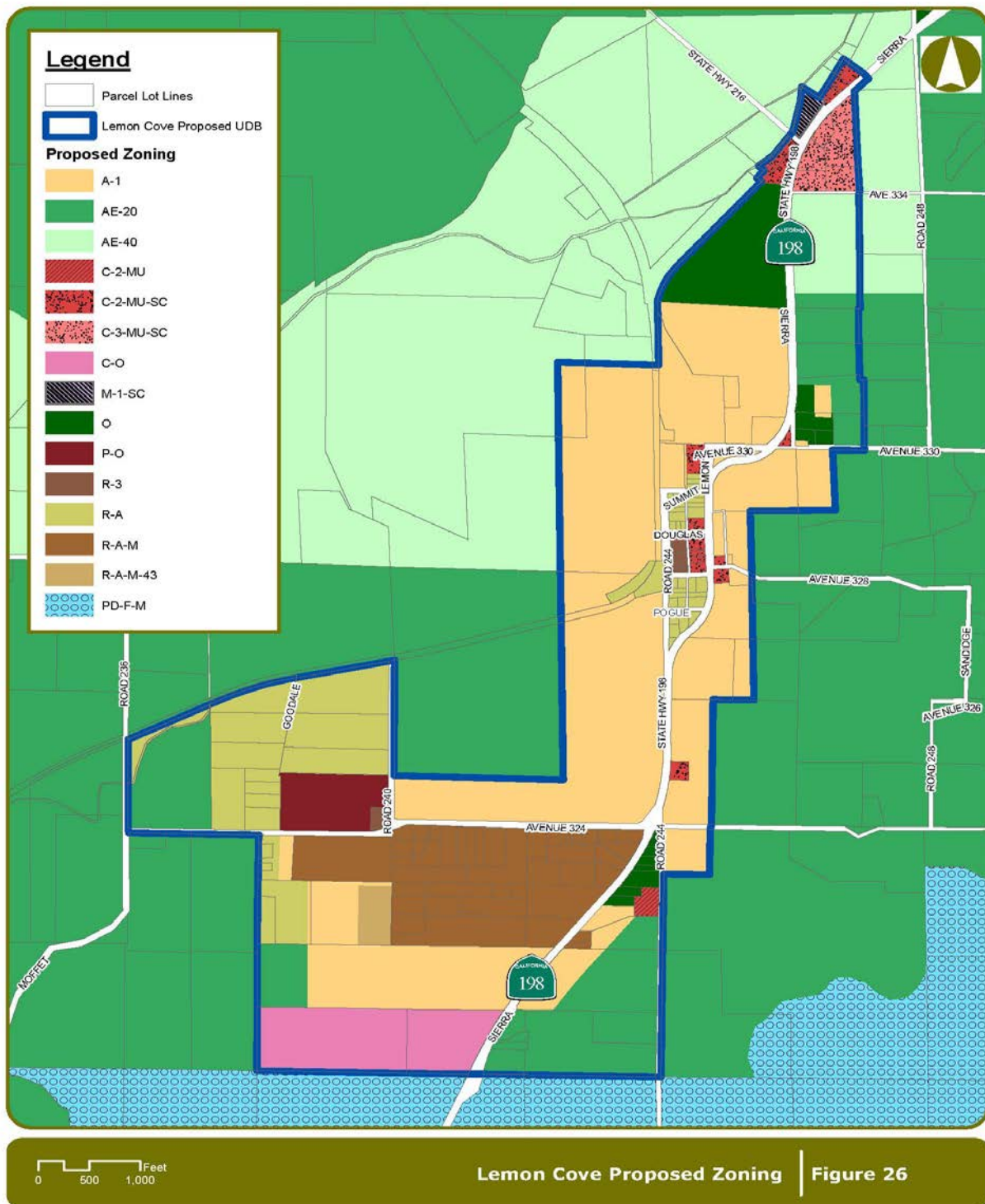
<b>Table 37 Proposed Zoning Districts</b>	
<b>Zoning Districts</b>	<b>Acres</b>
A-1	278.64
AE-20	83.79
AE-40	15.69
C-2-MU-SC	7.17
C-3-MU-SC	10.19
C-O	34.60
M-1-MU-SC	1.78
O	31.80
P-O	13.74
R-3	2.24
R-A	71.88
R-A-M	71.79
R-A-M-43	4.61
Unclassified (Right-of-Way)	45.15
Total	673.09

Source: Tulare County GIS



# Lemon Cove Community Plan 2019

Figure 26 Lemon Cove Proposed Zoning Districts Map





# Lemon Cove Community Plan 2019

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## Proposed Zoning Districts

The **MU (Mixed Use) Overlay Combining** Zone allows a mix of uses that promotes flexibility in the types of entitlements that can be issued. All uses outlined in the C-3, C-2, C-1, R-1, R-2 uses are allowed.

### **M (Special Mobilehome) Zone**

Special Mobilehome provides for mobilehome use in communities and rural areas where, under certain conditions, a mixture of conventional housing and individual mobilehomes for residential use is desirable.

### **SC (Scenic Corridor) Zone**

The purpose of the Scenic Corridor Combining Zone shall be to preserve and protect the scenic quality of the immediately visible land area adjacent to those scenic highways and scenic roads established by the Tulare County General Plan, and to prevent visual obstructions of the extended view from such scenic highways and roads. This zone is intended to be combined with other zones and may be applied only to those areas visible from and adjacent to those scenic highways and scenic roads established by the Tulare County General Plan. When this zone is applied to property in conjunction with another zone set forth in this Ordinance, a new zone is thereby created and the regulations set forth in this section shall be applicable in addition to those otherwise applicable in the underlying or base zone. In addition, where the provisions of the underlying or base zone conflict with the requirements of this section, the requirements of this section shall prevail over those in the underlying or base zone. The new combined zone shall be shown on the Zoning Map by the letters "SC" following the symbol of the underlying or base zone.

### **PD (Planned Development) Zone**

In certain instances, the objectives of the General Plan and Zoning Ordinance are best achieved by the development of parcels of land in a coordinated and comprehensive fashion so as to take advantage of the superior environment which can result from large scale community planning and development. The purposes of the PD Zone are to:

1. Provide for design flexibility in single-family, multi-family, commercial, professional, industrial and mixed-use developments.
2. Stimulate a more desirable living and working environment than would be permitted by the strict application of zoning regulations on a conventional individual-use or lot-by-lot method.
3. Encourage innovative and creative approaches to land use and development.
4. Provide the means to reduce development costs through the promotion of improved and integrated design and land planning techniques.
5. Conserve natural features and open space, while facilitating aesthetic and compatible land use patterns.
6. Implement general and specific plans which require a planned development approach.
7. Provide an alternative means of achieving the purpose of Section 18.5 of this ordinance.

The PD Zone shall be established on the County Zoning Map in the same manner as other zones created and established under this ordinance. The PD Zone may not be established on the Zoning Map unless it is combined with another zone.

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**R-A (Rural Residential) Zone** allows single family dwellings and farming uses.

**R-A-M (Rural Residential – Special Mobilehome**

(See uses listed under R-A Zone and Special Mobilehome Zone)

**R-A-M-43 (Rural Residential – 1 acre minimum) Zone – Special Mobilehome**

(See uses listed under the R-A Zone and Special Mobilehome Zone)

**R-3 (Multiple-Family) Zone**

The R-3 Zone allows any use permitted in the "R-2" Two-Family Zone. Multiple dwellings; provided, however, that if more than four (4) dwelling units are proposed to be constructed on one (1) lot, the construction of such units shall be subject to approval of a site plan pursuant to the procedure set forth in Paragraph 1 of Subsection G of Section 16.2 of this Ordinance.

**O (Recreation) Zone**

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:

1. Any use permitted in the R-3, Multiple Family Zone.
2. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock. Raising of sheep, goats, horses, mules, bovine animals, and other similar domesticated Quadrupeds. Commercial uses as specified in the zoning ordinance.

**C-2 -SC (General Commercial) Zone** is intended for retail stores and businesses, which do not involve manufacturing and/or processing. (See uses listed under Scenic Corridor Zone)

The **M-1 (Light Manufacturing) Zone** is intended for establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products other than those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, or other similar causes. (See uses listed under Scenic Corridor Zone)

**A-1 (Agricultural) Zone**

The purpose of this zone is to insure that areas zoned A-1 develop in a manner consistent with the General Plan and the public health, safety and general welfare, and to prevent the introduction of incompatible commercial, manufacturing, subdivision, and other urban uses into predominantly agricultural areas of the County. A limitation on minimum parcel size of five (5) acres is included in order to preserve agricultural lands in increments large enough to support commercial agriculture and to discourage the generation of urban land uses in predominantly agricultural areas. The purpose of the zone is also to prepare for eventual adjustments in zoning based on precise planning and development proposals for such areas.

**AE (Exclusive Agricultural) Zone**

This zone is intended primarily for application to rural areas of the County which are generally characterized by extensive or intensive agricultural uses of land.

# Lemon Cove Community Plan 2019

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**AE-20 (Exclusive Agricultural Zone 20-Acre Minimum)** The AE-20 Zone is an exclusive zone for intensive and extensive agricultural uses and for those uses, which are a necessary and integral part of intensive and extensive agricultural operations.

**AE-40 (Exclusive Agricultural Zone 40-Acre Minimum)** The AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses and for those uses, which are a necessary and integral part of intensive and extensive agricultural operations.

*Mixed Use* - Any combination of retail/commercial, service, office, residential, hotel, or other use in the same building or on the same site typically configured in one (1) of the following ways:

- **Vertical Mixed Use.** A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.
- **Horizontal Mixed Use – Attached.** A single structure, which provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.
- **Horizontal Mixed Use – Detached.** Two (2) or more structures on one (1) site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.

Mixed Use allows for a variety of development projects. By allowing the community of Lemon Cove to respond to market forces, more opportunities are created for economic development and job development.

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## Circulation Element

The purpose of this Circulation Element Update for the community of Lemon Cove is to provide for a safe, convenient and efficient transportation system. The Circulation Element has been designed to accommodate anticipated transportation needs based on the land use element. In compliance with state law, all city and county general plans must contain a circulation element that designates future road improvements and extensions, addresses non-motorized transportation alternatives, and identifies funding options. The intent of this Circulation Element is to:

- identify transportation needs and issues within Lemon Cove, as well as regional relationships that affect the transportation system;
- consider alternatives to the single-occupant vehicle as means of providing services and access to facilities; and
- establish policies that coordinate the Lemon Cove transportation and circulation system with General Plan and area plan land use maps and provide direction for future decision-making.

## Regional Transportation Planning

### Tulare County Association of Governments (TCAG) Regional Transportation Plan

The Regional Transportation Plan (RTP) is a multi-modal, long-range planning document prepared by the Tulare County Association of Governments (TCAG). The RTP includes programs and policies for congestion management, transit, bicycles and pedestrians, roadways, freight, and finances for Tulare County. The RTP is prepared every four years and contains a listing of projects considered to be financially feasible within a 25-year planning time frame. All federally funded transportation projects must be consistent with the RTP.

The RTP for Tulare has just been updated and was adopted in July 2014. The new RTP is the first to respond to state legislation (SB 375) that requires that the RTP show reductions in greenhouse gas emissions from passenger vehicles. Thus, there is a new emphasis in the RTP on promoting ridesharing (transit, van and carpools) and active transportation (walking and bicycling). To this end, the RTP now includes a Sustainable Communities Strategy (SCS), a blueprint for land use patterns and transportation facilities and services that will facilitate fewer vehicle trips and vehicle miles traveled.

### San Joaquin Valley Air Quality Management Plan

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has prepared the Air Quality Management Plan (AQMP) and various other regulations to reduce air emissions. Both the plan and several regulations aim to reduce emissions from mobile sources – automobiles and trucks, as well as other modes of transportation.

# Lemon Cove Community Plan 2019

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## Measure R ½ Percent Sales Tax for Transportation

Measure R is the half-percent sales tax measure for transportation improvements passed by the voters of Tulare County in 2006 and managed by the Tulare County Transportation Authority (TCTA). The Measure provides funding for transportation projects (highway, transit, and ridesharing) over the 20-year duration of the Measure. Measure R funds are used by the County in Lemon Cove to repair streets, and to improve the existing and planned transportation system.

## Intelligent Transportation Systems (ITS) Planning

Visalia has undertaken an ITS Strategic Plan that also considers countywide goals and policies to use communication and information technologies to improve mobility and enhance safety within the region. Potential ITS components include Freeway Management; Transit Management; Incident Management; Electronic Fare Payment; Electronic Toll Collection; Emergency Management Services; and Regional Multimodal Traveler Information. Being part of the ITS plan will assist the County with application for federal or State funding for specific types of ITS projects.

## Goods Movement

The ability of Tulare County to compete domestically and internationally on an economic basis requires an efficient and cost-effective method for distributing and receiving products. State Route 198 and SR 216, serves as an important link to Lemon Cove and other eastside and foothill communities for commercial and industrial goods movement.

Designated truck routes are intended to be used for long-distance truck movement. Truck movements for local deliveries within a community may use the most direct route to the particular delivery location, including local streets.

## **Existing Transportation Conditions**

### Existing Traffic Conditions

Infilling of lands within already developed areas, and increasing commuter traffic along SR 216/SR 198, most roads within the Planning area will carry increasing volumes of traffic. Thus, no major changes to the existing circulation pattern within the planning period is anticipated (see **Figure 28**).

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## Existing Transportation Conditions

### Street and Highway System

Functional classification is the process by which streets and highways are grouped into classes according to the type of service they provide. Streets and highways are classified according to their primary function and may be assigned into several basic classifications:

- State Highways (which may be freeways, expressways or conventional highways)
- Arterials and Collectors
- Local Streets

**State Highways** connect regional destinations and generally pass through several jurisdictions. Traffic carrying capacity is maintained through access control at two-mile or more intervals, with shorter intervals between access points permitted in large urban areas.

- State Route 198
- State Route 216

**Arterials** serve as the principal network for cross-town traffic flow. They connect areas of major traffic generation within the community area and connect with important county roads and state highways. They also provide for the distribution and collection of through traffic to and from collector and local streets. There are three designated “Arterials” streets within the Planning Area:

**Collectors** provide for traffic movement between arterial and local streets, traffic movement within and between neighborhoods and major activity centers, and limited direct access to abutting properties.

**Local Streets** provide for direct access to abutting properties and for very localized traffic movements within residential, commercial and industrial areas.

- All streets in the Circulation network are classified as local streets.

In recent years, the concept of “Complete Streets” has evolved. Under this concept, while streets may still carry a primary functional classification, the design of streets aims to allow all modes and trip purposes to be safely accommodated to the extent feasible and as warranted by local needs and conditions.

### Road Capacity and Level of Service (LOS)

LOS is categorized by two parameters, uninterrupted flow and interrupted flow. Uninterrupted flow facilities have no fixed elements, such as traffic signals, that cause interruptions in traffic flow. Interrupted flow facilities have fixed elements that cause an interruption in the flow of traffic such as stop signs and signalized intersections. The definitions and measurements used for determining level of service in interrupted and uninterrupted conditions are shown in **Tables 38 and 39**.



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In Tulare County, General Plan Policy **TC – 1.16 County Level of Service (LOS) Standards** states; “The County shall strive to develop and manage its roadway system (both segments and intersections) to meet a LOS of “D” or better in accordance with the LOS definitions established by the Highway Capacity Manual.”<sup>37</sup>

**Table 38 Uninterrupted Traffic Flow Facilities**

<b>LEVEL OF SERVICE</b>	<b>DEFINITION</b>
A	Describes free-flow operations. Free-Flow Speed (FFS) prevails on the freeway, and vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream. The effects of incidents or point breakdowns are easily absorbed.
B	Represents reasonably free-flow operations, and FFS on the freeway is maintained. The ability to maneuver within the traffic stream is only slightly restricted, and the general level of physical and psychological comfort provided to drivers is still high. The effects of minor incidents and point breakdowns are still easily absorbed.
C	Provides for flow with speeds near the FFS of the freeway. Freedom to maneuver within the traffic stream is noticeably restricted, and lane changes require more care and vigilance on the part of the driver. Minor incidents may still be absorbed, but the local deterioration in service quality will be significant. Queues may be expected to form behind any significant blockages.
D	At this level speeds begin to decline with increasing flows, with density increasing more quickly. Freedom to maneuver within the traffic stream is seriously limited and drivers experience reduced physical and psychological comfort levels. Even minor incidents can be expected to create queuing, because the traffic stream has little space to absorb disruptions.
E	Describes operation at capacity. Operations on the freeway at this level are highly volatile because there are virtually no useable gaps within the traffic stream, leaving little room to maneuver within the traffic stream. Any disruption to the traffic stream, such as vehicles entering from a ramp or changing lanes, can establish a disruption wave that propagates throughout the upstream traffic flow. At capacity, the traffic stream has no ability to dissipate even the most minor disruption, and any incident can be expected to produce a serious breakdown and substantial queuing, the physical and psychological comfort afforded to drivers is poor.
F	Describes breakdown, or unstable flow. Such conditions exist within queues forming behind bottlenecks. Breakdowns occur for a number of reasons: <ul style="list-style-type: none"><li>• Traffic incidents can temporarily reduce the capacity of a short segment, so that the number of vehicles arriving at a point is greater than the number of vehicles that can move through it.</li><li>• Points of recurring congestion, such as merge or weaving segments and lane drops, experience very high demand in which the number of vehicles arriving is greater than the number of vehicles that can be discharged.</li><li>• In analyses using forecast volumes, the projected flow rate can exceed the estimated capacity of a given location.</li></ul>

<sup>37</sup> Tulare County General Plan 2030 Update, Part 1 – Goals and Policies Report. Page 13-7.

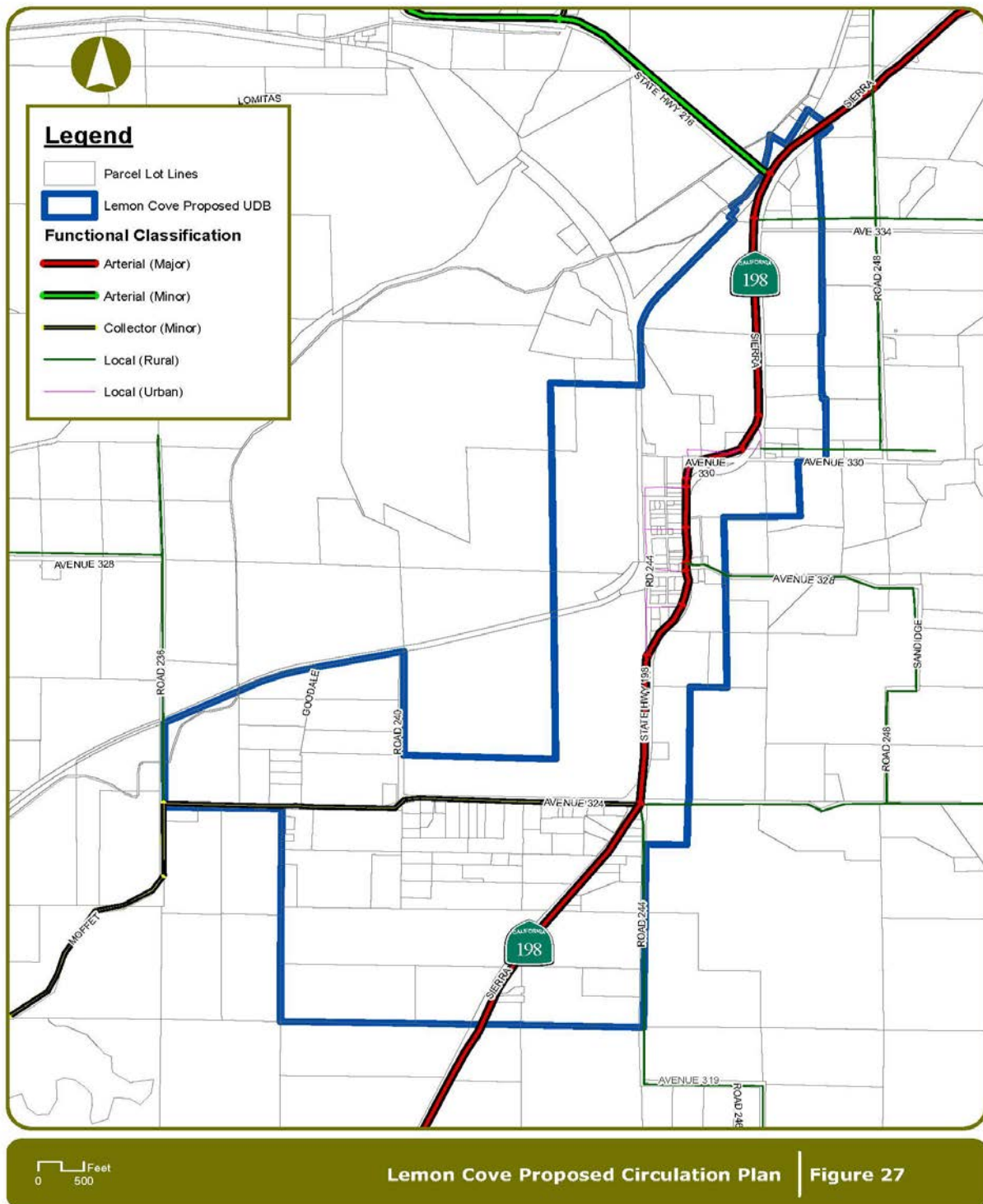
# Lemon Cove Community Plan 2019

**Table 39 Interrupted Traffic Flow Facilities**

LEVEL OF SERVICE	DEFINITION
A	Describes operations with a control delay of 10 s/veh or less and a volume-to- capacity ratio no greater than 1.0. This level is typically assigned when the volume-to- capacity ratio is low and either progression is exceptionally favorable or the cycle length is very short. If it is due to favorable progression, most vehicles arrive during the green indication and travel through the intersection without stopping.
B	Describes operations with a control delay between 10 and 20 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to- capacity ratio is low and either progression is highly favorable or the cycle length is short. More vehicles stop than with LOS A, with reasonably unimpeded travel between intersections.
C	Describes operations with control delay between 20 and 35 s/veh and a volume-to- capacity ratio no greater than 1.0. This level is typically assigned when progression is favorable or the cycle length is moderate. Individual cycle failures (i.e.one or more queued vehicles are not able to depart as a result of the insufficient capacity during the cycle) may begin to appear at this level. The number of vehicles stopping is significant, although many vehicles still pass through the intersection without stopping. May be longer queues and operations between locations may be more restricted.
D	Describes operations with control delay between 35 and 55 s/veh and a volume-to- capacity ratio no greater than 1.0. Travel speeds are about 40 percent below free flow speeds. This level is typically assigned when the volume-to-capacity ratio is high and either progression is ineffective or the cycle length is long. Many vehicles stop and individual cycle failures are noticeable.
E	Describes operations with control delay between 55 and 80 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to- capacity ratio is high, progression is unfavorable, and the cycle length is long. Individual cycle failures are frequent. Average travel speed is one-third of free flow speeds. The facility is generally at full capacity.
F	Describes operations with control delay exceeding 80 s/veh or a volume-to-capacity ratio greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is very high, progression is very poor, and the cycle length is long. Most cycles fail to clear the queue. Extremely slow speeds with average delay of 80 seconds or more. Frequent stop and go conditions.

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Figure 27 Lemon Cove Circulation Plan



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## Bicycle Facilities

The 2014 Regional Transportation Plan (adopted June 30, 2014) prepared by the Tulare County Association of Governments (TCAG) provides for a regional bicycle network intended to provide a safe alternative mode of travel. The 2010 Tulare County Regional Bicycle Transportation Plan has a proposed Class II Bike Project.<sup>38</sup> In Tulare County, bicycle travel is not yet considered a major mode of transportation and bicycles are rarely seen outside of cities and towns. The current Bike Plan designates SR 198 as a proposed Class I bike facility. The Bike Plan provides for connections between the major urban areas and recreation facilities in the County and is expected to be satisfactory for the foreseeable future.

The Caltrans Highway Design Manual (HDM), which governs bicycle facility design in California, distinguishes three (3) different types of bicycle facilities.

**Class I:** Bike path providing completely separated rights-of-way designated for the exclusive use of bicycles and pedestrians. In Tulare County Class I facilities will primarily be implemented through TCAG. No Class I bicycle facilities are proposed for Lemon Cove.

**Class II** bikeways that provides designated lanes for the use of bicycles through the use of striping on the roadway and signage designations for the facility. Existing Class II bicycle facilities travels from Farmersville Boulevard through Lemon Cove to Sequoia National Park Boundary.

**Class III:** Bikeway that provides designation by signage. Roadways are shared between bicyclists and motorists. Class III facilities in Tulare County are envisioned to be implemented along the major circulation segments of roadway that connect the overall County roadway network. No proposed Class III facilities are proposed in Lemon Cove. Although not signed on many roads in Lemon Cove, bicyclists are allowed use on the side of the road or share the road on all County roadway facilities excluding freeways.

## Pedestrian Facilities

### Multiuse Trails

Multiuse trails are facilities that can be used by bicycles, pedestrians, equestrians, and other recreational users. There is currently no multiuse trails in the Lemon Cove Community.

### Pedestrian Paths and Sidewalks

A review of facilities for pedestrian travel in Lemon Cove presents a broad array of conditions in which pedestrians are accommodated. Currently, limited continuous sidewalks are provided along major routes in the Community.

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<sup>38</sup> TCAG Action Element, TCAG 2014 Regional Transportation Plan. Page 3-89.

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## Transit Facilities

### Paratransit Services

Paratransit Services are transportation services such as carpooling, vanpooling, taxi service, and dial-a-ride programs. The County supports reliable and efficient paratransit service by encouraging development of service systems that satisfy the transit needs of the elderly and physically handicapped.

### Park-and-Ride Lots

Park-and-Ride lots provide places for people to meet up and carpool to areas outside of the Community. A Park-and-Ride facility could also provide a compressed natural gas refueling station. As the Community's population grows and given the large number of commuters, a park-and-ride location would be best sited near the edges of the Community along SR 198.

### AMTRAK

The Hanford AMTRAK station, located approximately 45 miles to the west in Kings County is the closest station to Lemon Cove. Amtrak's San Joaquin route links Hanford to Sacramento to the north and Bakersfield to the south. An Amtrak bus can be taken from Bakersfield to Los Angeles Union station where Amtrak's interstate routes can be accessed along with California's Pacific Surfliner route. In Sacramento, additional interstate routes can be accessed along with the capital corridor route linking Sacramento to the Bay Area.

### Aviation

Woodlake Municipal Airport is located approximately five (5) miles west of Lemon Cove and not located within any airport safety zone. Visalia Municipal Airport is 25 miles southwest of Lemon Cove. Fresno Yosemite International Airport (FAT), 70 miles northwest of Lemon Cove, is the principal passenger airfreight airport in the Central San Joaquin Valley. Meadows Field, Bakersfield's is a principal commercial airport. Meadows Field is located approximately 85 miles south of Lemon Cove and offers direct flights to several destinations.

### State Route 198

State Route 198 is a regionally significant corridor between Visalia through Lemon Cove and Three Rivers to Sequoia National Park

### State Route 216

State Route 216 is a regionally significant corridor between Visalia and the smaller agricultural community of Ivanhoe and the City of Woodlake to State Route 198 in Lemon Cove.

### Transit and Bus Stop

The Tulare County Transit Agency (TCaT) operates fixed-route services that link communities with each other and with the Visalia transit system. Lemon Cove (**see Figures 28 and 29**) is connected via TCaT Northeast County Route 30. Route 30 has three (3) eastbound and westbound buses serving Lemon Cove on weekdays and one (1) bus in each direction on Saturdays and Sundays. Stops are

# Lemon Cove Community Plan 2019

currently located at the SR 216 and SR 198 in Lemon Cove. (see TCAT website at: <http://www.tularecog.org/bustimes/>. TCaT vehicles are wheelchair accessible and all full size buses include bike racks. As such, public transit is likely to remain a limited option due to fiscal constraints and the high cost of providing services to a community of less than one thousand residents. The low level of auto congestion in Lemon Cove, now and as forecasted into the future, suggests that driving will continue to be more convenient in rural communities than the use of transit for those with access to a private car.

Figure 28 Northeast County Route 30

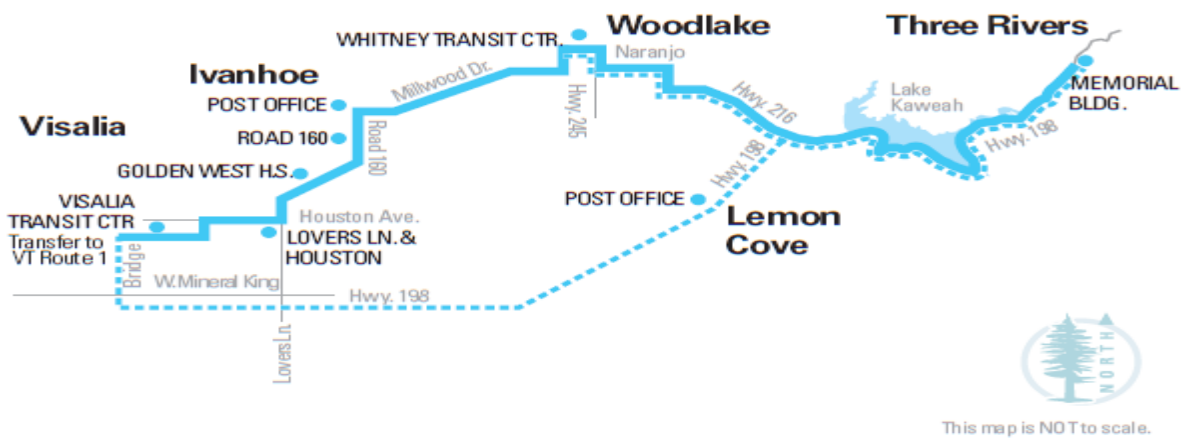


Figure 29 Northeast County Route 30 Schedule

EASTBOUND										
	VISALIA Transit Center	VISALIA Lovers Lane & Houston	VISALIA Golden West H.S.	IVANHOE Road 160	IVANHOE Post Office	WOODLAKE N.Cypress & Hwy 216	WOODLAKE Whitney Transit Ctr.	LEMON COVE Hwy 198 & Hwy 216	THREE RIVERS Memorial Bldg.	VISALIA Transit Center
WEEKDAY	7:05	7:12	7:13	7:19	7:22	7:32	7:35	—	—	—
	7:40	7:47	7:48	7:54	7:57	8:07	8:10	—	—	—
	8:15	8:22	8:23	8:29	8:32	8:42	8:45	—	—	—
	8:50	8:57	8:58	9:04	9:07	9:17	9:20	9:30	10:10	9:50
	9:25	9:32	9:33	9:39	9:42	9:52	9:55	—	—	—
	10:55	11:02	11:03	11:09	11:12	11:22	11:25	—	—	—
	11:30	11:37	11:38	11:44	11:47	11:57	12:00	—	—	—
	12:40	12:47	12:48	12:54	12:57	1:07	1:10	—	—	—
	1:00	1:07	1:08	1:14	1:17	1:27	1:30	—	—	—
	1:50	1:57	1:58	2:04	2:07	2:17	2:20	—	—	—
	2:10	2:17	2:18	2:24	2:27	2:37	2:40	2:50	3:30	3:10
	3:35	3:42	3:43	3:49	3:52	4:02	4:05	—	—	—
	4:15	4:22	4:23	4:29	4:32	4:42	4:45	—	—	—
	4:45	4:52	4:53	4:59	5:02	5:12	5:20	—	—	—
WEEKEND	5:25	5:32	5:33	5:39	5:42	5:52	5:55	—	—	—
	6:00	6:07	6:08	6:14	6:17	6:27	6:30	—	—	—
	6:35	6:42	6:43	6:49	6:52	7:02	7:05	7:15	7:55	7:35
	7:10	7:17	7:18	7:24	7:27	7:37	7:40	—	—	8:15
	10:15	10:22	10:23	10:29	10:32	10:42	10:45	—	—	—
	12:20	12:27	12:28	12:34	12:37	12:47	12:50	—	—	—
	1:30	1:37	1:38	1:44	1:47	1:57	2:00	—	—	—
	2:40	2:47	2:48	2:54	2:57	3:07	3:10	—	—	—
	3:50	3:57	3:58	4:04	4:07	4:17	4:20	—	—	—
	5:00	5:07	5:08	5:14	5:17	5:27	5:30	5:40	6:20	6:00



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## Complete Streets

The Complete Streets Programs Goals, Policies, Objectives, and Standards are hereby incorporated by reference. Included in the plan were policies and implementation measures as provided below. These projects have been included on the TCAG Measure R list as Complete Streets (see Figure 30).

## Goals, Policies, and Standards

The intent of the Lemon Cove Community Circulation Element is to establish a comprehensive multi-modal transportation system that is efficient, environmentally and financially sound, and coordinated with the Land Use Element.

***Goal 1: Design and implement a multi-modal transportation system that will serve projected future travel demand, minimize congestion, and address future growth in Lemon Cove.***

### Policies and Standards:

1. Utilize existing infrastructure and utilities to the maximum extent practical and provide for the logical, timely, and economically efficient extension of infrastructure and services.
2. Designate streets according to the following functional classifications:
  - a) Freeways and Expressways carry regional traffic through the community with access only at interchanges with major streets.
  - b) Arterials serve as the principal network for cross-town traffic flow. They connect areas of major traffic generation within the urban area and connect with important county roads and state highways. They also provide for the distribution and collection of through traffic to and from collector and local streets.
  - c) Collectors provide for traffic movement between arterial and local streets, traffic movement within and between neighborhoods and major activity centers, and limited direct access to abutting properties.
  - d) Local streets provide for direct access to abutting properties and for very localized traffic movements within residential, commercial and industrial areas.
  - e) All facility-types above (except freeways) should be capable of accommodating transit and paratransit vehicles. Furthermore, all facility-types except freeway should include provisions for active modes of transportation (walking and cycling).
3. Develop and apply consistent standards for new streets (and existing streets where feasible without substantial ROW takes) based on the roadway classification.
4. Require applicants for new development projects to dedicate needed ROW and construct and/or upgrade to County standards the streets and roads that will serve their projects.
5. Plan new arterial and collector streets as needed to improve access and enhance the develop potential of land designated for commercial and industrial uses.
6. Improvement standards for local and minor streets shall include perpendicular curbs, gutters and adequate street lighting at intersections.

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7. Access to arterials by driveways, local and minor streets, and alleys should be controlled as needed in order to ensure efficient traffic flow and safety along these streets.
8. Local streets should be designed to discourage high traffic volumes and through traffic.
9. Develop a Circulation Map showing the public street system. Designated streets and recommended rights-of-way should be indicated on this map.
10. Allow standards for new street development to be altered or refined where it can be demonstrated that projected traffic flows can be accommodated.
11. Plan for peak-hour Level of Service (LOS) "D" or better throughout the circulation network.
12. Make intersection improvements to the existing major street system selectively, favoring traffic engineering solutions rather than major structural improvements. This could include signalization, intersection channelization, use of directional signs, and diversion of traffic onto underutilized streets.
13. Use complete streets concepts in the design of new local streets where such techniques will improve safety and manage traffic flow.
14. Ensure the street network provides efficient routes for emergency vehicles, meeting necessary street widths, turn around radius, and other factors as determined by the County in consultation with fire and other emergency service providers.
15. Cooperate with local, regional, State and federal agencies to plan for, establish and maintain good connectivity to an efficient multimodal regional transportation system.

***Goal 2: Provide designated routes and loading standards that reduce the noise and safety concerns associated with truck traffic.***

## **Policies and Standards:**

1. Designate truck routes for use by heavy commercial and industrial traffic. Initially, designated truck routes shall be:
  - State Route 198
2. Design interior street systems for commercial and industrial subdivisions to accommodate the movement of heavy trucks.
3. Restrict heavy duty truck through-traffic in residential areas and plan land uses so that trucks do not need to traverse these areas.
4. Design off-street loading facilities for all new commercial and industrial developments so that they do not face surrounding roadways or residential neighborhoods. Truck backing and maneuvering to access loading areas shall not be permitted on the public road system, except when specifically permitted by the County Engineer.

***Goal 3: Provide safe and convenient pedestrian access between residential neighborhoods, parks, open space, and schools that service those neighborhoods.***

## **Policies and Standards:**

1. Provide a safe walking environment for pedestrians.

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- a) New development should include safe and pleasant designs which promote pedestrian access to arterials and collectors and consider the location of community services, such as schools, parks and neighborhood shopping activity centers in the accessibility of their design for all persons.
- b) Require the installation of sidewalks as an integral part of all street construction where appropriate.
- c) Require street lighting within the rights-of-way of all public streets.
- d) Include pedestrian signal indicators as an integral part of the installation of traffic signals.
2. Maximize visibility and access for pedestrians and encourage the removal of barriers (walls, easements, and fences) for safe and convenient movement of pedestrians. Special emphasis should be placed on the needs of disabled persons considering ADA regulations.
3. Plan for pedestrian access consistent with road design standards while designing street and road projects. Provisions for pedestrian paths or sidewalks and timing of traffic signals to allow safe pedestrian street crossing shall be included.
4. Collaborate with the Sequoia Union School District in Lemon Cove to ensure that school children have adequate transportation routes available, such as a local pedestrian or bike paths, or local bus service.
5. Encourage safe pedestrian walkways within commercial, office, industrial, residential, and recreational developments that comply with the Americans with Disabilities Act (ADA) requirements.
6. Coordinate with TCaT and private bus operators to ensure that pedestrian facilities are provided along and/or near transit routes, whenever feasible. New land developments may be required to provide pedestrian facilities due to existing or future planned transit routes even if demand for a pedestrian facility is not otherwise warranted.
7. Review all existing roadways without pedestrian facilities when they are considered for improvements (whether maintenance or upgrade) to determine if new pedestrian facilities are warranted. New roadways should also be assessed for pedestrian facilities.

***Goal 4: Ensure the provision of adequate off-street parking for all land uses.***

**Policies and Standards:**

1. Require all new development to identify adequate on-street and off-street parking based on expected parking needs.
2. Encourage shared parking among nearby uses with complementary parking demand patterns.
3. Provide adequate loading areas within off-street parking areas for all commercial and manufacturing land uses.
4. Anticipate parking needs at proposed and expected activity centers, particularly commercial areas.

***Goal 5: Provide a transportation system that is integrated with the region.***

**Policies and Standards:**

1. Coordinate local transportation planning with the TCAG Congestion Management Plan to ensure eligibility for state and federal funding.

# Lemon Cove Community Plan 2019

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2. Incorporate the Regional Transportation Plan, short- and long-range plans, and the Tulare County Short- and Long-Range Transit Plans into the Community Plan Circulation Element, and encourage the active participation of Caltrans in the design of highway capital improvement projects.

**Goal 6:** *Encourage the use of public transit services to reduce reliance on the automobile.*

## **Policies and Standards:**

1. Encourage transit alternatives to meet the basic transportation needs of the young, the elderly, the handicapped, and people without access to an automobile.
  - a) Consider development of an integrated transit center within Lemon Cove where all transit services can connect with each other as well as with private ridesharing.
  - b) Encourage and provide for ridesharing, park and ride, and other programs that can reduce emissions, save energy, and reduce monetary costs for firms and workers.
2. Planning and development of arterial and collector streets shall include design features which can be used as future public transit stops.
3. Support the expansion and improvement of transit systems and ride sharing programs to reduce the production of automobile emissions.
4. Support the use of alternate fuel vehicles and fueling stations for public transit vehicles, and County public agency vehicles.
5. Support TCaT and other transit operators' programs to foster transit usage.
6. Support all operator efforts to maximize revenue sources for short and long-range transit needs that utilize all funding mechanisms available including federal grants, state enabling legislation, and farebox revenue. This can be accomplished through TCAG and the Tulare County Transit Agency (TCaT) through the development of the Short and Long Range Transit Plans.
7. Support programs developed by transit agencies/operators to provide paratransit service.
8. Incorporate the potential for public transit service in the design of developments identified as major trip attractions (i.e. community centers and employment centers).
9. Explore potential development of a park-n-ride lot in Lemon Cove.
10. Support continued improvements to AMTRAK rail passenger service within Tulare County and throughout the San Joaquin Valley.

**Goal 7:** *Provide efficient goods movement*

## **Policies and Standards:**

1. Encourage the efficient movement of goods and people by rail through a shift of a portion of the goods previously moved by trucks onto the rail freight system.
2. Implement Street and highway projects to provide convenient and economical goods movement, including access to rail terminals, in areas where large concentrations of truck traffic exist.
3. Identify street and highway improvement and maintenance projects that will improve goods movement and implement projects that are economically feasible.
4. Encourage use of rail for goods movement whenever feasible.

# Lemon Cove Community Plan 2019

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**Goal 8:** *Provide safe and convenient facilities for non-motorized modes of transportation that enhance the future livability and character of Lemon Cove.*

**Policies and Standards:**

1. Consider developing a Bikeway plan for Lemon Cove based on the following facility designations:
  - a) Bike Path (Class I). A special pathway for the exclusive use of bicycles, which is separated from motor vehicle facilities by space or a physical barrier. It is identified by guide signing and pavement markings.
  - b) Bike Lane (Class II). A lane on the paved area of a road for preferential use by bicycles. It is usually located along the right edge of the paved area or between the parking lane and the first motor vehicle lane. It is identified by a "Bike Lane" guide sign, special lane lines, and other pavement markings.
  - c) Bike Route (Class III). A recommended route for bicycle travel along existing rights-of-way, which is signed but not striped.
  - d) Bikeway. All facilities that explicitly provide for bicycle travel. The bikeway can be anything from a separate facility to a simple signed street.
2. Give priority to bikeways that will serve the highest concentration of cyclists and destination areas of highest demand, especially Sequoia Union School District.
3. Provide bikeways in proximity to major traffic generators such as commercial centers, schools, recreational areas, and major public facilities.
4. Develop a visually clear, simple, and consistent bicycle system with standard signs and markings, as designated by the State of California Traffic Control Devices Committee and the State Bikeway Committee.
5. Support the installation of bike parking racks at public and private places of assembly such as parks, schools, employment sites, churches, and retail commercial developments.
6. Provide non-motorized alternatives for commuter travel as well as recreational opportunities.
7. Provide separate rights-of-way for non-motorized facilities whenever economically and physically feasible.
8. Develop bikeways in compliance with the standards established in the Caltrans Highway Design Manual or other appropriate standards.

**Goal 9:** *Design, construct, and operate the transportation system in a manner that maintains a High level of environmental quality.*

**Policies and Standards:**

1. Control dust and mitigate other environmental impacts during all stages of roadway construction.
2. Protect residents from transportation generated noise hazards. Increased setbacks, walls, landscaped berms, other sound absorbing barriers, or a combination thereof shall be provided along four lane highways in order to protect adjacent noise-sensitive land uses from traffic generated noise impacts. Additionally, noise generators such as commercial, manufacturing, and/or industrial activities shall use these techniques to mitigate exterior noise levels to no more than 60 decibels.
3. Review and monitor proposals for expansion of pipelines for the transport of suitable products and materials, and require mitigation of environmental impacts.

# Lemon Cove Community Plan 2019

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4. Encourage the use of non-polluting vehicles for both public and private uses.
5. Include noise mitigation measures in the design of roadway projects in Lemon Cove.

***Goal 10: Support the use of Transportation Demand Management (TDM) strategies to reduce dependence on the single-occupant vehicle, increase the ability of the existing transportation system to carry more people, and enhance mobility along congested corridors.***

## **Policies and Standards:**

1. New development shall consider Transportation System Management and Transportation Demand Management as strategies for the mitigation of traffic and parking congestion. Public transit, traffic management, ride sharing and parking management are to be used to the greatest extent practical to implement transportation management strategies.
2. Coordinate with Caltrans, TCAG, transit agencies and other responsible agencies to identify the need for additional park-n-ride facilities along major commuter travel corridors.

***Goal 11: Utilize Intelligent Transportation Systems (ITS) to improve the safety and performance of the surface transportation system using new technology in detection, communication, computing, and traffic control.***

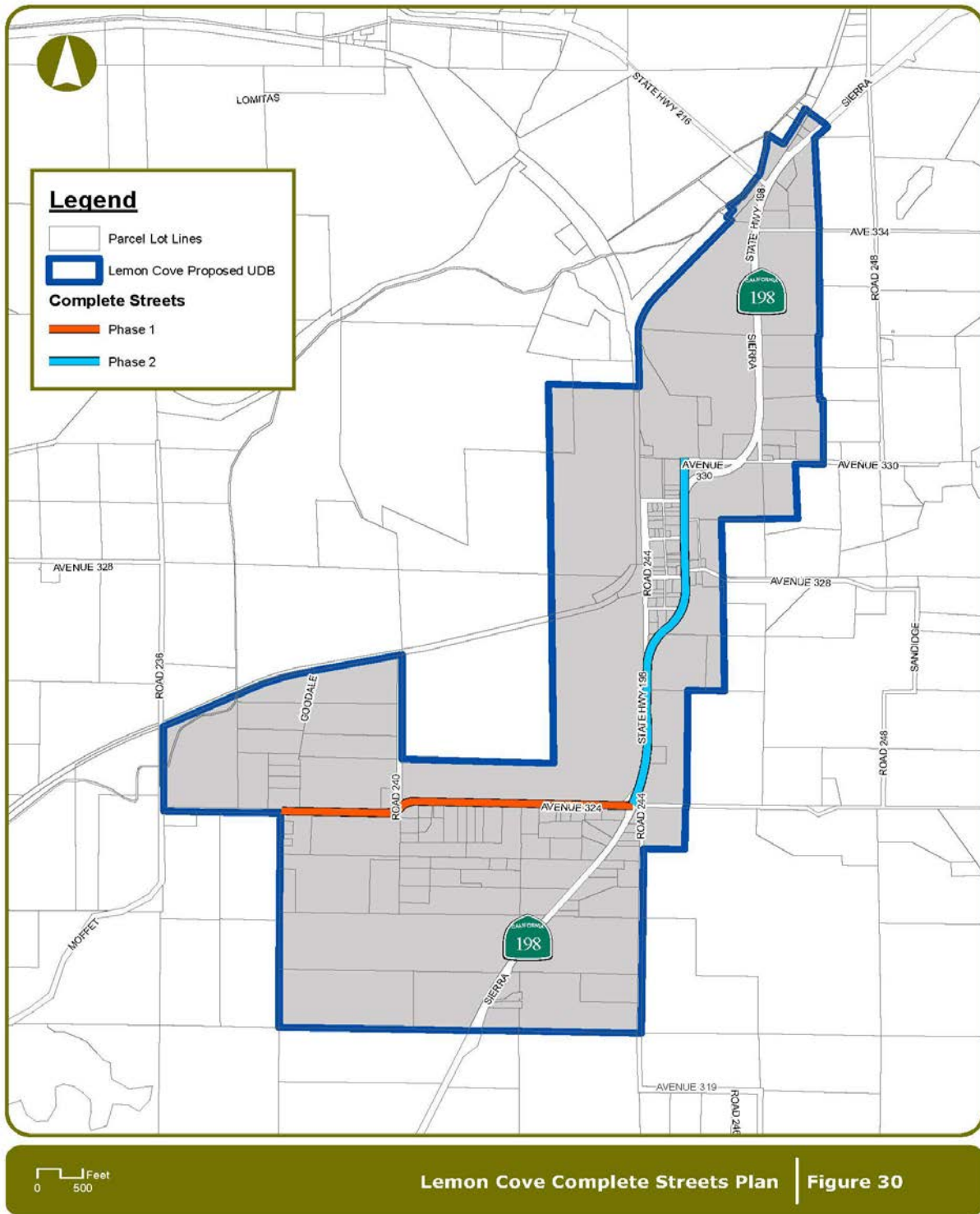
## **Policies and Standards:**

1. Encourage the integration of Intelligent Transportation Systems (ITS) consistent with the principles and recommendations referenced in the TCAG Regional Transportation Plan.



# Lemon Cove Community Plan 2019

Figure 30 Lemon Cove Complete Streets Plan



# Lemon Cove Community Plan 2019

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## **Implementation Strategy**

The purpose of this chapter is to prescribe a proposed approach to implement the general plan recommendations contained in chapters I through IV of the Lemon Cove Community Plan. There are several components that comprise the Lemon Cove Community Plan implementation strategy:

1. Zoning Code Changes
2. Complete Streets
3. Infrastructure

## Zoning District Changes

As part of this Implementation Program for the Community Plan for Lemon Cove, there are a variety of changes to existing zoning districts. These changes are described below.

## Revise Chapter 16 of the Zoning Code

Zoning Code to limit the uses that require a Use Permit. As part of the Economic Development Strategy, use permit requirements are streamlined to allow for uses to be developed without discretionary review. That is, proposed uses will not have to undergo an approval process that involves a decision making action by the Tulare County Planning Commission or Board of Supervisors. Project design features and Administrative approval will serve as the mechanism to allow (regulate) land uses, activities, densities, and other conditions typically applied through the special use permit process. The Project Review Committee conducts Site Plan Reviews (SR) and provides for SR review as part of the Project Review Process.

## Elimination of the SR Combining Zone

The SR combining zone requires site plan review for most uses in the combining zone. The primary purpose of the SR Combining Zone to ensure that proposed projects are designed to avoid conflicts with the existing rights-of-way, setbacks, and easements of public agencies and special districts. This alternative would eliminate the SR combining designation in the communities of Lemon Cove.

## Mixed Use Overlay District

This alternative involves the creation of a Mixed Use Zoning Designation for the Community of Lemon Cove (**see Attachments A-2 and A-3**). This community plan envisions a variety of uses that would be accessible from SR 198 and SR 216.

## Zoning Districts Map

The current Zoning Map for Lemon Cove will be amended to be compatible with the Land Use Map outlined in the General Plan. There are a couple of zoning district changes that are proposed to allow the General Plan and Zoning Ordinance to be in conformity with each other in the Lemon Cove Proposed Zoning.

# Lemon Cove Community Plan

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## **Attachments**

- A-1 – Use Permit Requirement Changes (Zone Change Text)
- A-2 – Mixed Use Overlay District (Zone Change Text)
- A-3 – Development Standards (Mixed Use Zoning Districts)
- A-4 General Plan Land Use and Zoning Consistency Matrix
- A-5 – Description of Funding Sources
- A-6 – Public Outreach
- A-7 – Lemon Cove Sanitary District (water & sewer) Projects

# Lemon Cove Community Plan

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# Lemon Cove Community 2019 Plan

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## **Attachment A-1: Use Permit Requirement Changes**

# Lemon Cove Community 2019 Plan

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# Lemon Cove Community 2019 Plan

## A-1 Use Permit Requirement Changes (Zone Change Text)

### H. Permitted Uses

All of the following, all structures and accessory uses directly related thereto in this section are entitled without a Special Use Permit (Conditional Use Permit). The following is allowed only in the various zones indicated below and within a community plan that adopted development standards for such entitled use. The proposed use must adhere to the adopted development standards of the community. The proposed use must also qualify for an exemption under the California Environmental Quality Act as determined by the Permit Center. The Permit Center will review the project for General Plan Policy, Community Plan Policy and development standard consistency and determine which environmental document is appropriate. Projects where the Permit Center is unable to make an immediate determination will be required to go through the Project Review Committee (PRC).

Uses that have an environmental effect on adjacent properties or necessitate mitigation measures through the California Environmental Quality Act will be required to apply for a PRC and a traditional use permit and legislative process through the County. These uses may have environmental or land use issues that may not be compatible with adjacent uses. These impacts may include but are not limited to; hours of operation (night time), noise (i.e. power tools such as impact drivers, or loudspeaker, etc.) air quality (idle running vehicles), traffic (number of vehicles) and odor. The Permit Center process is to determine the whether the use is by right or must go through the traditional use permit process. The following uses and zones shall be considered:

Permitted Uses		
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Animal hospital, clinic, and veterinarian office wherein only small/domestic animals (i.e. dogs, cats, etc.) are treated. Structure < 10,000 sq. ft.	C-1, C-2, C-3, M-1, M-2	
Antique and art store. Structure < 10,000 sq. ft.	C-2, C-3, M-1, M-2, R-3	C-2, C-3, M-1
Antique store containing less than one thousand (1,000) square feet of floor area	C-1, C-2, C-3, M-1, R-2, R-3	C-1, C-2, C-3, M-1
Apartment Hotel Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, R-3	O
Apparel stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, R-3	C-1, C-2, C-3, M-1
Arcades, including video. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, R-3	C-2, C-3, M-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone

### A-1: Permitted Uses

# Lemon Cove Community 2019 Plan

Assemblage of people for educational or entertainment purposes. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, M-2	
Assembly of electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances. Structure < 10,000 sq. ft.	C-2, C-3, M-1, M-2	M-1
Assembly of small electrical equipment such as home and television receivers. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, R-3	M-1
Assembly of typewriters, business machines, computers, and similar mechanical equipment. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, M-2, R-3	M-1
Automated car wash (coin operated only). Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, M-2, R-3, AP	C-2, C-3, M-1
Automobile parking lots, public parking areas or storage garages. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, M-2, R-3, AP	
Automobile supply stores.	O, CO, C-1, C-2, C-3, M-1, R-3	C-2, C-3, M-1
Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning.	C-2, C-3, M-1, M-2	C-3, M-1
Bakery [employing not more than five (5) persons on premises].	O, CO, C-1, C-2, C-3, M-1, R-3	C-1, C-2, C-3, M-1
Bakery goods store.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Banks and financial institutions.	C-1, C-2, C-3, M-1, R-3	C-1, C-2, C-3, M-1
Barber shop or beauty parlor.	C-1, C-2, C-3, M-1, R-3	C-1, C-2, C-3, M-1
Bed and Breakfast Home with three or more guests rooms (Up to 5). Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, R-3, R-2	R-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Bicycle shops. Structure.	CO, C-1, C-2, C-3, M-1, R-3	C-2, C-3, M-1
Billiard or Pool hall Structure	C-2, C-3, M-1	C-2, C-3, M-1
Bird store or pet shop.	O, CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Blueprinting and Photostatting shop.	CO, C-1, C-2, C-3, M-1, AP	C-2, C-3, M-1
Boat sales and service. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1	C-3, M-1
Book binding. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, R-3	C-3, M-1

## A-1: Permitted Uses

# Lemon Cove Community 2019 Plan

Book or stationary store. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1, R-3	C-1, C-2, C-3, M-1
Business and professional schools and colleges. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Business, professional and trade schools and colleges. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-3, M-1
Catering Shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Ceramic shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Christmas tree sales lots as a temporary use.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Church. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Clothes cleaning and pressing establishment. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Clothing and costume rental. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Confectionery store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Conservatory of Music. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Contractor's Storage Yards.	CO, C-1, C-2, C-3, M-1, AP	
Dairy products store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Department store Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Digesters	M-1	
Drug store or pharmacy. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Dry goods or notions store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Electric appliance stores and repairs Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Expansion, Alteration or Replacement of non-conforming buildings and uses. Structure < 10,000 sq. ft.	CO, C-1, C-2, M-1, R-1, R-2, R-3, R-A	
Family Day Care Home, Large (Up to CA State maximum).	CO, C-1, C-2, R-1, R-2, R-3, RA	
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Family Day Care Home, small.	CO, C-1, C-2, R-1, R-2, R-3, RA	R-1, R-2 R-3, C-1, C-2, C-3, M-1
Feed and seed stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, AP	C-3, M-1
Fire Station.	CO, C-1, C-2, C-3, M-1, AP	
Firewood sales yard.	CO, C-1, C-2, C-3, M-1	C-3, M-1

## A-1: Permitted Uses

# Lemon Cove Community 2019 Plan

Florist shop. Structure < 10,000 sq. ft.	CO, C-1, C-2, M-1, R-1, R-2, R-3, RA	C-1, C-2, C-3, M-1
Furniture store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Furniture warehouses for storing personal household goods, provided ground floor front is devoted to stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Gasoline filling station. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Gift, novelty or souvenir. Structure < 10,000 sq. ft.	CO, C-1, C-2, M-1, R-2, R-3, RA	C-2, C-3, M-1
Glass shop, retail, excluding major service activities. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-2, C-3, M-1
Grocery store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	
Grocery store, fruit store or supermarket. Structure < 10,000 sq. ft.	C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Gunsmith shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-3, M-1
Hobby and art supply store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Hospital, sanitarium and nursing home. Structure < 10,000 sq. ft.	C-1, C-2, C-3, M-1, PO	
Household and office equipment and machinery repair shops. Structure < 10,000 sq. ft.	C-2, C-3, M-1, PO	C-3, M-1
Household appliance stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Ice storage house of not more than 5-ton storage capacity.	CO, C-1, C-2, C-3, M-1, AP	
Incidental manufacturing, processing and treatment of products. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-2, C-3, M-1
Interior decorating store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Jail or correctional (public facilities only).	C-2, C-3, M-1, M-2	
Jewelry store, including clock and watch repair. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Laundries. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-3, M-1
Laundry, coin operated machines only. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Leather goods and luggage stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Linen supply services. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-3, M-1
Liquor store. Structure < 10,000 sq. ft. Not within 300' of residential/School Site.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Locksmiths. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1

## A-1: Permitted Uses

# Lemon Cove Community 2019 Plan

Massage or physiotherapy establishment Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Meat market or delicatessen store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Medical and orthopedic appliance stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, PO	C-2, C-3, M-1
Medical laboratory. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, PO	C-2, C-3, M-1
Memorial building, theatre, auditorium. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, R-3	
Micro-brewery. Structure < 10,000 sq. ft. *Allowed in C-1 and C-2 in conjunction with a restaurant.	M-1, M-2, C-3,*C-2, *C-1	M-2
Mini-warehouses. Structure < 10,000 sq. ft.	C-2, C-3, M-1, AP	C-3, M-1
Mobilehome for use by caretaker or night watchman.	CO, C-1, C-2, C-3, M-1	O, C-2, C-3, M-1
Motorcycle sales and service. Structure < 10,000 sq. ft.	C-2, C-3	C-3, M-1
Musical instrument repair shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-3, M-1
Name plates. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, R-3	R-3, C-1,C-2, C-3, M-1
Nursery school. Structure < 10,000 sq. ft.	CO, C-1, C-2, M-1, R-1, R-2, RA, R-3, R-A	
Office, business or professional. Structure < 10,000 sq. ft.	CO, C-1, C-2, M-1, R-1, R-2, R-3, PO	C-1, C-2, C-3, M-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Opticians and optometrists shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, PO	C-2, C-3, M-1
Paint and wallpaper stores. Structure < 10,000 sq. ft.	C-1, C-2, C-3, M-1	C-2, C-3, M-1
Pet shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Photo processing pick-up and delivery outlets. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Photographic and blueprint processing and printing. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-3, M-1
Photographic developing and printing. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-3, M-1
Photographic supply stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Picture framing shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Plumbing fixtures for retail sales. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Plumbing shops. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-3, M-1

# Lemon Cove Community 2019 Plan

Police station.	O, CO, C-1, C-2, C-3, M-1, M-2	
Post Office.	CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, PO	O, C-1, C-2, C-3, M-1
Pressing establishments. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-3, M-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Printing, lithography, engraving. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Private club, fraternity, sorority and lodge. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	
Private greenhouses and horticultural collections. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A	R-1, R-2 R-3, C-1, C-2, C-3, M-1
Public library.	CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A	R-3, C-1, C-2, C-3, M-1
Public Park or playground.	O, MR, CO, C-1, C-2, C-3, M-1, M-2 R-1, R-2, R-3, R-A, AP	
Public utility structure.	CO, C-1, C-2, C-3, M-1, MR, RO, R-1, R-2, R-3, R-A, PO, O, AP	
Radio and television broadcasting studios. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-3, M-1
Radio and television repair shops. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-3, M-1
Radio, microwave and television towers (Over 75 feet or within 2 miles of an airport).	C-2, C-3, M-1, M-2	
Real Estate Offices. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A	
Recreation center. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	
Repairing and altering of wearing apparel. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Resort Structure. < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Restaurant. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	
Restaurant, tea room or cafe. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A	C-1, C-2, C-3, M-1
Retail office equipment sales. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Retail sales of sporting goods, boats, boat motors, boat trailers, trailer coaches and their repair, rental and storage. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1	

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Retail stores and offices incidental to and located on the site of a hotel, motel, resort, restaurant or guest ranch. Structure < 10,000 sq. ft.	O, CO, C-1, C-2, C-3, M-1	
Rug and carpet cleaning and dyeing. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-3, M-1
Satellite antenna sales. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Satellite television antennas.	CO, C-1, C-2, C-3, M-1	
School, private.	CO, C-1, C-2, C-3, M-1, PO	
School, public.	CO, C-1, C-2, C-3, M-1, PO	
Scientific instrument stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Secondhand stores, pawn shops and thrift shops. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Shoe repair shop. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Shoe store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Sign painting shops. Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-3, M-1
Small appliance sales and service. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Soda fountains. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Sporting goods store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1
Stamp and coin stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Storage of petroleum products for use on the premises.	CO, C-1, C-2, C-3, M-1	
Studios (except motion picture). Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Tinsmith Structure < 10,000 sq. ft.	C-2, C-3, M-1	C-2, C-3, M-1
Tire sales (no retreading or recapping). Structure < 10,000 sq. ft.	C-2, C-3	C-2, C-3, M-1
Tobacco and cigar stores. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Tourist Court. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	
Toy store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Zoning District Uses	New Entitled Zone	Prior Entitled Zone
Trailer and recreation vehicle sales, service and rentals. Structure < 10,000 sq. ft.	C-2, C-3, M-1, M-2, AP	C-3, M-1
Travel agencies. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Variety store. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Video machine and tape sales/rental. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-1, C-2, C-3, M-1

## A-1: Permitted Uses



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Warehouses except for the storage of fuel or flammable liquids and explosives. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-3, M-1
Watch and clock repair shop. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1
Wedding chapel. Structure < 10,000 sq. ft.	CO, C-1, C-2, C-3, M-1	C-2, C-3, M-1

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## **Attachment A- 2: Mixed Use Overlay District (Zone Change Text)**

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## A-2 Mixed Use Overlay District (Zone Change Text)

The following regulations shall apply in the community of Lemon Cove, unless otherwise provided in this Ordinance.

- PURPOSE**            **A.**     The purpose of this zone is to allow for mixed uses. Allowing a mix of uses promotes flexibility in the types of entitlements that can be issued. Economic Development can be pursued with a wide variety of development potential. In addition, mixed use can allow for decreased vehicles miles traveled if residential uses are mixed with uses for employment.
- APPLICATION**       **B.**     This overlay zone only applies to the community of Lemon Cove.
- USE**                   **C.**     No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses allowed in this overlay zone are outlined in the community plan for Lemon Cove.

Within the Mixed Use Zoning District, all uses outlined in the C-3, C-2, C-1, R-1, R-2 and R-3 uses are allowed. Uses and activities that are found by the Planning Director to be similar to and compatible with those specific zoning districts are also allowed. In addition, use and activities determined to be compatible by the Planning Commission and the Board of Supervisors with the above mentioned zoning districts are also allowed.

All conditional uses allowed in these zoning districts shall also be allowed by right with exception of the following combination of uses: All uses shall not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the

Uses/Combination of Uses reviewed by Planning Commission
Auto wrecking and Residential
Battery Manufacture and Residential or Commercial
Biomass Fuel Production and Residential
Flammable Liquids over 10,000 gallons
Hazardous Waste Facility
Planning Mills and Residential or Commercial
Sand blasting
Slaughterhouse and Residential
Solid Waste Recycling and Residential
Super service stations and Residential
Airport
Helipoint

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neighborhood, or to the general welfare of the county. All uses shall limit impacts related to smoke, fumes, dust, gas, noise, odor, vibrations and other hazards to be considered an allowed use without the need for a special use permit. All allowed uses are subject to the determination of appropriateness by the Director of Planning.

The Director of Planning has the option of deferring any land use application allowed in this district to the Planning Commission for review and decision.

## DEVELOPMENT

1. Height: No building or structure hereafter erected or structurally altered shall exceed six (6) stories or seventy five (75) feet to uppermost part of roof.
2. Front Yard: 0 Feet
3. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a commercial building shall not be required.
4. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required.
5. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section.
6. Floor Area Ratio: The maximum Floor Area Ratio is 2. The Floor Area Ratio is the amount of square feet of all structure allowed on a parcel based on parcel size.
7. Distance between structures: The minimum distance between structures is 10 feet.
8. Parking: Off-street parking and loading shall be required in conformance with Section 15.
9. Fences, Walls, and Screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-A, R-O, R-1, R-2, and R-3), there shall be a solid wall, fence or equivalent landscaping screening at least six (6) feet in height located along the common lot line, except in the required front or side yard. Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet

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in height, provided that no materials shall be stored to a height greater than that of the wall, fence, or hedge. Fulfillment of the requirement of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable buildings and zoning regulations and which were existing in a commercial or manufacturing zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of property is approved by Tulare County.

All other Development Standards are outlined in the Community Plan for Lemon Cove. Conformance to development standards is required for all development; however, the Planning Director, Planning Commission, or Board of Supervisors may provide exemptions to particular development standards when deemed appropriate.

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## **Attachment A- 3: Development Standards (Mixed Use Zoning Districts)**

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## A-3 Development Standards (Mixed Use Zoning District)

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To promote Economic Development within the Lemon Cove Urban Development Boundary, a Mixed Use Overlay zoning district is being established to allow for flexibility in the allowed uses within Lemon Cove. In addition, the use permit restriction is updated to allow for ministerial approval [by the Planning Director]. Development standards are established to ensure high quality development within this mixed use overlay district. To promote Economic Development within the Lemon Cove Urban Development Boundary, a Mixed Use Overlay zoning district is being established to allow for flexibility in the allowed uses within Lemon Cove. In addition, the use permit restriction is updated to allow for ministerial approval [by the Planning Director]. Development standards are established to ensure high quality development within this mixed use overlay district.

### ARCHITECTURE

A-1 Entries to buildings should be individualized and clearly identifiable.

A-2 Retail spaces should be accessed directly from the sidewalk, rather than through lobbies or other internal spaces.

A-3 Entrances to upper story uses should not be as prominent as the primary entrances to first story uses.

A-4 The height of first floor commercial should have a minimum ceiling height of 12 feet.

A-5 Architecturally distinguish the ground floor from the upper façade, to form a visual base for the building. Create an intimate scale for the pedestrian environment.

A-6 Each building should have a defined base, body, and cap segment.

A-7 Blank walls on ground floor facades adjacent to public sidewalks, public rights-of-ways and public spaces are prohibited.

A-8 Ground floor window openings should range between fifty (50) to eighty (80) percent

of the ground floor façade adjacent to sidewalks and private and public plazas, patios, and courtyards. These window openings should consist of transparent “storefront” windows. Second story windows should not exceed fifty (50) percent of the total exterior wall surface.

A-9 Three-dimensional cornice lines, parapet walls, and/or overhanging eaves should be used to enhance the architectural character of the building.

A-10 Wall surfaces should not exceed 250 square feet without including some form of articulation. Acceptable forms of articulation include use of windows, varied reveal patterns, change in material, texture, color, or detail; and a change in wall plane location or direction.

A-11 Openings in the façade should be accentuated with paint, tile, shutters, awnings, planters, and/or other appropriate architectural features in order to create varied shadows and a rich visual texture.

A-12 Articulation and detailing of the exterior walls at the ground level, should be integrated with landscape features (trees, plants, walls, trellises, and unique land forms)

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to ensure an appropriate transition from ground to wall plane.

A-13 An equal level of architectural detail and landscaping should be incorporated into all sides of freestanding buildings, because they are generally visible from all sides.

A-14 Architectural details should be fully integrated into the design of the building to avoid the appearance of afterthought elements or elements that are “tacked on” to a building.

A-15 Finish materials that give a feeling of permanence and quality should be used at ground level facades.

A-16 A consistent use of window style, size, trims, and accents should be used to ensure a consistent character along the building façade.

A-17 Exposed structural elements (beams, trusses, frames, rafters, etc.) are acceptable when appropriately designed to complement the over design of the façade.

A-18 Tilt-up buildings should incorporate decorative trim, recessed/projecting panels, recessed windows/doors, accent materials, and varied roof height to increase visual interest.

A-19 New buildings located at the corner of the block may be more massive in scale than adjacent buildings to better define the street intersection.

A-20 Corner buildings should have a strong relationship to the corner of the intersection by incorporating a unique architectural element or detail at the corner; such as a tower or primary building entrance.

A-21 Corner buildings should present equally important facades of similar appearance on both streets.

A-22 Articulate side and rear facades in a manner compatible with the design of the front façade. Avoid large blank wall surfaces on side and rear facades which are visible from public areas. In these locations, display windows, store entrances, and upper windows are encouraged. When this is not feasible, consider the use of ornament, murals, or landscaping along large blank walls.

A-23 Remove alterations whose design and/or materials are not consistent with the overall character of the building.

A-24 Where off-street parking or an alley is provided behind a building, a secondary entrance to both first floor and upper floor uses should be provided at the rear of the building.

A-25 Locate and design required vents and access doors to minimize their visibility from public spaces.

A-26 Use high quality detailing for new buildings and replacement elements. For example, new or replacement windows should have sash and frame thicknesses and window depths which are similar to those of original or historic windows. Such level of detailing provides an interplay between light and shadow which adds interest and visual depth to the façade.

A-27 Loading docks, storage areas, and service facilities should be located at the rear of the building and screened from the street as necessary.

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A-28 Conceal all electrical boxes and conduits from view, and position light sources to prevent glare for pedestrians and vehicles.

## **ROOFS AND AWNINGS**

RA-1 Awnings should be compatible with other awnings nearby, particularly those on the same building, when these awnings complement the architectural character of the building.

RA-2 Canopies and awnings should be compatible with the style and character of the structure on which they are located.

RA-3 Use matte canvas fabric for awnings; not vinyl, fiberglass, plastic, wood or other unsuitable materials. Glass and metal awnings may be appropriate for some buildings, but must be consistent with the architectural style of the building.

RA-4 Include architectural features such as awnings, canopies, and recessed entries that can protect pedestrians from inclement weather. Design these features as integral parts of the building.

RA-5 Awnings and canopies should not hang below the top of the first floor storefront window. In addition, awnings and canopies should be at least ten (10) feet above the sidewalk.

RA-6 Canopies and awnings should not project more than seven (7) feet from the surface of the building.

RA-7 Awnings and canopies that project into the public right-of-way should not impede pedestrian or vehicular movement.

RA-8 Roof forms, lines, masses, and materials should be continuous and consistent with the overall style, character, scale, and balance of the building.

RA-9 Roof overhangs and exposed structural elements should be designed to be consistent with the overall style and character of the building.

RA-10 Roof mounted HVAC equipment, ducts, vents, and other equipment should be screened from public view.

RA-11 Mansard roofs are prohibited.

RA-12 All flat roofs should have 90% of the roof area covered by solar panels. All sloped roofs should have 50% of the roof area covered by solar panels. Roofs should be painted or colored with a bright white (or similar color) with a reflective glossy finish.

## **SITE PLANNING**

SP-1 Place entrances to storefronts and other ground floor uses so that they are accessible directly from the public sidewalk, not internal lobbies.

SP-2 On corner sites, a prominent streetscape presence should be established and visual interest should be created by either locating buildings near the intersection to enliven the streetscape or using landscaping to frame the intersection. Parking areas immediately adjacent to intersections are discouraged.

SP-3 Structures and site improvements should be located and designed to avoid conflict with adjacent uses.

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SP-4 Gates to parking areas should be designed with materials and color that are compatible with the site.

SP-5 Multi-story buildings that overlook private or common area open space of adjacent residences should be designed to protect privacy of these spaces.

SP-6 Gates to parking areas should be located to prevent vehicle stacking or queuing on the street.

SP-7 Primary site and building entry points are strongly encouraged to generate visual interest with special design features such as decorative or textured paving, flowering accents, special lighting, monuments, walls, shrubs, water features, and the use of sizeable specimen trees.

SP-8 To the extent feasible and practicable, parcels should share access driveways to minimize curb cuts and traffic congestion.

SP-9 Cul-de-sacs are inappropriate except when a freeway or canal prevents connectivity.

SP-10 Block lengths should be short, averaging 200 to 300 feet. Maximum block length is be 500 feet.

## **LANDSCAPING**

LA-1 Projects should provide, and maintain, landscaped buffers between commercial uses and low-density residential uses, between industrial and residential uses, and between commercial and industrial uses. Plant material will be placed in a manner to suggest natural growth as opposed to a rigid barrier.

LA-2 A predominance of deciduous tree species is encouraged to shade western, southern, and southwestern exposures.

LA-3 The parking lot should not be the dominant visual element of the site as viewed from the street. Locate or place parking lots at the side and rear of buildings or use parking lot screening to soften their appearance. Screen parking lots: Utilize a hedge (recommended height of 36 inches) with a rolling berm to screen parking at the street periphery (Minimum shrub container size should be 5 gallons.)

LA-4 Project sites should be designed so that areas used for outdoor storage, and other potentially unsightly areas are screened from public view. All service yards and outdoor storage areas should be enclosed or screened from view.

LA-5 Loading areas, access and circulation driveways, trash, and storage areas, and rooftop equipment should be adequately screened from the street and adjacent properties, as deemed necessary. To the fullest extent possible, loading areas and vehicle access doors should not be visible from public streets.

LA-6 Loading driveways should not back onto streets or encroach into landscaped setback areas.

LA-7 Loading doors should be integrated into building elevations and given the same architectural treatment where feasible.

LA-8 Utility equipment such as electric and gas meters, electrical panels, and junction boxes should be screened from view or incorporated into the architecture of the building.

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LA-9 Utility devices, such as transformers and backflow preventers, should not dominate the front landscape area.

LA-10 All utility lines from the service drop to the site should be located underground.

LA-11 When security fencing is required, it should be a combination of solid walls with pillars and offsets, or short solid wall segments and segments with metal fencing. Chain-link fencing is strongly discouraged when facing public view and should only be used as interior fencing.

LA-12 Retaining walls at retention basins should utilize a stepped or terraced motif as a visual tool to maintain appropriate human scale.

LA-13 Retention basins visible to public view and common open spaces should be contoured and landscaped in a creative manner to minimize a harsh utilitarian appearance. When feasible, it is recommended to beneficially use the run-off storm water as supplemental watering for the landscape plants.

LA-14 Parking lot run-off should be routed through turf or other landscaping.

LA-15 Parking lots located adjacent to the sidewalks or right-of-ways should be screened to a height of thirty six (36) inches above the grade with landscaping and/or low high quality fencing.

## **REFUSE AND STORAGE AREAS**

R-1 Trash storage must be enclosed within or adjacent to the main structure or located within separate freestanding enclosures.

R-2 Trash enclosures should be unobtrusive and conveniently accessible for trash collection but should not impede circulation during loading operations.

R-3 Trash enclosures should be located away from residential uses to minimize nuisance to adjacent properties.

R-4 Trash and storage enclosures should be architecturally compatible with the project design. Landscaping should be incorporated into the design of trash enclosures to screen them and deter graffiti.

## **LIGHTING**

LI-1 Provide lighting at building entrances and for security at ground level.

LI-2 Lights should be shielded and point down toward the ground.

LI-3 Parking lot should have uniformly spaced night lighting.

LI-4 Well-lit sidewalks and/or pedestrian walkways should be located to provide safe access from the parking lot to the street sidewalk.

LI-5 Exterior architectural lighting should fully compliment a building's design and character. Light fixtures should work in conjunction (size, scale, and color) with the building's wall, roof.

LI-6 Street lighting features should be "pedestrian scale" at twelve (12) to eighteen (18) feet in height above the curb.



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## **WALLS AND FENCES**

WF-1 Wall/fence design should complement the project's architecture. Landscaping should be used to soften the appearance of wall surfaces.

WF-2 Walls and fences within front and exterior side yards of commercial sites should be avoided.

WF-3 Unless walls are required for screening or security purposes they should be avoided.

WF-4 Security fencing should incorporate solid pilasters, or short solid wall segments and view fencing.

WF-5 Front yard fences should not abut the sidewalk. The fence should be set back from the sidewalk at least 2 to 3 feet to allow room for landscape materials to soften the fence and to ensure pedestrian comfort.

WF-6 Walls and fences should be designed in such a manner as to create an attractive appearance to the street and to complement the architecture of the industrial park.

WF-7 Gates should be provided in walls or fences where necessary to allow emergency access.

WF-8 High perimeter walls and walls topped with barbed wire, razor wire, or broken glass are strongly discouraged.

WF-9 Inordinately long walls or fences should be broken up by landscaping, pilasters, offsets in the alignment of the wall or fence, and/or changes in materials and colors.

WF-10 Chain link fences should not be visible from streets.

WF-11 Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets (12-feet wide by 3- feet deep) should be provided at 70-foot minimum intervals along the wall.

## **STREETSCAPE**

ST-1 A consistent pavement material of varied texture and color should be applied to all crosswalks to clearly define pedestrian crossings, to slow down traffic.

ST-2 Sidewalks widths, excluding curbs, should be a minimum of five (5) feet.

ST-3 Curb and gutters should be constructed with all new development.

ST-4 A planting strip, or tree lawn, 3 to 5 feet wide should be located between the sidewalk and the curb of the street. Existing tree lawns should be preserved.

ST-5 New street trees should be planted on the curb edge of the sidewalk in front of all new development projects.

## **SIGNAGE**

SI-1 Sign letter and materials should be professionally designed and fabricated.

SI-2 Each storefront with a ground floor entrance should be allowed two signs that should be attached to the building.

SI-3 All electrical conduits should be concealed from public view.

SI-4 For commercial uses, the primary wall sign should be in the space above a storefront and visibly oriented towards the street.

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SI-5 For commercial uses, a secondary sign should be smaller than the primary sign and be oriented towards passing pedestrians. It should extend out perpendicular to the building façade and be mounted or hung from the wall beneath an awning or above a first floor window. The bottom of the wall-mounted sign should be located at least eight (8) feet above the sidewalk. The outer face of the sign should not extend more than four (4) feet from the edge of the building surface, and the maximum area of the sign should have no more than six (6) square feet.

SI-6 Signs should be designed to be compatible with building design in terms of relative scale, overall size, materials, and colors. No sign should dominate the façade. Signage elements should incorporate materials colors and shapes that appropriately reflect and compliment the building's architecture.

SI-7 Large signs that dominate a building façade or the streetscape should not be permitted.

SI-8 Signage should be constructed of high quality, low maintenance, and long lasting materials. Except for banners, flags, temporary signs, and window signs, all signs should be constructed of permanent materials and should be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.

SI-9 No more than twenty (20) percent of window area should be obstructed by signs, posters, advertisements, painted signs, and/or merchandise, and the top one half of the window should be permanently clear and free of obstructions. Awning signage should be of a replaceable-type to accommodate tenant turnover.

SI-10 Wall, canopy, under-canopy, and marquee signs should not exceed three-fourths (3/4) square foot of aggregated display area per lineal foot of frontage.

SI-11 Awning sign should be mounted on the hanging border of the awning and should not protrude beyond the awning surface.

SI-12 Wall signs or advertisements should not project more than twelve (12) inches from the wall face to which they are mounted, should not project beyond building eaves, and should be mounted flat throughout their length and height.

SI-13 Signs for individual tenants within a multiple-tenant, such as offices located above the ground floor, should be grouped together and appropriately scaled to a pedestrian-oriented retail environment.

SI-14 Fin signs or under marquee sign are permitted provided that they are installed with a minimum of eight (8) feet clearance from the lowest point on the sign and support to the top of the walking surface below it.

SI-15 Awning signs and face-mounted signs are permitted provided that the sign should have no more than one line of text and that maximum text height is twelve (12) inches.

SI-16 No signs should be erected in any manner in which the sign, in whole or in part, would create a hazardous condition to pedestrian or automobile traffic alike.

SI-17 Additional business signs should be permitted on windows and on the vertical face of awning valances provided that the signs are permanent in nature and of high quality.

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SI-18 The following signs are strictly prohibited:

- Roof signs, signs located above the roof or parapet lines.
- Permanent banner signs.
- Posters.
- Painted window advertisements.
- Billboards
- Large auto-oriented pole-mounted or “lollipop signs.”
- Moving signs and flashing signs.

SI-19 Signs advertising an activity, business product, or service no longer conducted on the premises, and/or signs frames, structural members, or supporting poles remaining unused for a period of six (6) months should be removed from the site or building by the property owner.

SI-20 Address markers should be easily identifiable and readable from the street.

SI-21 Freestanding, ground-mounted and monument signs should be not less than one (1) foot behind a property line or designated right-of-way for vehicular and pedestrian traffic, but in no case should be more than ten (10) feet behind a sidewalk and ten (10) feet from any vehicular entrance or driveway. These signs should not interfere with the safety of vehicular traffic entering or exiting the premises.

SI-22 The maximum height of monument signs should be five (5) feet above the top of concrete curb.

SI-23 One freestanding or monument sign with a maximum of thirty-two (32) square feet of display area should be allowed on each street frontage of more than fifty (50) feet. Where two (2) or more freestanding or monument

signs are allowed on a single street frontage, one freestanding or monument sign with a maximum of fifty (50) square feet of display area may be used in lieu of several signs on the same frontage.

SI-24 All gateway signs should have a consistent character and style.

SI-25 A hierarchy of gateway signs should be established to differentiate between major and minor gateway entrances.

SI-26 Major gateway signs should be designed as visually prominent towers, monuments, or street spanning arches.

SI-27 Minor gateway signs should be visible to automobile traffic, but also be low enough to be visible to pedestrian traffic.

## **SERVICE STATIONS AND CAR WASHES**

SS-1 Service and carwash bays should not face residential properties or the public street. The visibility of service bays and carwash opening should be minimized.

SS-2 Gas pump canopies should be ancillary to the main building structure. The retail market/office building segment of the facility should be oriented along the street frontage, whenever possible.

SS-3 All structures on the site (including kiosks, carwash buildings, gas pump columns, etc.) should be architecturally consistent and related to an overall architectural theme.

SS-4 Canopy light fixtures should be recessed into the canopy.

SS-5 Outdoor equipment, such as vent risers and clean air separators, should be screened

# Lemon Cove Community Plan 2019

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either with an enclosure or if site configuration topography permits, away from street view, screened with landscaping or located at a grade differential.

SS-6 Site-specific architectural design contextual to surroundings is strongly encouraged. Designs based solely on corporate or franchise models are strongly discouraged.

## **AUTO REPAIR SERVICES**

AR-1 Building design should be stylistically consistent, and compatible with surrounding buildings through use of similar scale, materials, colors, and/or detailing.

AR-2 Building materials should have the appearance of substance and permanency; lightweight metal or other temporary appearing structures are discouraged.

AR-3 Vehicle drop-off areas should be provided to prevent vehicle overflow to adjacent streets.

## **CONTRACTOR, BUILDING SUPPLY, OR LANDSCAPING YARDS**

BS-1 The main office or building should be located along the street frontage to screen outdoor sales and minimize the visibility of storage of materials and vehicles.

BS-2 Customer parking should be provided close to the building and not interspersed in the yard.

BS-3 All outdoor contractor vehicle storage areas should be enclosed with a screen of sufficient height and constructed with durable and high-quality materials that are compatible with the building and site.

## **CONSUMER STORAGE FACILITIES**

SF-1 The administrative office should be located in a building or building element that is human scale and located in proximity to the street.

SF-2 Parking for visitors should be located near the administrative office, outside of any gated portion of the facility.

SF-3 A storage facility should be consistent with its surrounding area in scale and appearance, through the use of building size transitions, architecture, and landscaping.

SF-4 Loading doors for individual storage units should not face outward toward streets.

SF-5 In order to break up the mass of larger buildings which containing storage units, provide horizontal and vertical articulation through the use of building offsets, windows, and variations in colors and materials.

SF-6 Any area intended for the storage of automobiles and recreational vehicles should be located towards the rear of the site or screened with an enclosure of adequate height.

## **SPECIAL CONDITIONS**

SC-1 The project should emit no smoke or should reduce the amount of smoke from an existing use.

SC-2 The project should emit no fumes or should reduce the amount of fumes from an existing use.

# Lemon Cove Community Plan 2019

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SC-3 The project should implement dust control measures sufficient to minimize or prevent dust emissions. Measures should be consistent with, or more effective than, those required by the Valley Air District.

SC-4 The project should emit no odors or should reduce the amount of odors from an existing use.

SC-5 The project should not create noticeable vibrations.

# Lemon Cove Community Plan 2019

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## **Attachment A- 4 General Plan Land Use and Zoning Consistency Matrix**

# Lemon Cove Community Plan 2019

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Attachment 4: General Plan Land Use and Zoning Consistency Matrix

Tulare County Zoning Districts	R-A	R-1	R-2	R-3	C-1	C-2	C-3	M-1	M-2	AE-10	AE-20	AE-40	CO	PO
General Plan Land Use Designations														
Rural Residential														
Urban Reserve Residential														
Low Density Residential														
Low-Medium Density Residential														
Medium Density Residential														
Medium-High Density Residential														
High Density Residential														
Neighborhood Commercial														
General Commercial														
Community Commercial														
Highway Commercial														
Town Center														
Service Commercial														

# Lemon Cove Community Plan 2019

Tulare County Zoning Districts	R-A	R-1	R-2	R-3	C-1	C-2	C-3	M-1	M-2	AE-10	AE-20	AE-40	CO	PO
Office Commercial														
Commercial Recreation														
Urban Reserve Commercial														
Mixed Use														
Planned Community Area														
Light Industrial														
Heavy Industrial														
Urban Reserve Industrial														
Public/Quasi-Public														
Public Recreation														

# Lemon Cove Community Plan 2019

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## Attachment A- 5 Funding Source

# Lemon Cove Community Plan 2019

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# Lemon Cove Community Plan 2019

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## ***CalTrans Active Transportation Program (ATP):***

On September 26, 2013, Governor Brown signed legislation creating the Active Transportation Program (ATP) in the Department of Transportation (Senate Bill 99, Chapter 359 and Assembly Bill 101, Chapter 354). The ATP consolidates existing federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School (SR2S), into a single program with a focus to make California a national leader in active transportation. The projects associated with the Completes Streets Program for the Community of Goshen will be suggested at the next available round of ATP funding.

## ***Tulare County Measure R***

On November 7, 2006, the voters of Tulare County approved Measure R, imposing a 1/2 cent sales tax for transportation within the incorporated and unincorporated area of Tulare County for the next 30 years. The transportation measure will generate slightly more than \$652 million over 30 years to Tulare County's transportation needs.

### *Local Projects (35% of Measure R Funding)*

The Measure R Expenditure Plan allocated 35% of revenues to local programs. Each city and the county will receive funding based on a formula using population, maintained miles, and vehicles miles traveled. The funding will help cities and the county to meet scheduled maintenance needs and to rehabilitate their aging transportation systems.

### *Regional Projects (50% of Measure R Funding)*

The Regional Projects Program comprises 50% of Measure R and includes specific funding for: interchange improvements, regional bridges, regional signals, regional widening projects, and signal synchronization projects. These projects provide for the movement of goods, services, and people throughout Tulare County. Major highlights of this program include the funding of regional projects throughout the county.

### *Bike /Transit /Environmental Projects (14% of Measure R Funding)*

The Goals of Measure R include air quality improvement efforts that will be addressed in the Measure R Expenditure Plan through the Transit/Bike/Environmental Program, which includes funding for transit, bike, and pedestrian environmental projects. The goal of this program is to expand or enhance public transit programs that address the transit dependent population, improve mobility through the construction of bike lanes, and have a demonstrated ability to get people out of their cars and improve air quality and the environment.

## ***San Joaquin Valley Air Pollution Control District (SJAPCD) Bike Path Grants***

The District has a grants program for the construction of bicycle infrastructure projects, including Class I (Bicycle Path Construction) or Class II (Bicycle Lane Striping) projects. These grants provide funding to assist with the development or expansion of a comprehensive bicycle-transportation network.

# Lemon Cove Community Plan 2019

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## ***Strategic Growth Council Grants (SGC)***

### ***Affordable Housing - Sustainable Communities***

The SGC will allocate 50% of its Cap and Trade funding toward disadvantaged communities and 50% for affordable housing. Projects will include: affordable housing that supports infill and compact development, transit capital and programs that support transit ridership, active transportation projects (infrastructure, and non-infrastructure), TOD projects, capital projects that implement complete streets, projects that reduce CHG emissions by reducing auto trips and VMT, acquisition of easements or other approaches to protect agricultural lands under threat of development, planning to support SCS (sustainable communities scope) implementation, including local plans, must be in or adopted SCS, subject to SGC guidelines.

### ***Congestion Mitigation Air Quality (CMAQ) Tulare County Association of Governments (TCAG) Funds***

The CMAQ funds are allocated through the TCAG. The CMAQ program funds transportation projects or programs that will contribute to improved air quality standards. Projects include: transportation activities, transportation control measures, public-private partnerships, alternative fuel programs, traffic flow improvements, transit, bicycle/pedestrian projects, rideshare activities, telecommuting, planning, experimental pilot projects, intermodal freight, and public outreach.

### ***DOT: TIGER***

TIGER is a multimodal, merit-based discretionary grant program that funds surface transportation capital projects, including transit and rail. Open to state, tribal, local agencies, and subdivisions.

### ***California Department Block Grant (CDBG)***

The CDBG Economic Development grant provides assistance to local businesses and low-income microenterprise owners to create or preserve jobs for low-income workers in rural communities. Funding includes planning and evaluation studies related to any activity eligible for these allocations, business lending, and public infrastructure.

### ***Choice Neighborhoods***

Choice Neighborhoods Planning Grants support the development of comprehensive neighborhood revitalization plans which focused on directing resources to address three core goals: Housing, People and Neighborhoods. To achieve these core goals, communities must develop and implement a comprehensive neighborhood revitalization strategy, or Transformation Plan. The Transformation Plan will become the guiding document for the revitalization of the public and/or assisted housing units while simultaneously directing the transformation of the surrounding neighborhood and positive outcomes for families. Choice Neighborhoods Implementation Grants support those communities that have undergone a comprehensive local planning process and are ready to implement their “Transformation Plan” to redevelop the neighborhood.

### ***California Department of Water Resources Prop 50 (Contaminant Removal)***

Funds are available to disadvantage communities for developing UV or Ozone systems to disinfect drinking water or to set up pilot/demonstration sites.

# Lemon Cove Community Plan 2019

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## ***Drought Response Funding California State Water Resources Control Board (SWRCB)***

The Governor and Legislature have directed Department of Water Resource to expedite the solicitation and award of \$200 million (of the \$472.5 million) in IRWM funding to support projects and programs that provide immediate regional drought preparedness, increase local water supply reliability and the delivery of safe drinking water, assist water suppliers and regions to implement conservation programs and measures that are not locally cost-effective, and/or reduce water quality conflicts or ecosystem conflicts created by the drought.

## ***DWR: Water-Energy Grant Program***

The 2014 Water-Energy grant supports the implementation of residential, commercial, and institutional water efficiency programs or projects that reduce Green House Gas emissions and also reduce water and energy use. Funding will go toward urban water management, groundwater management, and surface water diversion.

## ***CDPH Clean Water SRF***

The Safe Drinking Water State Revolving Fund (SDWSRF) provides funding to correct public water system deficiencies based upon a prioritized funding approach that addresses the systems' problems that pose public health risks, systems with needs for funding to comply with requirements of the Safe Drinking Water Act, and systems most in need on a per household affordability basis.

## ***iBank (Infrastructure State Revolving Fund Program and Economic Development Bank)***

iBank provides low cost, long term financing for local governments to fund a variety of public infrastructure projects. (Although this is not a grant, loan rates are largely determined by level of distress within a disadvantaged community).



# Lemon Cove Community Plan 2019

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# Lemon Cove Community Plan 2019

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## Attachment A- 6 Public Outreach

# Lemon Cove Community Plan 2019

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## AGENDA

### LEMON COVE SANITARY DISTRICT-LEMON COVE WATER Pensar Residence - 32811 Road 244

Regular Meeting – August 6, 2019 - **2:00 P.M.\***  
***Please note slight change in time***

1. Call to Order-Introductions
2. Old Business:
  - A. Update on Water Planning Project
  - B. Update on Wastewater Treatment Improvement Project
3. New Business:
  - A. Presentation by R.M.A. Regarding General Plan Update
  - B. Adoption of Resolution #19-01 and Compliance Certificate for County
4. Pay Bills
5. Move to Adjourn

[illegible]

## **Lemon Cove Sanitary District Board meeting**

August 6, 2019

Aaron Bock, RMA  
Dave Bryant, RMA  
Hector Ramos, RMA  
Susan Simon, RMA  
Juan Carmona, RMA

Seamus Guerin, SHE

Bill Pensar, LCSD  
Mike Lampman, LCSD  
George Barnes, LCSD

### Materials:

Agenda  
Sign-up sheet  
Presentation

### **Community Concerns:**

The alley(s) contain overgrown vegetation specifically that alley behind the post office.

Who maintains the alleys in Lemon Cove area?

Homeowners are building their fences on County rights-of-way along the alley.

Caltrans increased the speed along State Route (SR) 99 through the community of Lemon Cove from 35 miles per hour (MPH) to 45 MPH

[Emailed Pedro Ramirez at Caltrans, waiting for his response].

Is the County paying the streetlights or is Edison

Bring campground into the UDB

Would like a park

[ (P) ]



*A Nonprofit Housing and Community Development Organization*

February 20, 2015

Ms. Kerri Price  
State Water Resources Control Board  
Drinking Water Technical Support Unit  
P.O. Box 997377 MS 7418  
Sacramento, CA 95899-7377

***Subject: Lemon Cove Sanitary District Median Household Income Survey Results  
SRF Project # 5400616, AR #4206***

Dear Kerri:

The California Department of Public Health requested that Self-Help Enterprises (SHE) perform an income survey of the Lemon Cove Sanitary District in Lemon Cove, California. The purpose of this survey is to establish a median household income (MHI) level for grant and loan funding programs and sources. This survey has been completed and the results are attached.

The MHI for Lemon Cove Sanitary District is **\$21,250** with a response rate of **91 percent**.

*Lemon Cove Sanitary District serves 33 households. The number of households in a range between 1 and 55 requires a sample size of 90 percent to meet State and Federal guidelines. 30 responses were received, yielding a sample size of 91 percent.*

The survey was designed and conducted per State and Federal guidelines established for the California State Revolving Loan Fund. Currently, the California statewide MHI is determined to be \$61,400<sup>1</sup>. Disadvantaged households are set at 80 percent of the statewide MHI (80% of \$61,400 = \$49,120). Severely disadvantaged households are set at 60 percent of the statewide MHI (60% of \$61,400 = \$36,840).

Please free feel to contact me if you have additional questions or need further assistance. I can be reached by phone: 559-802-1693, or e-mail: [jessis@selfhelpenterprises.org](mailto:jessis@selfhelpenterprises.org).

Sincerely,

Jessi Snyder  
Community Development Specialist

Enclosure: Income Survey Report, MHI Data

cc: Tricia Wathen, SWRCB, Division of Drinking Water  
Bill Pensar, Secretary, Lemon Cove Sanitary District

<sup>1</sup> Dataset: 2008-2012 American Community Survey 5-year Estimates, Retrieved 12/18/14, [www.factfinder2.census.gov](http://www.factfinder2.census.gov)



Survey Ascending Order	Survey No.	Household Income
1	LC-33	4500
2	LC-19	5000
3	LC-23	6200
4	LC-27	8400
5	LC-2	9600
6	LC-20	9600
7	LC-1	10000
8	LC-12	10000
9	LC-18	10140
10	LC-6	11760
11	LC-24	12648
12	LC-25	15000
13	LC-14	16800
14	LC-30	17500
15	LC-28	21000
16	LC-7	21500
17	LC-16	24000
18	LC-26	28000
19	LC-11	36000
20	LC-17	36400
21	LC-3	41398
22	LC-29	42000
23	LC-9	45000
24	LC-22	46648
25	LC-4	47000
26	LC-10	50000
27	LC-31	60000
28	LC-15	68000
29	LC-5	73700
30	LC-32	76999
31	LC-21	refused
32	LC-8	unresponsive
33	LC-13	vacant

*The 30 responses account for a **91 percent response rate**. The Median Household Income for this survey of the Lemon Cove Sanitary District is the mean of lines 15 and 16, Survey Numbers 28 and 27, for an MHI of \$21,250.*

## AGENDA

LEMON COVE SANITARY DISTRICT-LEMON COVE WATER  
Pensar Residence - 32811 Road 244

Regular Meeting – September 3, 2019 - 2:30 P.M.

1. Call to Order & Introductions
2. Old Business:
  - A. Update on Progress of Sewer & Water Projects
  - B. Update on Chlorination & Proposed Lead/Copper Testing
3. New Business:
  - A. Further information regarding County General Plan Update
  - B. Information on Recent Funding Application
4. Comments from Public
5. Pay Bills
5. Move to Adjourn

Lemon Cove Community Plan  
Lemon Cove Sanitary District meeting  
September 3, 2019

Name	Address & Email Address	Phone No.
Miked Lanyon	P.O. Box 44172 LEMONCOVE	559 2809083
Juan Lanyon	County of Tulare	
GEORGE BARNES	P.O. Box 44038 LEMONCOVE	559 597 2129
SYLVIA BARNES	gandsbar@aol.com	
Seamus Gvensar	seamus.g@selfhelpenterprises.org	559 8021694
Peggy Pensar	P.O. Box 44151 pensar3@netzero.com	(559) 597-2504

## **Lemon Cove Sanitary District Board meeting**

September 3, 2019

Aaron Bock, RMA  
Dave Bryant, RMA  
Susan Simon, RMA  
Juan Carmona, RMA

Seamus Guerin, SHE

Bill Pensar, LCSD  
Mike Lampman, LCSD  
George Barnes, LCSD  
Sylvia Barnes, LCSD  
Peggy Pensar, LCSD

### **Materials:**

Agenda  
Sign-up sheet  
Arial Map  
Lemon Cove Land Use map  
Lemon Cove Proposed Zoning District map

### **Community Concerns:**

- 1) Alleys within the community contain overgrown vegetation, specifically that alley behind the post office. Who is responsible to clean up the alleys?
- 2) Community members expressed concerns with regards to homeowners building their fences on County rights-of-way along the alleys.

**UPDATE:** Staff has investigated and the project is currently out to bid. The project will include removal of some trees along the property line which should alleviate most of the issues in the alley way.

- 3) Community members expressed concern regarding a missing street sign at SR198/Pogue Avenue.

**UPDATE:** The street sign for SR 198/Pogue Avenue has been reattached to the stop sign post as per County Engineering Staff.

## AGENDA

LEMON COVE SANITARY DISTRICT – LEMON COVE WATER  
Pensar Residence – 32811 Road 244

Regular Meeting – October 1<sup>st</sup>, 2019 – 2:30 P.M.

1. Call to Order & Introductions
2. Old Business:
  - A. Further information regarding County General Plan Update
  - B. Update on progress of Sewer & Water Projects
  - C. Update on Chlorination & Lead/Copper & Bacteriological Testing
3. New Business:
  - A. Discussion of Draft Negative Declaration for Sewer Project
  - B. Plans for transfer of Water Billing & Computer to Barnes' Residence
4. Comments from Public
5. Pay Bills
6. Motion to Adjourn

Lemon Cove Community Plan  
Lemon Cove Sanitary District meeting  
October 1, 2019

Name	Address & Email Address	Phone No.
Mike Lampman	P.O. Box 44172 Lemon Cove	559 280 9083
Steve Barnes	P.O. Box 44068 Lemon Cove	559 597 2129
Seamus Quinn	Seamusq@selfhelpenterprises.org	SS 802 1094
Bill Farnsworth	Box 44151 Lemon Cove	597-2504 - not 2040
George Barnes	24403 POCUMTUCK AVE, L.C. A4980@aol.com	559 597 2129

## **Lemon Cove Sanitary District Board meeting**

October 1, 2019

Dave Bryant, RMA  
Aaron Bock, RMA  
Susan Simon, RMA  
Juan Carmona, RMA

Seamus Guerin, SHE

Bill Pensar, LCSD  
Mike Lampman, LCSD  
George Barnes, LCSD  
Sylvia Barnes, LCSD

### **Materials:**

Agenda  
Sign-up sheet  
Proposed Land Use Map  
Proposed Zoning Districts Map

### **Community Concerns:**

- 1) Community members expressed concern regarding a missing street sign at SR198/Pogue Avenue.

**UPDATE:** As per Johnny Wong, Chief Engineer, Road Maintenance, the street sign for SR 198/Pogue Avenue has been reattached to the stop sign post.

- 2) Community members expressed concern regarding the proposed zoning in the downtown area currently Zoned R-2 and R-3 changed to include the Mixed Use designation. Community members would like to keep that area residential character.

**UPDATE:** After discussion, Aaron Bock and Dave Bryant stated the Zoning within the downtown area would remain R-2 and R-3, no Mixed Use designation would be added.

- 3) Residents of the community would like the alignment of State Route 198 straightened through Lemon Cove.

**UPDATE:** Pending information from Caltrans regarding the alignment of SR 198

- 4) Residents expressed interest in maintaining the existing residential zoning between Road 244 and State Route 198.

**UPDATE:** Existing Residential zoning is maintained in the proposed zoning plan.

- 5) Residents expressed interest in maintaining the existing residential zoning between Road 244 and State Route 198.

**UPDATE:** Existing Residential zoning is substantially maintained in the proposed zoning plan.



AGENDA

LEMON COVE SANITARY DISTRICT-LEMON COVE WATER  
Pensar Residence - 32811 Road 244

Regular Meeting – November 5, 2019  
2:30 P.M.

1. Call to Order / Introductions
2. Progress report on General Plan Update for Lemon Cove by Tulare County R.M.A. Staff
3. Old Business:
  - A. Update on New Well Project
  - B. Sewer Improvement Project Update
    - (1) Authorization for Self-Help Enterprises to conduct Median Household Income Study for the purpose of determining funding eligibility
    - (2) Consideration of Resolution 19-02 to adopt Mitigated Negative Declaration for the LCSD Wastewater Treatment Plant Improvement Project
    - (3) Direct Authorized Representative to sign & S.H.E. to submit Clean Water State Revolving Fund Construction funding application, and all necessary attachments
4. Public Comments / Announcements
5. Pay Bills
6. Move to Adjourn

Lemon Cove Community Plan  
Lemon Cove Sanitary District meeting  
November 5, 2019

Name	Address & Email Address	Phone No.
GEORGE BARNES	a49g80@aol.com	559 597 2129
Seamus Guerin	Seamusg@selfhelpenterprises.org	559 802 1094
Mike Lampman		559 2809083
SYLVIA BARNIE	gandsbar@aol.com	559 597 2129
Travis Crawford	travis@candbplanning.com	559 730-8741
Peggy Pensar	pensar3@netzero.com	(559) 597-2504
John Kirkpatrick	j.kirkpatrick@onemain.com	(559) 901-1965

## **Lemon Cove Sanitary District Board meeting**

November 5, 2019

Dave Bryant, RMA

Susan Simon, RMA

Seamus Guerin, SHE

Bill Pensar, LCSD

Mike Lampman, LCSD

George Barnes, LCSD

John Kirkpatrick

Peggy Denson, LCSD

Travis Crawford

Sylvia Barnes, LCSD

### **LCSD meeting**

#### **Lemon Cove Wastewater Treatment Facility (WWTF) expansion**

Travis Crawford, consultant, for the Lemon Cove Wastewater Treatment Facility. November 5, 2019 is the last day for comments for the Mitigated Negative Declaration (MND) for the WWTF. The Public Hearing was opened, no one spoke for or against the Project. Hearing was closed and the MND was adopted, a NOD was signed and would be file with the Clerk on November 6, 2019.

Lemon Cove Sanitary District is in the process of improving the existing Wastewater Treatment Plant (WWTP). The proposed upgrades to the existing WWTP includes:

- Installation of a 20,000 gallon (10-foot diameter X 35-foot long) septic tank,
- Installation of a 4,000 square foot leach field and associated leach lines, and
- Connection to the existing sewer collection system (with an 8-inch influent line).

Construction will occur as plans and funding are in place and is expected to take several months (expected to occur in 2020).

#### **Lemon Cove proposed Water System**

Currently the LCSD serves

The Lemon Cove Sanitary District has received a \$500,000 Planning Grant from the State Water Resource Control board (SWRCB) Division of Drinking Water for the installation of two wells to be located north of Lemon Cove.

- Testing continues on the new wells.
- Location of the tank will be placed at Toms due to slope of road to the top of hill.

## Lemon Cove Community Plan 2019

### Materials:

Agenda  
Sign-up sheet  
Proposed Zoning Districts Map  
Proposed Zoning Changes Map  
Circulation Map  
Complete Streets Map

### Concerns:

1) Residents of the community were concerned about the Phasing for Complete Streets. The community felt Phase 3, being a residential area, should be improved before Phase 2.

UPDATE: Addressing the importance of Phase 3 (residential area) to the community, Phase 2 and Phase 3 would be combined into one Phase (Phase 2). In addition, the north alignment of Phase 2 would continue along State Route 198 instead of being along proposed Road 244.

2) Residents of the community would like the horizontal alignment of State Route 198 straightened through Lemon Cove including concerns regarding traffic speed and proposed a northbound left turn lane on SR 198 to Avenue 324.

UPDATE: The SR 198 2016 Transportation Concept Report indicates that the year 2040 Transportation Concept for SR 198 in Lemon Cove is a two-lane conventional facility with operational improvements 2C(I). The 2040 concept level LOS is C and D through the proposed Lemon Cove UDB, which meets the General Plan minimum LOS D standard. The 20-25 Year System Operations and Management Concept includes construction of shoulders, upgrade/install guardrails, CAPM, and highway advisory radio. The 20-25 Facility Concept includes operational improvements, construction of shoulders, upgrade/install guardrails, CAPM, and highway advisory radio.

## AGENDA

### LEMON COVE SANITARY DISTRICT – LEMON COVE WATER

Regular Meeting – DECEMBER 3, 2019 – 2:30 P.M.

Pensar Residence – 32811 Road 244

1. Call to Order & Introductions
2. Old Business:
  - A. Further information regarding County General Plan Update (Lemon Cove Community Plan)
  - B. Update on progress of Sewer & Water Projects (IRWM Grant)
3. New Business:
  - A. Approval of Website Hardship Exemption Resolution
  - B. Report on Water Usage, Chlorination & Bacteriological Testing Results
4. Comments from Public
5. Pay Bills
6. Motion to Adjourn
7. Call to Order & Introductions
8. Old Business:
  - A. Further information regarding County General Plan Update (Lemon Cove Community Plan)
  - B. Update on progress of Sewer & Water Projects (IRWM Grant)
9. New Business:
  - A. Approval of Website Hardship Exemption Resolution
  - B. Report on Water Usage, Chlorination & Bacteriological Testing Results
10. Comments from Public
11. Pay Bills
12. Motion to Adjourn

Lemon Cove Community Plan  
Lemon Cove Sanitary District meeting  
December 3, 2019

Name	Address & Email Address	Phone No.
Bill Ponsan	P.O. Box 44151 - pensan3@ndzoo.com	597-2504
Peggy Ponsan	P.O. Box 44151 - "	"
Sylvia Barnes	P.O. Box 44068 - gandsd@ndzoo.com	597-2129
George Barnes	" "	"
Mike Lampman	P.O. Box 44172 Lemon Cove	559-2809083
Seamus Guerin	seamusg@selfhelpenterprises.org	559-802-1694

## **Lemon Cove Sanitary District Board meeting**

December 3, 2019

Dave Bryant, RMA  
Susan Simon, RMA

Seamus Guerin, SHE

Bill Pensar, LCSD  
Peggy Pensar, LCSD  
Mike Lampman, LCSD  
George Barnes, LCSD  
Sylvia Barnes, LCSD

### Materials:

Agenda  
Sign-up sheet  
Proposed Land Use Map  
Proposed Zoning Districts Map  
Proposed Complete Streets Map  
Two copies of the draft Lemon Cove Community Plan 2019

### Community Concerns:

- 1) Community members expressed concern regarding the mixed-use (MU) overlay in connection with the M-1 Zoning District. Their concern with the (MU) overlay is that it is open to an M-1 use.

**UPDATE:** Staff has reviewed the Mixed-Use overlay in connection with the M-1 zone and has removed the M-1 zone from the Mixed-Use overlay for the community of Lemon Cove.

- 2) Residents of the community would like the horizontal alignment of State Route 198 straightened through Lemon Cove including concerns regarding traffic speed and proposed a northbound left turn lane on SR 198 to Avenue 324. Residents also expressed concerns regarding maintaining the scenic corridor along State Route 198, channelization/weaving/narrowing (4 lane E to 2 lane C) on State Route 198 west of Road 204 (Spruce), and sidewalk conditions on Lemon Road transitioning to SR 198.

**UPDATE:** The SR 198 2016 Transportation Concept Report indicates that the year 2040 Transportation Concept for SR 198 in Lemon Cove is a two-lane conventional facility with operational improvements 2C(I). The 2040 concept level LOS is C and D through the proposed Lemon Cove UDB, which meets the General Plan minimum LOS D standard. The 20-25 Year System Operations and Management Concept includes construction of shoulders, upgrade/install guardrails, CAPM, and highway advisory radio. The 20-25 Facility Concept includes operational improvements, construction of shoulders, upgrade/install guardrails, CAPM, and highway advisory radio.



Tulare County Association of Governments (TCAG) has recently put together a Sustainable Corridor Committee to study the beautification of highways within Tulare County, with one of the study areas being SR 198. Sidewalk conditions on Lemon Road transitioning to SR 198 would be addressed as Lemon Road is included as a proposed complete street in the Lemon Cove Community Plan.

# Lemon Cove Community Plan 2019

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# Lemon Cove Community Plan 2019

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## Attachment A- 7 Lemon Cove Water System

# Lemon Cove Community Plan 2019

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<b>Date</b>	<b>Documents</b>
April 1986	Contract between State of California Department of Water Resources and Tulare County (Zone of Benefit No. 3 – Lemon Cove)
May 31, 1988	Board of Supervisors Resolution No. 88-0695 Formation of Zone of Benefit No. 3 for the creation of County Service Area No. 1.
May 22, 1990	Board of Supervisors Resolution No. 90-0591: Agreement 15793 – Lemon Cove Sanitary District and Agreement 15794 – Keller-Wegley
May 22, 1990	Agreement 15793 with Lemon Cove Sanitary District
April 9, 1991	Agreement 15794 with Keller/Wegley
April 9, 1991	Board of Supervisors Resolution 91-0403: Agreement 15793-A Lemon Cove Sanitary District – amendment to include the design and construction of the water distribution system.
April 9, 1991	Amendment No. 1 to Agreement 15793
July 1, 1991	Amendment No. 2 to Agreement 15793 (-B), Amendment No 2 was inadvertently not presented to Board of Supervisors. (see lines 24 and 25 of Agreement No. 3)
July 23, 1991	Amendment No. 2 to Agreement 15793 (-B) enters into separate and independent contracts for the drilling of a test well.
November 19, 1991	Board of Supervisors Resolution No. 91-1311 to combine grants between County of Tulare and the Lemon Cove Sanitary District.
December 17, 1991	Board of Supervisors Resolution 91-1507: Agreement 15793 (-C) to provide for joint construction of the separate water distribution system.
December 17, 1991	Amendment No. 3 to Agreement 15793 (-C) to provide for joint construction between Tulare County and Lemon Cove Sanitary District
January 21, 1992	Board of Supervisors Resolution 92-0099 Declaring an Emergency Regarding Lemon Cove Safe Drinking Water Project.
January 21, 1992	Board of Supervisors Resolution 92-0100 for temporary removal of the production pump at the McKay's Point well site, testing, and well seal
April 30, 1992	Recorded Notice of Completion Between the County of Tulare and Schiedt, Haydon, and Hall Construction Co. completed on January 30, 1992 (Board of Supervisors Resolution No. 92-031559.
June 2, 1992	Board of Supervisors Resolution No. 92-0639 for the Notice of Completion between the County of Tulare and W.M. Lyles Co., Inc. (16389) for the construction of the water well.
June 2, 1992	Recorded Notice of Completion between the County of Tulare and W.M. Lyles Co., Inc. completed on January 30, 1992.
November 29, 1994	Board of Supervisors Resolution No. 94-1441: Agreement No. 17618 between County of Tulare, Lemon Cove Sanitation District, and Sequoia Union School District to provide a water connection for fire flow only to Sequoia Union School District.
April 27, 2012	Letter from the Lemon Cove Sanitary District to Supervisor Allen Ishida, Board of Supervisors white paper outlining relationship between County of Tulare and Lemon Cove Sanitary District.
	Summary list for the Lemon Cove Water Project

Grant

CONTRACT NO. E59222

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES

CONTRACT BETWEEN THE STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES  
AND  
Tulare County Service Area #1  
(Zone of Benefit No. 3 - Lemon Cove)

A Public Agency

FOR GRANT UNDER THE  
CALIFORNIA SAFE DRINKING WATER BOND LAW OF 1984

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EXHIBIT A  
GRANT CONTRACT STANDARD CONDITIONS

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STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES

CONTRACT BETWEEN STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES AND  
Tulare County Service Area #1  
(Zone of Benefit No. 3 - Lemon Cove)

UNDER THE CALIFORNIA SAFE DRINKING WATER BOND LAW OF 1984

THIS CONTRACT, entered into by and between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State" and the Tulare County Service Area #1 (Zone of Benefit No. 3 - Lemon Cove)

a public agency in the County of Tulare, State of California, duly organized, existing, and acting pursuant to the laws thereof, herein referred to as the "Supplier", which parties do hereby agree as follows:

CONTRACT SPECIAL PROVISIONS

SECTION 1. PURPOSE OF THE GRANT

This grant is made by the State to the Supplier to assist in financing construction of a project which will enable the Supplier to meet safe drinking water standards established pursuant to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code. Grant funds may be used only for such Eligible Project as defined in the final plans and specifications, approved by the State Department of Health Services, and any revisions thereof, and Article A-1 of the Grant Contract Standard Conditions.

SECTION 2. INCORPORATION OF STANDARD CONDITIONS, GRANT CONTRACT PERFORMANCE REQUIREMENTS, AND PLANS AND SPECIFICATIONS

This Contract incorporates Exhibit A, "Grant Contract Standard Conditions" (hereinafter referred to as "Standard Conditions"); Exhibit B, "Grant Contract Performance Requirements", and any attachments thereto. Upon their completion, the final plans and specifications approved by the State Department of Health Services and referred to in Section 1 also shall be attached and are incorporated herein and made a part of this Contract.

SECTION 3. ESTIMATE OF PROJECT COST

The reasonable cost of the Project is estimated to be \$394,680.

SECTION 4. GRANT AMOUNT

Subject to the availability of funds, the State will grant to the Supplier in accordance with the terms of this Contract an amount not to exceed \$394,680.

#### SECTION 5. SUPPLIER'S COST

The Supplier agrees to fund the difference between the estimate of the project cost (Section 3) and the sum of the grant amount (Section 4). Such Supplier's cost in the amount of 0 shall be expended prior to the expenditures of State grant funds. All remaining funds after the completion of the Project shall first be applied to reduce the grant funds authorized in Section 4.

#### SECTION 6. REQUIREMENTS FOR DISBURSEMENT

Supplier shall by December 31, 1988 meet all conditions precedent to the disbursement of money under this Contract, including Basic Conditions Precedent under Article A-3 of the Standard Conditions. Failure by Supplier to comply with this date may, at the option of the State, result in termination of the contract under Article A-6 of the Standard Conditions.

#### SECTION 7. WATER CONSERVATION

For a period of 30 years, which is a reasonable life expectancy of the project, Supplier shall undertake all reasonable efforts to conserve water in a cost effective manner.

#### SECTION 8. OPERATION AND MAINTENANCE OF PROJECT

For a period of 30 years, which is a reasonable life expectancy of the Project, in consideration of the grant made by the State, the Supplier agrees to commence and to continue operation of the Project upon completion and shall cause the Project to be operated in an efficient and economical manner in accordance with applicable provisions of the law; shall provide for the making of all repairs, renewals, and replacements necessary to the efficient operation of the same; and shall cause the same to be maintained in as good and efficient condition as upon its construction, ordinary and reasonable wear and depreciation excepted.

#### SECTION 9. OTHER ASSISTANCE

Supplier certifies that he has applied for and made reasonable efforts to secure Federal assistance for the Project and has secured the approval of the State and the State Department of Health Services to make application for Federal assistance in order to maximize and to utilize best the amounts of such assistance available.

Supplier further agrees that if Federal funds become available for this Project within three years of Project completion, Supplier will remit to the State all or a portion of the Federal funds received up to the amount of the grant, provided remittance is not contrary to the terms upon which the Federal funds were received.

#### SECTION 10. NOTICES

Notices required to be given in writing by the Supplier under this Contract shall be sent to:

State of California  
Department of Water Resources  
Attention: Program Manager  
Safe Drinking Water Bond Law of 1984  
P.O. Box 942836  
Sacramento, CA 94236-0001

Notices required to be given in writing by the State under this Contract shall be sent to:

Chairman, Board of Supervisors  
Tulare County Service Area #1  
Administration Building  
County Civic Center  
Visalia, CA 93291

A change of address for delivery of notice may be made by either party by written notice of such change of address to the other party.

All such notices shall be enclosed in a properly addressed, postage prepaid envelope and deposited in a United States Post Office for delivery by registered or certified mail.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on \_\_\_\_\_

Approved as to Legal Form  
and Sufficiency:

STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES

By \_\_\_\_\_  
Chief Counsel  
Department of Water Resources

By \_\_\_\_\_  
Controller  
P. O. Box 942836  
Sacramento, CA 94236-0001

Tulare County Service Area #1  
(Zone of Benefit No. 3 - Lemon Cove)

SUPPLIER

By \_\_\_\_\_  
Signature LeROY SWINEY  
CHAIRMAN, BOARD OF SUPERVISORS  
Title \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT A

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES

GRANT CONTRACT STANDARD CONDITIONS

ARTICLE A-1. DEFINITIONS

Whenever in this Contract the following terms are used, their meaning shall be as follows unless the context clearly requires otherwise:

State Department of Health Services--The State Department of Health Services or the local health agency which has jurisdiction to issue the necessary water permit under the provisions of Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code.

Contract--The Contract to which these Grant Contract Standard Conditions are appended.

Days--Calendar days unless otherwise expressly indicated.

Month--Calendar months unless otherwise expressly indicated.

Year--Calendar year unless otherwise expressly indicated.

Project--All work and facilities, not including construction equipment, for the construction, improvement, or rehabilitation of the domestic water system, including water supply, treatment works, storage facilities, and all or part of a water distribution system proposed by the Supplier pursuant to the plans and specifications which describe the plan of the Project approved by the State Department of Health Services and all addenda and changes to the foregoing documents approved by the State Department of Health Services.

System--All facilities under control of the Supplier for the provision of piped water to the public for human consumption which may include any collection, treatment, storage, or distribution facilities.

Eligible Project--A project for the construction, improvement, or rehabilitation of a domestic water system determined to be eligible under the California Safe Drinking Water Bond Law of 1984.

Eligible Project Costs--Reasonable costs associated with an eligible project including the engineering, legal, and administrative fees associated with the Project, and also including those reasonable costs incurred by the applicant to prepare the application and to establish eligibility prior to or after the effective date of this Contract. Eligible Project Costs do not include:

- (1) Operation and maintenance costs.
- (2) Cost of providing water for industrial use.
- (3) Costs for purchase of equipment.
- (4) Payment of principal or interest of existing indebtedness or any interest payment unless:
  - (A) The debt is incurred after issuance of a letter of commitment of funds by the State; and
  - (B) The State agrees in writing to the eligibility of the costs for reimbursement before the debt is incurred; and
  - (C) The purposes for which the debt is incurred are otherwise Eligible Project Costs.

Treatment Works--Any devices or systems used in the treatment of water supplies, including necessary lands, which render such supplier pure, wholesome, and potable for domestic purposes.

Grant Commitment--The maximum sum of money which the State agrees to provide to the Supplier under this Contract that will not have to be repaid.

#### ARTICLE A-2. TERM OF CONTRACT

Subject to the provisions for requirements for disbursement, this Contract shall become effective on the date of its execution and shall remain in effect for the period provided in Section 8.

#### ARTICLE A-3. BASIC CONDITIONS PRECEDENT

The State shall have no obligation to disburse money under the Contract unless and until:

(a) The Supplier provides a copy of a resolution passed by its governing board or other enabling authority if applicable, authorizing acceptance of this Contract and designating an authorized representative to execute the Contract and to sign the request for disbursement.

(b) The Supplier shall demonstrate to the State's satisfaction that the proposed Project has the support of a majority of the affected community by having a widely publicized public meeting, or by any other suitable, lawful method of determining community support, at which public comments and questions are received and answered.

(c) The Supplier demonstrates the availability of sufficient funds to complete the Project.

(d) The Supplier demonstrates to the State's satisfaction that the Supplier has sufficient water available at all times and a right to use the water required to operate the Project throughout the repayment period of the loan.

(e) Within one year from the date of execution of the grant contract, the Supplier will provide a summary of bids. Total Eligible Project Costs, as evidenced by the enumeration of legal and administrative fees and by bids for construction, must be within twenty percent (20%) of the estimated costs as submitted in the grant application and authorized by the Legislature.

(f) The Supplier shall submit Forecasts of Eligible Project Costs on a form provided by the State. The Supplier shall submit to the State in writing any substantial changes in the forecast.

(g) The Supplier shall submit a budget of Eligible Project Costs on a form provided by the Department of Health Services. The Supplier shall submit to the State in writing any substantial changes in the budget. The Supplier shall obtain written approval of changes from Department of Health Services and the State before changes are made.



#### ARTICLE A-4. PERMITS AND APPROVALS

The Supplier shall obtain the approvals and permits required by any other State, Federal, or local agency necessary to commence design, construction, or operation of the Project.

#### ARTICLE A-5. GRANT DISBURSEMENTS

##### (a) Cost Statements

After the Basic Conditions Precedent in Articles A-3 and A-4 are met, the State will disburse the whole or portions of the grant commitment to the Supplier following receipt from the Supplier of a statement or statements of Incurred Eligible Project Costs on forms provided by the State. Requests for grant funds shall be filed monthly or for such longer period as the State and Supplier may mutually agree, and the Supplier shall provide the following information:

(1) A statement of the Incurred Eligible Project Costs of work performed in constructing the Project under a construction contract or construction contracts during the period identified in the particular statement.

(2) A statement of the cost of any interests in land that has been necessarily acquired for the Project during the period identified in the particular statement for the construction, operation, or maintenance of the Project.

(3) A statement of other Incurred Eligible Project Costs which have been incurred for the Project during the period identified in the particular statement, including, but not limited to, legal, engineering, and administrative fees associated with construction and reasonable Project costs of the Supplier to prepare the application and to establish eligibility.

After the State gives notice to the Supplier that the State has determined that the Project has been completed or terminated, the Supplier shall furnish a final statement of Incurred Eligible Project Costs.

##### (b) Disbursements

Following review by the State of each statement of costs, the State will disburse to the Supplier the amount approved, subject to the availability of funds. Any and all money disbursed to the Supplier under this Contract and any and all interest earned by the Supplier on such money shall be used solely to pay Eligible Project Costs.

##### (c) Withholding of Grant Disbursements by Supplier

The Supplier shall withhold not less than five percent (5.0%) from any disbursement or combination of disbursements until the acceptable completion of the Project or any component contract which has been let under a competitive bidding procedure.

ARTICLE A-6. WITHHOLDING OF GRANT DISBURSEMENTS BY STATE

(a) Conditions for Withholding

If the State determines that the Project is not being constructed substantially in accordance with the provisions of this Contract or, If the State determines that the Supplier has failed in any other respect to substantially comply with the provisions of this Contract, and if the Supplier does not remedy any such failure to the State's satisfaction, the State may withhold from the Supplier all or any portion of the grant commitment, and take any other legal action it deems necessary to protect its interests.

(b) Withholding Entire Grant Commitment

If the State notifies the Supplier that it has decided to withhold all of the grant commitment from the Supplier pursuant to Subdivision (a) of this Article, this Contract shall terminate upon receipt of such notice by the Supplier and shall no longer be binding on either party hereto.

ARTICLE A-7. TIMING AND MANNER OF PROJECT CONSTRUCTION

(a) Project Completion Date

The Supplier shall cause the construction of the Project to be completed not later than December 31, 1989, provided that said date for completion may be extended upon written approval of the State, but in no case later than three years from the execution of the contract.

(b) Construction Pursuant to Project Plans and Specifications

The Project shall be constructed in accordance with the final plans and specifications that are approved by the State Department of Health Services, and with any revisions thereof approved by the State Department of Health Services.

(c) Determination of Project Completion

For the purposes of this Contract, construction of the Project shall be considered to be completed or to be terminated when so determined by the State.

(d) Competitive Bidding

Any contract let for the construction of the Project, or any part thereof, which is in excess of \$10,000 or which is in excess of any smaller amount for which bids are required under the enabling authority of the Supplier, shall be let by competitive bid procedures which assure award of the Contract to the lowest responsible bidder, except as may be otherwise authorized in writing by the State. Requests for approval of competitive bidding for award of a contract to other than the low bidder, or for a Supplier to proceed on the basis of force account or day labor, or for any other procedure which deviates from the principle of competitive bidding shall be submitted in writing to the State before the procedure is implemented. State's approval of the procedure will be based on compliance with applicable laws and policies. The State expressly reserves the right to approve or disapprove of such requests.

(e) Sign Referring to Safe Drinking Water Bond Law Financing

During construction of the Project, the Supplier shall cause a sign to be installed at prominent location which shall include a statement that the Project is financed under the California Safe Drinking Water Bond Law of 1984 Program administered by the State of California, Department of Water Resources, and the State Department of Health Services.

(f) Audit Requirement

Pursuant to Government Code Section 10532, the contracting parties shall be subject to the examination and audit of the State Auditor General for a period of three years after final payment under this Contract with respect to all matters connected with the performance of this Contract, including, but not limited to, the cost of administering this Contract.

ARTICLE A-8. PERFORMANCE AND ASSURANCES

The Supplier shall meet the provisions set forth in Exhibit B, "Grant Contract Performance Requirements", to adequately ensure the proper construction, operation and maintenance of the Project.

ARTICLE A-9. ACCOUNTING AND DEPOSIT OF GRANT DISBURSEMENTS

(a) Separate Accounting of Grant Disbursements and Interest; Records

The Supplier shall account for the money disbursed pursuant to this Contract separately from all other Supplier's funds. The Supplier shall keep complete and accurate records of all receipts, disbursements, and interest earned on expenditures of such money. Records are subject to inspection by the State at any and all times.

(b) Disposition of Money Disbursed

All money disbursed pursuant to this Contract shall be deposited, administered, and accounted for pursuant to the provisions of law applicable to the Supplier.

(c) Remittance of Unexpended Funds

The Supplier, within a period of thirty (30) days from the final disbursement from the State to the Supplier of grant funds, shall remit to the State any unexpended funds that were disbursed to the Supplier under this Contract and were not needed to pay Eligible Project Costs Incurred.

ARTICLE A-10. REPORTS ON EXPENDITURE AND PROJECT

During the planning and construction phases, the Supplier agrees to include an annual summary of the information required by Article A-5 and A-9(a).

ARTICLE A-11. INSPECTIONS OF PROJECT BY STATE AND STATE DEPARTMENT OF HEALTH SERVICES

The State and State Department of Health Services shall have the right to inspect the work being performed at the facilities being constructed at any and all times during the construction of the Project and to inspect the Project and the operation and maintenance thereof at any and all times after its completion. Supplier shall notify the State and the State Department of Health Services of the final inspection of the Project or any component by the Supplier at least ten (10) days prior to the date set for the inspection.

ARTICLE A-12. PROHIBITION AGAINST DISPOSAL OF PROJECT WITHOUT STATE PERMISSION

The Supplier shall not sell, abandon, lease, transfer, exchange, mortgage, hypothecate, or encumber in any manner whatsoever all or any portion of the Project or of any real or other property necessarily connected or used in conjunction therewith, without prior permission of the State.

ARTICLE A-13. NONDISCRIMINATION CLAUSE

During the performance of this contract, the Supplier, its contractor and subcontractors shall not deny the contract's benefits to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age or sex. Supplier shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.

Supplier, its contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.), the regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the government Code (Government Code, Sections 11135-11139.5) and the regulations or standards adopted by the awarding State agency to implement such article.

Supplier, its contractor and subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

Supplier shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

ARTICLE A-14. WORKERS COMPENSATION CLAUSE

Supplier affirms that it is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and Supplier affirms that it will comply with such provisions before commencing the performance of the work under this contract and will make its contractors and subcontractors aware of this provision.

#### ARTICLE A-15. SUCCESSORS AND ASSIGNS

This Contract and all of its provisions shall apply to and bind the successors and assigns of the parties hereto. No assignment or transfer of this Contract or any part hereof, rights hereunder, or interest herein by the Supplier shall be valid unless and until it is approved by the State and made subject to such reasonable terms and conditions as the State may impose.

#### ARTICLE A-16. STATE TO BE HELD HARMLESS

The Supplier agrees to indemnify the State of California, Department of Water Resources and the State Department of Health Services, and their officers, agents, and employees against and to hold the same free and harmless from any and all claims, demands, damages, losses, costs, expenses, or liability due or incident to, either in whole or in part and whether directly or indirectly, the design, construction, operation, repair, maintenance, existence, or failure of the Project, or of any of its works or facilities.

#### ARTICLE A-17. REMEDIES NOT EXCLUSIVE

The use by either party of any remedy specified herein for the enforcement of this Contract is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law.

#### ARTICLE A-18. AMENDMENTS

This Contract may be amended at any time by mutual agreement of the parties, except insofar as any proposed amendments are in any way contrary to applicable law. Requests for amendments must be in writing, stating what the amendment request is and the reason for the request.

#### ARTICLE A-19. OPINIONS AND DETERMINATIONS

Where the terms of this Contract provide for action to be based upon the opinion, judgment, approval, review, or determination of either party hereto, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review, or determination to be arbitrary, capricious, or unreasonable.

#### ARTICLE A-20. CONTRACTING OFFICER OF THE STATE

The contracting officer of the State shall be the Director of Water Resources of the State of California and his successors, or their duly authorized representatives. The contracting officer shall be responsible for all discretionary acts, opinions, judgments, approvals, reviews, and determinations required of the State under the terms of this Contract.

#### ARTICLE A-21. WAIVER OF RIGHTS

It is the intention of the parties hereto that from time to time either party may waive any of its rights under this Contract unless contrary to law. Any waiver by either party hereto of rights arising in connection with this Contract shall not be deemed to be a waiver with respect to any other rights or matters.

#### ARTICLE A-21. NOTICES

All notices that are required either expressly or by implications to be given by one party to the other under this Contract shall be signed for the State by its contracting officer and for the Supplier by such officers, as from time to time, it may authorize in writing to so act. All such notices shall be deemed to have been given if delivered personally or if enclosed in a properly addressed postage-prepaid envelope and deposited in a United States Post Office for delivery by registered or certified mail.

#### ARTICLE A-22. INSPECTION OF BOOKS, RECORDS, AND REPORTS

During regular office hours, each of the parties hereto and their duly authorized representatives shall have the right to inspect and to make copies of any books, records, or reports of the other party pertaining to this Contract or matters related hereto. Each of the parties hereto shall maintain and shall make available at all times for such inspection accurate records of all of its cost, disbursements, and receipts with respect to its activities under this Contract.

#### ARTICLE A-23. SUIT ON CONTRACT

Each of the parties hereto may sue and be sued with respect to this Contract.

## EXHIBIT B

### GRANT CONTRACT PERFORMANCE REQUIREMENTS

#### ARTICLE B-1. PERFORMANCE AND ASSURANCES

Supplier agrees to faithfully and expeditiously perform or cause to be performed all Project work as described in the final plans and specifications as submitted or as later amended and approved by the State Department of Health Services under this Contract, to apply State funds received only to Eligible Project Costs, and to operate and maintain the Project in accordance with applicable provisions of the law. In the event the State finds it necessary to enforce this provision or any right of power under this Contract in the manner provided by law, Supplier agrees to pay all costs incurred by the State including, but not limited to, reasonable attorney's fees, legal expenses, and costs.

#### ARTICLE B-2. DEFAULT PROVISION

Failure of Supplier to comply with the Contract Standard Conditions and Contract Performance Requirements, may at the option of the State be considered a material breach of the contract. In the event the Supplier is found by the State to be in breach of the contract, the State has the authority to take any action which it deems necessary to protect its interests.



BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF THE FORMATION )  
OF ZONE OF BENEFIT NO. 3 WITHIN ) RESOLUTION NO. 88 0695  
COUNTY SERVICE AREA NO. 1 )

WHEREAS, there exists within the County of Tulare, County Service Area No. 1 established pursuant to California Government Code section 25210.1 et seq. (all statutory references are to the California Government Code unless otherwise indicated) and Tulare County Board of Supervisors Resolution Nos. 84-1005 and 84-1084; and

WHEREAS, the purpose for the creation of County Service Area No. 1 was to provide such extended services as defined by sections 25210.4 and 25210.4(a), including but not limited to water service; and

WHEREAS, within the County Service Area No. 1 there exists a particular area commonly known as the Lemon Cove area, the legal boundaries of which are set out in exhibit "A" attached hereto; and

WHEREAS, conditions exist in this area which call for the provision of water service by a governmental agency; and

WHEREAS, section 25210.8 provides for the establishment of a zone of benefit within a county service area for the provision of particular services to benefit the property within such a zone;

NOW, THEREFORE, be it resolved as follows:

1. That pursuant to section 25210.8, a zone of benefit is hereby established within County Service Area No. 1, the boundaries of which zone of benefit are set out in exhibit "A" attached hereto.

2. That the name of such zone of benefit is the Zone of Benefit No. 3 of Tulare County Service Area No. 1.

1           3. That the purpose of Zone of Benefit No. 3 is the provision of  
2 certain extended services for the benefit of the land within such zone.

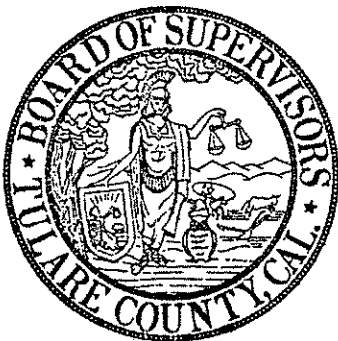
3           4. That this Board has determined that the extended service to be  
4 provided is water service, including the acquisition, construction,  
5 operation, replacement, maintenance, and repair of water supply and dis-  
6 tribution systems including land, easement, and rights-of-way and water  
7 rights as authorized by section 25210.4(a)(1).

8           The foregoing resolution was adopted upon motion of Supervisor  
9 Gould, seconded by Supervisor Mangine, at a regular meeting on  
10 this 31 day of May, 1988, by the following vote:

11 AYES: Supervisors Gould, Conway, Mangine, Swiney and Reed

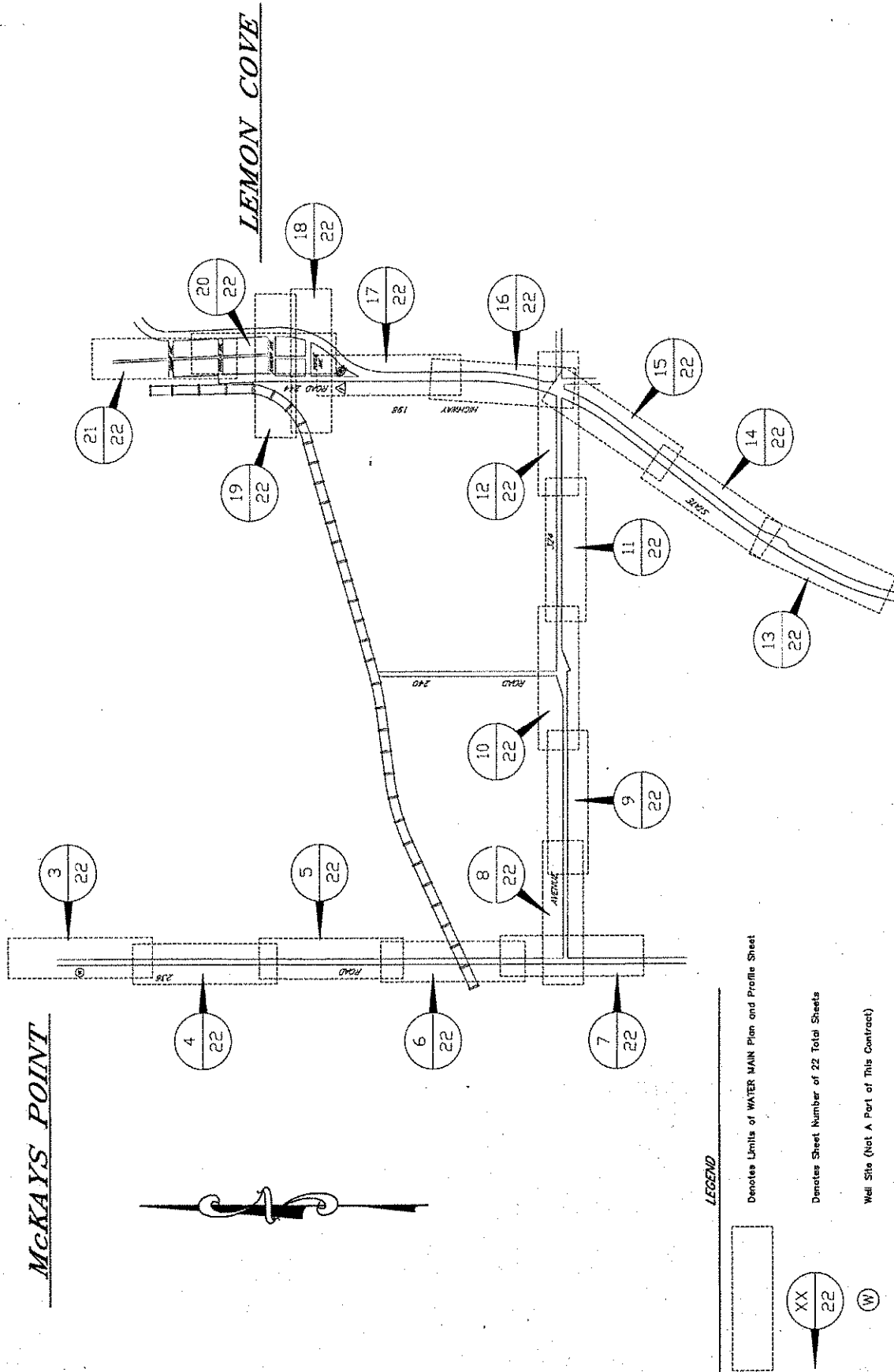
12 NOES: None

13 ABSENT: None.



ATTEST: John C. McClure II  
County Executive/Clerk  
Board of Supervisors

BY: Michelle Baldwin  
Deputy

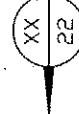


**LEGEND**

Denotes Limits of WATER MAIN Plan and Profile Sheet

Denotes Sheet Number of 22 Total Sheets

Well Site (Not A Part of This Contract)



<p>McKAYS POINT</p>		<p>LEMON COVE</p>	
<p>TULARE COUNTY CSA #1 - LEMON COVE ZOB</p>		<p>PIPELINE LOCATION MAP</p>	
<p>SCALE: 1" = 100'</p>	<p>DRAWN BY: D. WEGLEY</p>	<p>APPROVED BY: D. R. KELLER</p>	<p>C.E. NO. 24198 DATE: 09/23/98</p>
<p>PROJECT NO.</p>	<p>DATE</p>	<p>SECTION</p>	<p>APPROVED</p>
<p>2</p>	<p>2</p>	<p>22</p>	<p>22</p>
<p>DENNIS R. KELLER JAMES H. WEGLEY CONSULTING ENGINEERS 209 SOUTH LOCUST STREET VIGALIA, CALIFORNIA 95726-7267</p>		<p>SHEET 2 OF 22</p>	

BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF  
Lemon Cove Sanitary District

RESOLUTION NO. 90-0591

AGREEMENT NO.

15793 - Lemon Cove Sanitary District  
15794 - Keller-Wegley

UPON MOTION OF SUPERVISOR Gould

SECONDED BY

SUPERVISOR Conway

, THE FOLLOWING WAS ADOPTED BY THE BOARD  
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD May 22, 1990  
BY THE FOLLOWING VOTE:

AYES: Supervisors Gould, Conway, Mangine, Swiney, and Reed

NOES: None

ABSTAIN: None

ABSENT: None



ATTEST: RONALD S. HOLDEN  
COUNTY EXECUTIVE/CLERK  
BOARD OF SUPERVISORS

BY:

*Linda Magami*  
Deputy Clerk

\* \* \* \* \*

Approved a Joint Powers Agreement with the Lemon Cove Sanitary District (LCSD) for the Lemon Cove Zone of Benefit and an Engineering agreement with Keller-Wegley, Consulting Civil Engineers, for professional engineering services for the Lemon Cove Safe Drinking Water Grant project

AGREEMENT

THIS AGREEMENT is made this 22<sup>nd</sup> day of May, 1990,  
by and between the County of Tulare, a political subdivision of  
the State of California, hereinafter referred to as the "County",  
and the Lemon Cove Sanitary District, hereinafter referred to as  
the "District".

W I T N E S S E T H:

WHEREAS, both the District and the County are concerned about  
the contamination of domestic water due to high nitrate levels and  
subsequent water quality problems in the Lemon Cove area and agree  
that it is in their mutual best interest to undertake both  
cooperative and separate efforts to correct the problem; and

WHEREAS, on March 10, 1988, the California Department of  
Water Resources sent a Letter of Commitment to the District for a  
\$400,000 conditional grant under the California Safe Drinking  
Water bond Law of 1984 to construct a water distribution and  
supply system within the District's boundaries; and

WHEREAS, on June 13, 1988, the California Department of Water  
Resources sent a Letter of Commitment to the County for a \$394,680  
conditional grant under the California Safe Drinking Water Bond  
Law of 1986 to construct a water distribution and supply system in  
the Lemon Cove area; and

WHEREAS, both California Department of Water Resources grants  
were conditioned upon the County and District exploring and, if  
possible, undertaking a cooperative effort to locate and utilize a  
common potable water source; and

///

Tulare County Agreement No. 15793

1 WHEREAS, the \$394,680 California Department of Water  
2 Resources grant to the County under the California Safe Drinking  
3 Water bond Law of 1986 is conditioned upon the formation of a  
4 County Service Area to assume responsibility for administration of  
5 a contract with the State concerning the County's water system;  
6 and

7 WHEREAS, the County had already established the Tulare County  
8 Services Area No. 1 under which the County had the authority to  
9 establish a Zone of Benefit wherein the additional municipal  
10 service of a domestic water system could be provided; and

11 WHEREAS, the Lemon Cove Zone of Benefit which includes the  
12 community of Lemon Cove but excludes the District was formed for  
13 the purpose of providing a domestic water system and assessing the  
14 residents thereof; and

15 WHEREAS, the County and District have agreed in concept to  
16 participate in a cooperative effort to locate and, if possible,  
17 construct a common water supply system if each would undertake  
18 separate and concurrent efforts to provide water distribution  
19 systems utilizing such a common water source to residents within  
20 their respective jurisdictions in the Lemon Cove area;

21 NOW, THEREFORE, in consideration of their mutual promises as  
22 hereinafter set forth, the County and the District agree as  
23 follows:

24 I. PROJECT DESCRIPTION

25 A. It is contemplated that the Project addressed by  
26 this Agreement shall consist of a joint or common water source  
27 supply system (consisting of as many as two wells) located,  
28 constructed and operated cooperatively by both parties and two

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1 separate water distribution systems, one of which will be con-  
2 structed and operated by the County within the Lemon Cove Zone of  
3 Benefit within County Service Area No. 1 (hereinafter referred to  
4 as the Zone of Benefit) depicted in Exhibits A and B attached  
5 hereto and incorporated herein by reference and one of which will  
6 be constructed and operated by the District within its area of  
7 jurisdiction (hereinafter referred to as the "District's Area")  
8 depicted in Exhibit C attached hereto and incorporated herein by  
9 reference. Each separate water distribution system will include  
10 the pipeline facilities necessary to connect that system to the  
11 common water supply system, except that a common waterline at  
12 shared cost will be used instead of two parallel waterline lines.

13 B. The parties further contemplate that the described  
14 Project shall be accomplished for the amounts of the grants  
15 described above and that neither party shall be expected or  
16 required to contribute any amounts to this Project in excess of  
17 the grant amounts awarded to that particular party. If at any  
18 time during this Agreement, either party or both mutually decide  
19 that further participation is infeasible because of the cost of  
20 the project, this Agreement may be terminated upon thirty days  
21 written notice to the other party. During the thirty day notice  
22 period, the neither party shall be expected to continue perform-  
23 ance of its obligations under this Agreement except, in the case  
24 of a unilateral, as opposed to a mutual decision, of financial  
25 infeasibility, the parties shall negotiate in good faith during  
26 the thirty day notice period for an alternative solution to  
27 termination.

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1 C. The parties agree to proceed with the described  
2 Project in three Phases. The activities in each of the three  
3 Phases shall be as follows:

4 Phase I. The parties shall jointly contract  
5 with an engineer to provide engineering design and testing ser-  
6 vices necessary for the location (including the drilling of test  
7 wells) and the testing of an adequate source or sources of potable  
8 water and the final design of the common water source supply  
9 system. Upon location of an adequate source or sources of potable  
10 water, the engineer, shall submit the final design, plans and  
11 specifications for the common water source supply system to the  
12 parties for approval. Each party shall approve or reject such  
13 final design, plans and specifications within five (5) working  
14 days of receipt. Upon mutually approving the final design, plans  
15 and specifications, the parties shall submit the approved common  
16 water source supply system design, plans and specifications to the  
17 State for approval as required under the grant agreements.

18 Phase II. The parties shall request bids, as  
19 necessary, and jointly contract with an engineer and appropriate  
20 contractors for the construction of the common water supply  
21 system, including up to two wells with pumps in accordance with  
22 the final grantor approved common water source supply system  
23 design, plans and specifications.

24 Phase III. Each party shall request bids, as  
25 necessary, and contract separately with an engineer or engineers  
26 and appropriate contractors for the design and construction of  
27 ///  
28 ///

1 that party's water distribution system. Each party will be res-  
2 ponsible for submitting the final design, plans and specifications  
3 to the State for approval as required under that party's grant  
4 agreement. However, each party agrees to provide the other party  
5 with copies of the draft design, plans and specifications for its  
6 system to the other party for comment. The commenting party must  
7 comment within five (5) working days of receipt or the commenting  
8 party will be deemed to have waived the opportunity to comment.  
9 The decision to incorporate any suggested changes received through  
10 comments from the other party will be up to the sole discretion of  
11 the party constructing the system. To the extent possible, Phase  
12 III shall be undertaken simultaneously with Phase II.

## 13 II. GENERAL OBLIGATIONS

14 A. The County, by mutual consent, is designated as  
15 the lead agency for Phases I and II of this Agreement. As Lead  
16 Agency, the County shall coordinate meetings, joint authorizations  
17 and negotiations, and other administrative activities.

18 B. (1) The parties shall contribute funds for the  
19 payment of costs incurred during Phases I and II of this Agreement  
20 in accordance with Exhibit D attached hereto and incorporated  
21 herein by reference as if set out in full.

22 (2) Upon receipt of invoices for costs/payments  
23 incurred during Phases I and II, the County shall submit such  
24 invoices to the District for review and approval in accordance  
25 with the grant agreements. The District shall review, approve and  
26 return to the County or review, disapproval and notify the County  
27 of the reasons for disapproval, as appropriate, such invoices  
28 within five (5) working days of receipt. County shall follow the

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1 same time schedule for its review or invoices. Upon receipt of  
2 approved invoices, County shall submit the same forthwith to the  
3 State under the grant agreements. Upon receipt of State payment,  
4 the grant funds will be deposited into a joint party account in  
5 the County Treasury and drawn on by warrant demands signed by both  
6 the County's and the District's authorized signatories.

7 (3) If either party, rejects an invoice for a  
8 service or charge for which it is response under the grant  
9 agreements, it shall cooperate with the County staff and the  
10 engineer or contractor to resolve the reasons for rejection.

11 C. During Phases I and II, both parties shall  
12 participate and be represented in meetings to determine the proper  
13 course of the Project and to be informed by the engineer as to the  
14 status of the Project. Upon request, each party shall advise the  
15 other party of the status of the Project in Phase III.

16 D. The parties shall jointly authorize investiga-  
17 tions, including sampling and laboratory testing, of existing  
18 developed water sources in various locations within reasonable  
19 geographic distance of the jurisdictional areas of parties.

20 E. All results of any exploratory drilling, sampling  
21 and testing of waters contained within intercepted aquifers shall  
22 be provided to both parties as such become available.

23 F. The parties shall jointly negotiate or otherwise  
24 obtain easements or rights to property for the purposes of test  
25 drilling and (if proven feasible) obtain easements or title to  
26 property as the location for permanent wells. Such joint author-  
27 ization shall include authorization of appraisals, negotiations,

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1 purchase and/or, if necessary, eminent domain proceedings to  
2 obtain the needed rights to the well site or sites.

3 H. At the conclusion of Phase I of this Agreement,  
4 each party shall have the option to proceed by deciding indepen-  
5 dently of the other's decision whether or not to proceed. Such  
6 decision shall be made within forty-five (45) days of the  
7 submittal of the report detailing the results of the Phase I  
8 activities. If no decision is submitted to the other party within  
9 the forty-five (45) day period, the non-responding party's  
10 decision shall be deemed a decision to proceed.

11 III. ADDITIONAL OBLIGATIONS UPON DECISION TO PROCEED

12 If both parties agree to proceed beyond the Phase I  
13 portion of the Project, each shall undertake the following,  
14 additional obligations:

15 A. Negotiate in good faith and enter into a joint  
16 powers agreement with the other party for the operation and  
17 maintenance of the common water source supply system. Included in  
18 such obligation is the obligation of each party to reasonably  
19 assess or charge its water users or otherwise provide for its  
20 proportionate cost of operating and maintaining the common water  
21 source supply system, including establishing a fund for depre-  
22 ciation and future capital improvement needs.

23 B. Perform, or cause to be performed, all the  
24 necessary engineering work and shall obtain all necessary permits  
25 for its distribution system.

26 C. Provide the necessary funds from State grants, if  
27 and when awarded by the State, to construct its distribution  
28

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7

1 system and to connect its distribution system with the common  
2 water source supply system and the other party's distribution of  
3 the System.

4 D. Provide the other party with a duplicate notice to  
5 proceed when the same issued to its contractor constructing its  
6 distribution system.

7 E. Upon completion of its distribution system,  
provide the other party with a copy of the "as-built" drawings and  
give a copy of the Notice of Completion to the other party.

10 F. Upon completion of construction of its distribu-  
11 tion system, each party shall own its distribution system.

12 G. Perform all steps necessary to operate and  
13 maintain its portion of the completed Project and to provide  
14 related necessary services.

15 H. Neither party shall not sell, abandon, lease,  
16 transfer, exchange, mortgage, hypothecate, or encumber in any  
17 manner whatsoever all or any of its portion of the project or any  
18 real or other property necessarily connected or used in conjunc-  
19 tion wherewith, without prior permission of the State and notice  
20 to the other party.

21 I. In addition to first receiving State permission  
22 and giving notice pursuant to paragraph "C", above, upon the  
23 eventuality that all or part of the Zone of Benefit is annexed by  
24 the District, the improvements within the annexed area shall  
25 become the property of the District at no cost to the District.  
26 The County will assign and transfer to the District all remaining  
27 warranties pertaining to its distribution system, or the parts  
28 annexed thereof, upon annexation. Upon such occurrence, that

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1 portion of the County distribution system shall become part of the  
2 District's distribution system and the District shall assume full  
3 responsibility under this Agreement and the grant Agreements for  
4 such portion.

5 J. Each party shall be responsible for billing and  
6 collecting service fees from the water users of its portion of its  
7 system; for the operation, repair and maintenance of its distri-  
8 bution system; and for replacement of its distribution system, as  
9 required.

10 K. Each party shall operate, repair, and maintain its  
11 distribution system pursuant to California Department of Health  
12 Services and Regional Water Quality Control Board regulations and  
13 provide for replacement of its distribution system in whole or in  
14 part.

15 L. In addition to first receiving State permission  
16 pursuant to paragraph "G." above, the County shall not be relieved  
17 of any of its obligations under this Agreement as to its distri-  
18 bution system or the portion it retains thereof, until one of the  
19 following occurs: the entire Zone of Benefit is annexed to the  
20 District, the County Service Area No. 1 is dissolved, the thirty  
21 (30) year term of the grant expires or the Agreement is terminated  
22 in accordance with Section VII of this Agreement.

23 M. The District shall not be relieved of any of its  
24 obligations under this Agreement until the thirty (30) year Term  
25 of the grant expires or the Agreement is terminated in accordance  
26 with Section VIII of this Agreement.

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1 N. It is contemplated at this time that the District  
2 distribution system will service seventy-six hook-ups and that the  
3 County distribution system will service eighty-two hook-ups. If  
4 either party reaches a service level of one hundred hook-ups for  
5 its distribution system, it will notify the other party in writing  
6 and allow no more hook-ups until the parties have negotiated in  
7 good faith concerning the burdens which may be put on the common  
8 water source supply system by exceeding the one hundred (100)  
9 hook-up threshold in either distribution system.

10 IV. PROJECT SUBJECT TO RECEIVING STATE GRANT FUNDS

11 This Agreement, and the obligations of the parties  
12 created herein, are contingent upon the District and the County  
13 receiving the \$400,000 and \$394,680 grants, respectively, from the  
14 California Department of Water Resources under the California Safe  
15 Drinking Water Bond Law of 1986 which grants were conditionally  
16 offered to the District and the County by the State on March 10,  
17 1988 and June 13, 1988, respectively. The District and the County  
18 shall notify each other in writing within 10 days of receipt of  
19 the executed grant Agreements from the State. Upon written  
20 notification from the State that the District and/or the County  
21 shall not receive the \$400,000 and/or \$394,680, respectively, from  
22 California Department of Water Resources grant under the  
23 California Safe Drinking Water Bond Law of 1986, this Agreement  
24 shall be automatically terminated. Likewise, the obligations of  
25 the parties to provide for water distribution and supply service  
26 to their respectively areas under this Agreement are contingent  
27 upon the County and the District receiving sufficient grant funds  
28 from the State and, if applicable, contributions from other

1 non-County and non-District funding sources to construct the  
2 project.

3 V. TIME OF PERFORMANCE

4 This Agreement shall remain in force and effect for a  
5 period of thirty (30) years unless terminated in accordance with  
6 the provisions of this Agreement. Neither party shall ~~not~~ <sup>be</sup>  
7 relieved of any of its obligations under this Agreement until the  
8 thirty (30) year Term of the grant expires or unless otherwise  
9 provided under Sections I.B, III.H, III.I, III.L, IV or any other  
10 provision of this Agreement.

11 VI. AMENDMENTS TO AGREEMENT

12 This Agreement may be modified or amended only by  
13 mutual consent of both parties in writing.

14 VII. TERMINATION

15 A. Except as otherwise provided in Sections I.B,  
16 III.H, III.I, III.L, IV, or V of this Agreement, termination of  
17 this Agreement may occur only by mutual written consent of both  
18 parties.

19 VIII. INDEMNIFICATION AND INSURANCE

20 A. Each party shall indemnify, defend, and hold  
21 harmless the other party and its officers, agents, and employees  
22 from and against any liability, claims, costs, damages, or losses,  
23 for injury including death, to any person or damage to any  
24 property arising out of the activities of the indemnifying party,  
its officers, agents or employees under this Agreement.

25 B. Each party agrees, during the term of this Agree-  
26 ment, to maintain its expense all necessary insurance for its  
27 employees and agents, including but not limited to, worker's  
28



1 compensation, disability, and unemployment insurance, and to  
2 provide the other party certification upon request.

3 C. Each parties shall either be self insured or carry  
4 a policy of liability insurance, issued by a company duly and  
5 legally licenses to transact business in the State of California,  
6 covering personal injuries, including wrongful death, and claims  
7 for property damage that arise from the party's activities  
8 pursuant to this Agreement. Said insurance shall be in the  
9 following amounts:

10 Comprehensive general liability insurance  
11 in a combined single limit of not less than  
12 \$500,000 on account of any one occurrence.

13 Said insurance policy shall be issued at the expense of the party  
14 and maintained by it during the entire term of this Agreement.

15 Said insurance policy shall name the other party and its officers,  
16 employees, and agents as additional insureds. Said insurance  
17 shall further provide for at least thirty (30) days advance  
18 written notice to the other party prior to cancellation, material  
19 change or nonrenewal of said insurance. Evidence or certification  
20 of self-insurance or policy of liability insurance shall be  
21 provided to the other party upon request.

22 IX. BREACH OF AGREEMENT

23 A. In the event the either party fails to comply with  
24 any of the terms of this Agreement, the affected party may, at its  
25 option, deem the defaulting party's failure a material breach and  
26 utilize any remedy that it deems appropriate. Should the effected  
27 party deem a breach material, the effected party shall immediately  
28

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1 be relieved of its obligations under this Agreement. Termination  
2 of this Agreement due to breach shall not limit the rights of the  
3 effected party in seeking any other legal relief including the  
4 recovery of damages.

5 X. RECORDS

6 Each party agrees to maintain all books, records,  
7 documents and other evidence pertaining to the Project, any  
8 disputes surrounding the Project, and any other related  
9 circumstances in accordance with the grant agreements and  
10 generally accepted accounting principles and practices. Each  
11 party shall allow the other party's agents or representatives and  
12 any State agents or representatives access to such records for  
13 inspection, audit and copying during normal business hours. Each  
14 party shall provide proper facilities for such access and  
15 inspection.

16 XI. NOTICE

17 Any notices to be given hereunder shall be written and  
18 shall be served either by personal delivery or by first class  
19 mail, postage prepaid and addressed as follows:

20 COUNTY: Carolyn Diltz or Hector Guerra,  
21 Community Development Specialist  
22 Tulare County Courthouse  
23 Civic Center Room 111  
24 Visalia, CA 93291-4593  
25 Phone: 733-6284

26 DISTRICT: William F. Pensar, Secretary  
27 Lemon Cove Sanitary District  
28 P. O. Box 74  
Lemon Cove, CA 93244  
Phone: 597-2504

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1           XII.   INTEGRATION

2           This Agreement represents the complete and entire  
3 understanding between the parties as to those matters contained  
4 herein. No prior oral or written understanding, except as  
5 expressly provided herein, shall be of any force or effect with  
6 respect to those matters covered herein. This Agreement may only  
7 be modified or amended in writing signed by both parties except as  
8 otherwise specifically provided herein. Both parties acknowledge  
9 that the headings used herein are for reference only and that the

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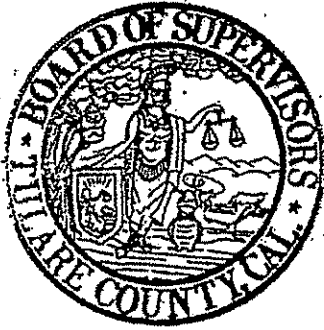
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1 terms of the Agreement are set out in the text under such  
2 headings.

3 IN WITNESS WHEREOF, the parties hereto have executed this  
4 Agreement in three counterparts, each of which shall be deemed an  
5 original in the year and day first written above.



COUNTY OF TULARE FOR APPROVAL

*[Signature]*  
Chair, Board of Supervisors  
(or the Vice-Chair acting at  
the Chair)

"County"

11 ATTEST: RONALD S. HOLDEN  
12 County Executive/Clerk of the Board  
13 of Supervisors of the County of Tulare

14 By *[Signature]*  
Deputy Clerk

15 LEMON COVE SANITARY DISTRICT

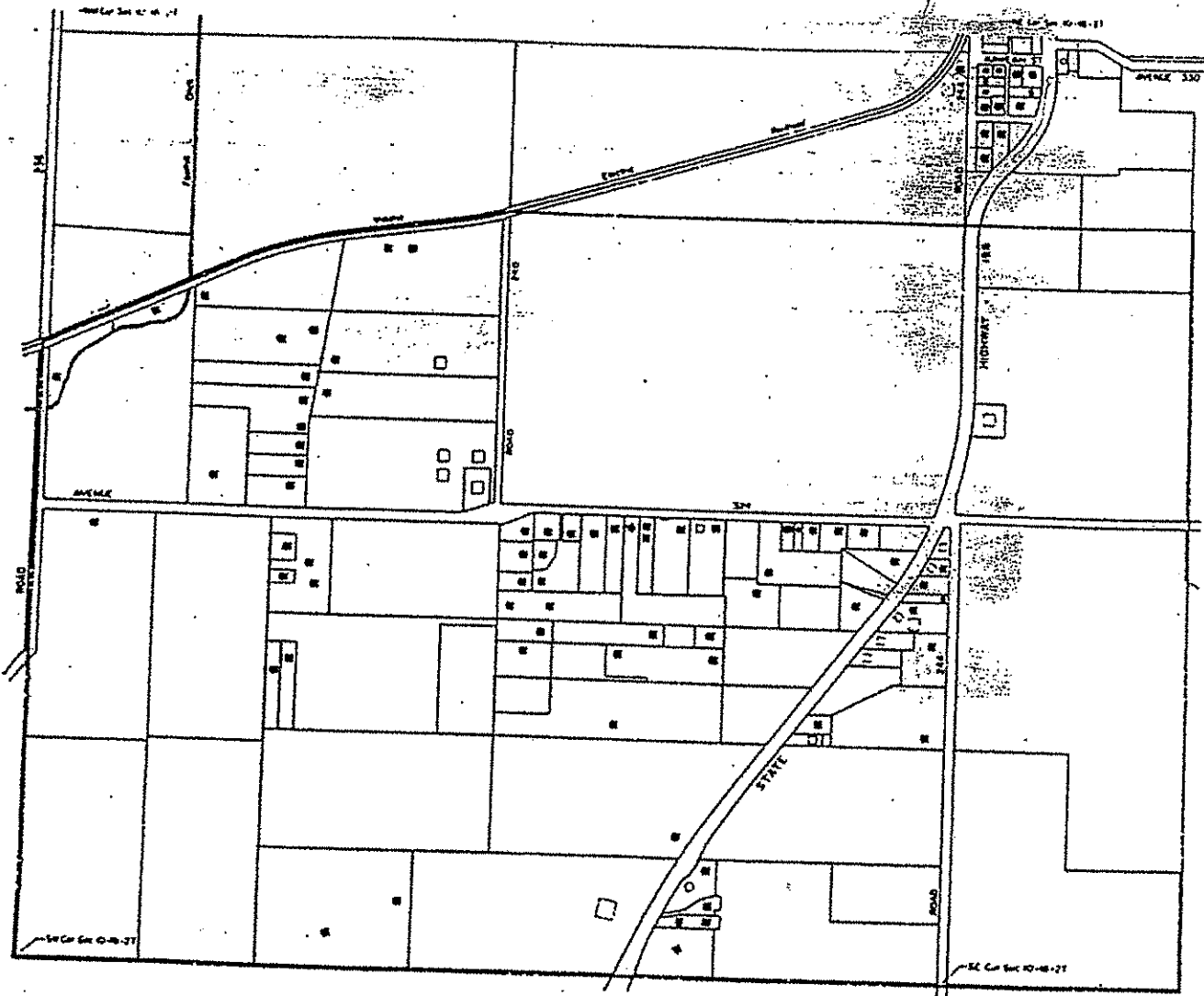
16  
17 *[Signature]*  
Chairman

"District"

18  
19 ATTEST: Secretary for the  
20 Board of Directors of the  
Lemon Cove Sanitary District

21 By *[Signature]*  
22 Bill Pensar, District Secretary

EXHIBIT A  
LEMON COVE ZONE OF BENEFIT, COUNTY OF TULARE



LEGEND

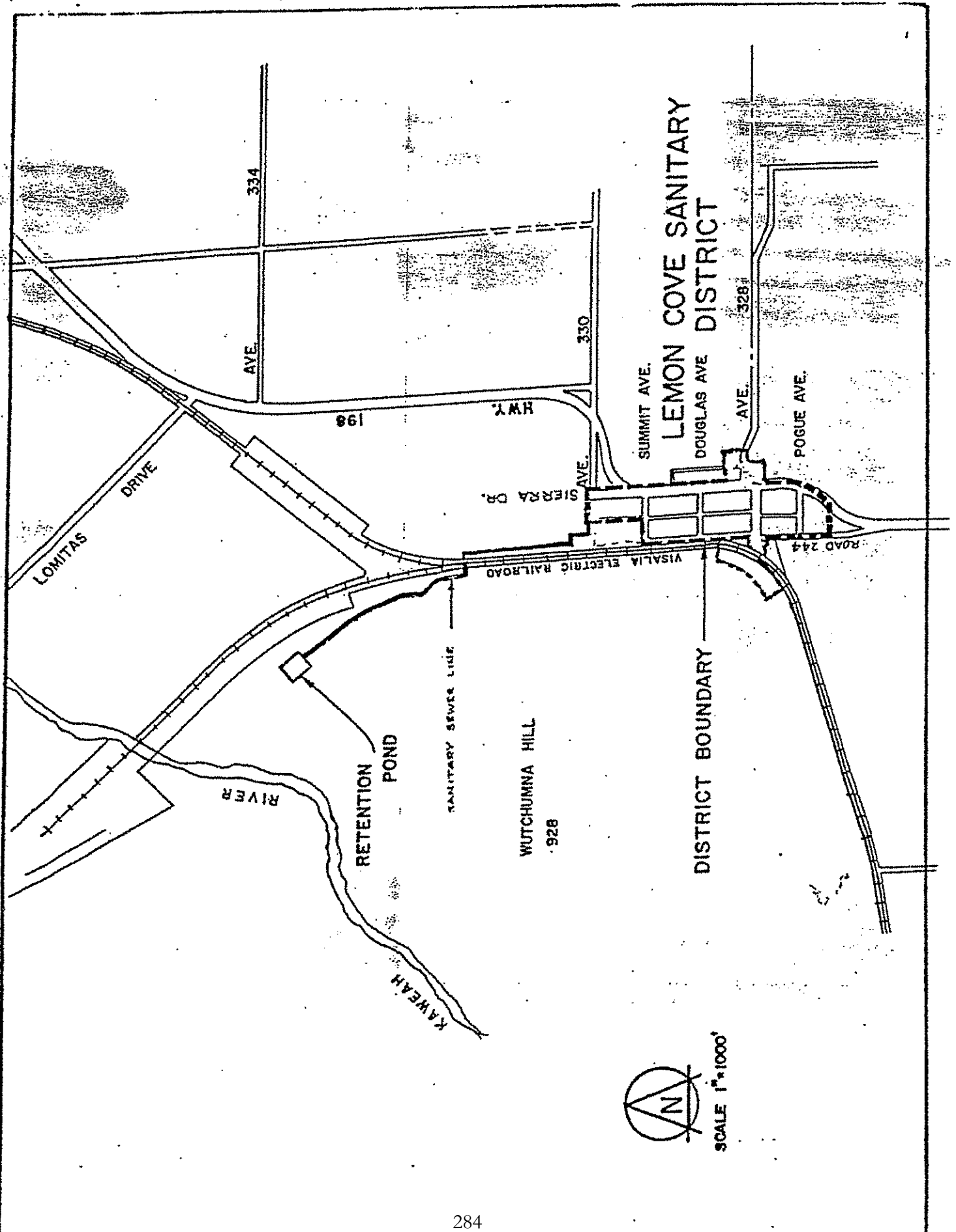
- Zone of Benefit Boundary
- Dwelling Unit
- Non-Residential Structure

EXHIBIT B

BOUNDARY DESCRIPTION  
LEMON COVE-ZONE OF BENEFIT  
COUNTY SERVICE AREA NO. 1  
TULARE COUNTY

Beginning at the Southeast corner of Section 10, Township 18 South, Range 27 East, Mount Diablo Base and Meridian; thence North  $89^{\circ}25'$  West, 2640 feet along the South line of said Section 10 to the South quarter corner of said Section 10; thence North  $89^{\circ}44'$  West, 2636.04 feet along the South line of said Section 10 to the Southwest corner of said Section 10; thence North  $0^{\circ}05'$  East, 2640.00 feet along the West line of said Section 10 to the West quarter corner of said Section 10; thence North  $0^{\circ}05'$  East, 815.10 feet along the West line of said Section 10 to the centerline of the Visalia Electric Railroad; thence North  $65^{\circ}40'$  East, 978.27 feet along the centerline of the Visalia Electric Railroad to the beginning of a curve in said Railroad centerline, concave to the Southeast having a radius of 5729.65 feet; thence Northeasterly 210.00 feet along the centerline of said Railroad curve through a central angle of  $2^{\circ}06'$  to the beginning of a compound curve in said Railroad centerline, concave to the Southeast having a radius of 2864.93 feet; thence Northeasterly 658.33 feet along the centerline of said Railroad curve through a central angle of  $13^{\circ}10'12''$  to the beginning of a compound curve in said Railroad centerline, concave to the Southeast having a radius of 5729.65 feet; thence Northeasterly 210.00 feet along the centerline of said Railroad curve through a central angle of  $2^{\circ}06'$ ; thence North  $83^{\circ}02'$  East, 252.17 feet along the centerline of the Visalia Electric Railroad to the beginning of a curve in said Railroad centerline, concave to the northwest having a radius of 5729.65 feet; thence Northeasterly 150.00 feet along the centerline of said Railroad curve through a central angle of  $1^{\circ}30'$  to the beginning of a compound curve in said Railroad centerline, concave to the Northwest having a radius of 3819.83 feet; thence Northeasterly 113.82 feet along the centerline of said Railroad curve through a central angle of  $1^{\circ}42'26''$  to the West line of the Northeast quarter of said Section 10; thence South  $89^{\circ}44'$  East, 2640.0 feet along a line parallel with the South line of the Northeast quarter of said Section 10 to the East line of the Northeast quarter of said Section 10; thence South  $89^{\circ}25'$  East, 1320.0 feet along a line parallel with the South line of the Northwest

quarter of Section 11, Township 18 South, Range 27 East, Mount Diablo Base and Meridian to the East line of the West half of the Northwest quarter of said Section 11; thence South along the East line of the West half of the Northwest quarter of said Section 11 to the South line of the Northwest quarter of said Section 11; thence South, 2654.52 feet along the East line of the West half of the Southwest quarter of said Section 11 to the South line of the Southwest quarter of said Section 11; thence North  $89^{\circ}25'$  West, 1296.24 feet along the South line of the Southwest quarter of said Section 11 to the Southeast quarter of said Section 10 and the point of beginning.



SCALE 1"=1000'



EXHIBIT D

LEMON COVE SAFE DRINKING WATER GRANT IMPROVEMENT PROJECT

	<u>LCSD</u>	<u>TCZOB</u>	<u>FINAL COST</u>
Test Well Drilling	27,500	27,500	55,000
Well Drlg., Casing, Test Pumping (2)	52,500	52,500	105,000
Existing Water System Purchase	2,000		2,000
Well Site Purchase (2)	15,000	15,000	30,000
Storage	55,000	42,500	97,500
Pipelines & Valves	50,000		50,000
Water Services	12,800	19,680	32,480
Storage Site & Trans. Line Easement	5,000		5,000
Highway bore	8,000	6,500	14,500
Repaving	1,500	625	2,125
Hydropneumatic Tank & Booster Sym.	25,000		25,000
8" Gate Valves		1,875	1,875
8 X 8 Cross		300	300
8" Class 150 Pipeline	30,000	105,400	135,400
 Subtotal	 295,550	 283,130	 578,680
 Contingencies 5%	 14,778 5%	 14,157	 28,935
Engineering 12%	35,466 10%	28,313	63,779
Inspection 10%	29,555 8%	22,650	52,205
Legal/Admin. 3%	8,867 2%	5,663	14,530
 Total Project Cost	 384,216	 353,913	 738,129

AGREEMENT FOR ENGINEERING SERVICES.

1 THIS AGREEMENT, made this 9<sup>th</sup> day of April, 1991, by  
2 and between the County of Tulare (County) and the Lemon Cove Sanitary Dis-  
3 trict (District), hereinafter referred to collectively as the  
4 "Participants" and Dennis R. Keller - James H. Wegley, Consulting Engi-  
5 neers, hereinafter referred to as the "Engineer":

6 W I T N E S S E T H:

7 WHEREAS, the Participants desires to construct a community water sys-  
8 tem Project for the Lemon Cove Zone of Benefit in County Service Area No. 1  
9 and Lemon Cove Sanitary District; and

10 WHEREAS, the Participants have applied for and received commitments  
11 for grants under the State of California Safe Drinking Water Bond Program,  
12 State Contract Numbers E59222 and E59221; and

13 WHEREAS, under such agreement, the Participants intend to consider,  
14 approve, construct and operate community water distribution systems, for  
15 the Lemon Cove Zone of Benefit, County Service Area No. 1, and Lemon Cove  
16 Sanitary District, hereinafter referred to as the "Project", within their  
17 jurisdictions; and

18 WHEREAS, the Participants desire to contract for specialized engineer-  
19 ing services under Government Code Section 31000 to that end; and

20 WHEREAS, the Engineer is qualified and desires to provide such  
21 services;

22 NOW, THEREFORE, IT IS HEREBY AGREED as follows:

23 1. The Project will be located within the Lemon Cove Zone of Benefit  
24 in County Service Area No. 1 and Lemon Cove Sanitary District boundaries in  
25 the County of Tulare, State of California, and will be connected to the  
26 Water Source Supply System designed by the Engineer under Tulare County  
27 Agreement No. 15794. The Participants intend to construct the Project,

28 TULARE COUNTY AGREEMENT NO. 16185

consisting of water distribution systems with appropriate valving including the following:

- A) a water storage tank;
- B) water service laterals; and
- C) water metering facilities.

The Project shall be paid for through financial assistance from the State of California, Department of Water Resources hereinafter referred to as the "Grantor". Neither the Grantor's nor any of its departments, agencies, or employees are or will be a party to this Agreement or any subagreement.

2. The Engineer agrees to perform the various professional engineering and consulting services required by each Participant as to that Participant's water distribution system necessary for the consideration, planning, design and construction of said Project in accordance with the provisions of this Agreement. It is anticipated that the Engineer will respond separately and answer to each Participant, except as hereinafter expressly provided, as to that Participant's separate water distribution system and/or portion of the Project.

#### SECTION A - GENERAL PROVISIONS:

##### 1. General

(a) This Agreement represents the entire and integrated Agreement between the Participants and the Engineer for the Project and supersedes all prior negotiations, representations or agreements, either written or oral, except for these provisions of Public Agency Construction Grant No. E59222 (Tulare County Agreement No. 15194) and No. E59221 for the Lemon Cove Sanitary District and Tulare County Agreement No. 15794 (Engineer Agreement for services on the Water Source Supply System which may apply to or effect the activities under this Agreement). In the event any provision of this Agreement or any subsequent addendum shall be held to be invalid

1 and unenforceable, the remaining provisions shall be valid and binding upon  
2 the parties. One or more waivers by any party of any provision, term, con-  
3 dition or covenant shall not be construed by any other party as a waiver of  
4 a subsequent breach of the same by the other party. The General Provisions  
of this Agreement supersede any conflicting Special Provisions.

5 (b) The Engineer shall cooperate and work closely with the  
6 Grantor's representatives, however, Participants shall have final approval  
7 on all matters.

8 (c) The Engineer shall attend conferences and public hearings  
9 with the Participants, representatives of the Grantor or other interested  
10 parties as requested by Participants and provide assistance in connection  
11 with such undertakings as may be reasonably necessary in connection with  
12 this Project.

## 13 2. Responsibilities of the Engineer

14 (a) The Engineer shall be responsible for the professional qual-  
15 ity, technical accuracy, timely completion, and the coordination of all  
16 design drawings, specifications, reports, and other services furnished by  
17 the Engineer or its subcontractors under this Agreement. Engineer shall  
18 comply with, and require its subcontractors to comply with, all applicable  
19 State laws and regulations on the environment and pollution control. The  
20 Engineer shall keep the Participants informed of the performance of the En-  
21 gineer's duties under this Agreement. The Engineer shall, promptly and  
22 without additional compensation, correct or revise any errors, omissions,  
23 or other deficiencies in the design drawings, specifications, reports, and  
24 other services, and require the same of its subcontractors.

25 The Engineer asserts that it is skilled in the professional calling  
26 necessary to the services and duties proposed to be performed and that it  
27 will perform such services and duties in conformance to and consistent with  
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generally accepted professional engineering standards in the greater San Joaquin Valley Area. If hazardous materials or certain types of hazardous materials exist at a site where there is no reason to believe they could or should be present, Engineer and Participants agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the Scope of Work. Engineer agrees to notify Participants as soon as possible should unanticipated hazardous materials or suspected hazardous materials be encountered.

(b) The Engineer shall perform the professional services necessary to accomplish the work specified in this Agreement in accordance with this Agreement and the applicable Grantor requirements in effect on the date of execution of Public Agency Construction Contract No. E59222 (Tulare County Agreement No. 15194) and No. E59221 (Lemon Cove Sanitary District) for this Project, and incorporated herein by reference as if set out in full. The Engineer shall not be liable for and does not warrantee the means, methods, techniques, sequences, or procedures of construction selected by contractors or the safety precautions and programs incident to the work of Contractors and will not be responsible for Contractor's failure to carry out work in accordance with the Contract documents. However, the Engineer shall notify the Participants in a timely manner, and follow-up with written documentation to the Participants, or any noncorrected substandard work, of Contractor's nonconformance to Contract Documents or apparent public safety hazard created by Contractor revealed by Engineer's inspection of the construction site under this Agreement.

(c) The Participants' or Grantor's review or approval of design drawings, specifications, reports, and other services furnished hereunder shall not in any way relieve the Engineer of responsibility for the technical adequacy of the work. Neither the Participants' or Grantor's review,

1 approval or acceptance of, nor payment for any of the services shall be  
2 construed as a waiver of any rights under this Agreement or of any cause of  
3 action arising out of the performance of this Agreement.

4 (d) Engineer shall hold harmless, defend and indemnify the Par-  
5 ticipants, their officers, agents and employees and the Grantor's, their  
6 officers, agents and employees from and against any liability, claims, ac-  
7 tions, costs, damages or losses for injury, including death, to any person  
8 or damage to any property arising out of the activities of the Engineer,  
9 its officers, agents, employees or subcontractors under this Agreement.  
10 This obligation will continue beyond the term of this Agreement as to any  
11 act or omission which occurred during this Agreement.

12 Such indemnification obligations shall not be limited in any way by  
13 any limitation or the amount or type of damages, compensation or benefit  
14 payable by or for either party under worker's or workmen's compensation,  
15 disability benefits or other employee entitlements.

16 The Engineer shall not be liable for such damages due to the errors,  
17 omissions or other deficiencies to the extent attributable to the Partici-  
18 pants or Participants-furnished data.

19 (e) The Engineer shall not be responsible for any time delays in  
20 the Project caused by circumstances beyond the Engineer's control. The  
21 Engineer shall notify the Participants in writing within five (5) working  
22 days upon such circumstances becoming known to the Engineer.  
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1 (f) The Engineer shall designate, in writing, a person au-  
2 thorized to act as the Engineer's representative under this Agreement to  
3 receive and respond to contacts and requests by the Grantor and each  
4 Participant's and/or the Participant's representative, including notice  
5 under Paragraph 22 of Section A hereto, as to each Participant's water dis-  
6 tribution system.

7 (g) The Engineer shall be responsible, and to fulfill that re-  
8 sponsibility shall include the necessary provisions in any subcontracts, to  
9 ensure that the Engineer and any and all of Engineer's subcontractors com-  
10 ply with the provisions and requirements of Federal and State law. Such  
11 agreements shall reference this Agreement and any other pertinent funding  
12 agency or Grantor's agreements as applicable, so that no action or activity  
13 or omission of such subcontractors shall result in a loss of funding to the  
14 Participants from the Grantor. Such responsibility shall include the duty  
15 to require 1) adequate insurance, including workers compensation, disabil-  
16 ity, and unemployment insurance, of all such subcontractors and 2) compli-  
17 ance with all applicable employment discrimination laws by all such  
18 subcontractors.

19 (h) The Engineer's obligations under this clause are in addition  
20 to the Engineer's other expressed or implied assurances under this Agree-  
21 ment or State law and in no way diminish any other rights that the Partici-  
22 pants may have against the Engineer for faulty materials, equipment, or  
23 work.

### 24 3. Responsibilities of the Participants

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1 (a) The Participants shall each designate in writing a person  
2 authorized to act as that Participant's representative. Each Participant  
3 or its representative shall receive and examine documents submitted by the  
4 Engineer, interpret and define the Participant's policies and standards and  
5 render decisions and authorizations promptly in writing.

6 (b) The Participants shall provide to the Engineer full and free  
7 access to enter upon all property required for the performance of the En-  
8 gineer's services under this Agreement.

#### 8 4. Changes

9 (a) The Participants' representatives may, at any time, [with  
10 prior approval of Grantor if required], by written order make changes  
11 within the general scope of this Agreement in the services or work to be  
12 performed. If such changes cause an increase in the Engineer's cost or  
13 time required to perform any services under this Agreement, then such  
14 changes shall be considered substantial and may only be made by modifica-  
15 tion or amendment to this Agreement signed by both the Participants and the  
16 Engineer. The Engineer must assert that any change order is substantial  
17 within five (5) working days from the date it receives the notification of  
18 change or waive the right to request additional compensation for the serv-  
19 ices required by such change order.

20 (b) No services for which the Engineer will charge additional  
21 compensation shall be furnished without the prior written authorization of  
22 the Participants.

#### 23 5. Termination of Agreement

24 (a) This Agreement may be terminated in writing by either party  
25 in the event of substantial failure by the other party to fulfill its obli-  
26 gations under this Agreement through no fault of the terminating party,  
27 provided that no such termination may be effected unless the other party is  
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1 given (1) not less than ten (10) calendar days written notice (served per-  
2 sonally or certified mail, return receipt requested) of intent to terminate  
3 and (2) an opportunity for consultation with the terminating party before  
4 termination.

5 (b) This Agreement may be terminated without cause in writing by  
6 the Participants for its convenience, provided that the Engineer is given  
7 (1) not less than ten (10) calendar days written notice (served personally  
8 or by certified mail, return receipt requested) of intent to terminate, and  
9 (2) an opportunity for consultation with the Participants prior to  
10 termination.

11 (c) If termination for default is effected by the Participants,  
12 Participants may make an equitable adjustment in the price provided for  
13 this Agreement, but (1) no amount shall be allowed for anticipated profit  
14 on unperformed services or other work, and (2) any payment due to the Engi-  
15 neer at the time of termination may be adjusted to cover any additional  
16 costs to the Participants because of the Engineer's default. If termina-  
17 tion for default is effected by the Engineer, or if termination for conven-  
18 ience is effected by the Participants, the Engineer shall be entitled rea-  
19 sonable compensation for services or other work performed. The reasonable  
20 compensation shall provide for payment to the Engineer for services ren-  
21 dered and expenses incurred prior to the termination, in addition to termi-  
22 nation settlement costs reasonably incurred by the Engineer relating to  
23 commitments which had become firm prior to the termination, not to exceed  
24 the maximum amount established for such services as otherwise provided by  
25 this Agreement and the Attachments hereto.

26 (d) Upon receipt of a notice of termination action under para-  
27 graphs (a) or (b) above, the Engineer shall (1) promptly discontinue all  
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documentation requested by the Participants' representative. Such invoice or bill shall be in the form required by the Tulare County Auditor.

(c) Fifteen Thousand Three Hundred Thirteen (\$ 15,313 ) for Engineering Services provided during the Design Phase Section B, clause Nos. 1 through 11, is due and billable monthly by the Engineer and shall be based upon actual time and expenses provided at the rates set out in Exhibit "A" hereto and incorporated herein as if set out in full. Payment shall be due upon approval of the Engineer's invoice or bill for such amount by the Participants Representative and County Auditor and upon receipt by the Participants of sufficient funds from the Grantor to pay such invoice or bill or, in any case, no longer than sixty (60) days after approval of Engineer's invoice or bill by the Participants Representative and the County Auditor.

(d) Payments for Engineering Services during the Construction Phase (Section B-12 through B-22 of this Agreement) are due and billable monthly based upon actual time and expenses provided at the rates set out in Exhibit "A" hereto and incorporated herein as if set out in full. Payment shall be due upon approval of the Engineer's invoice or bill for such amount by the Participants Representative and County Auditor and upon receipt by the Participants of sufficient funds from the Grantor to pay such invoice or bill or, in any case, no longer than sixty (60) days after approval of Engineer's invoice or bill by the Participants Representative and the County Auditor.

(e) The balance of the total compensation due the Engineer under this Agreement shall be due and billable upon completion to the satisfaction of the Participants of all services, including miscellaneous services under Section C, to be provided under this Agreement and upon issuance of the certification of completion of the Project by the Participants. Such

balance shall consist of the total compensation to the Engineer of  
1 Forty Thousand Nine Hundred Sixty Three (\$40,963 ) less the pay-  
2 ments made under paragraphs (c) and (d) of this clause. Payment shall be  
3 due upon approval of the Engineer's invoice or bill for such amount by the  
4 Participants Representative and County Auditor and upon receipt by the Par-  
5 ticipants of sufficient funds from the Grantor to pay such invoice or bill  
6 or, in any case, no longer than ninety (90) days after approval of  
7 Engineer's invoice or bill by the Participants Representative and the  
8 County Auditor.

9 (f) No payment request made under this clause shall exceed the  
10 value of the work and services performed by the Engineer under this Agree-  
11 ment according to the rates set forth in this Agreement and the Exhibits  
12 hereto. The Engineer shall prepare summaries of work performed and shall  
13 supplement them with such supporting data as the Participants representa-  
14 tive may require.

15 (g) Upon satisfactory completion of the work performed under  
16 this Agreement, as a condition before final payment under paragraph (e) of  
17 this clause or as a termination settlement under this Agreement, the En-  
18 gineer shall execute and deliver to the Participants a release of all  
19 claims against the Participants arising under, or by virtue of this Agree-  
20 ment except claims which are specifically exempted by the Engineer to be  
21 set forth therein. Unless otherwise provided in this Agreement, by State  
22 law or otherwise expressly agreed to by the parties to this Agreement, fi-  
23 nal payment under this Agreement or settlement upon termination of this  
24 Agreement shall not constitute a waiver of the Participants' claims against  
25 the Engineer under this Agreement.

26 7. Project Design  
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1 (a) Unless otherwise provided by the Participants and the Gran-  
2 tor, the Engineer shall specify materials, equipment, and processes which  
3 are readily available through competitive procurement and consistent with  
4 Participants and the Grantor's regulations.

5 (b) Where the Construction contracts awarded for this Project  
6 exceed \$100,000 and where applicable due to the requirements of the Grant-  
7 or, the Engineer shall insure compliance on behalf of the Participants with  
8 all applicable standards, orders, or requirements issued under Section 306  
9 of the Clean Air Act (42 UC 1857(h)), Section 508 of the Clean Water Act  
10 (33 USC 1368), Executive Order 11738, and EPA regulations (40 CFR Part 15)  
11 which prohibit the awarding of nonexempt Federal contracts, grants, or  
12 loans to facilities included on EPA's List of Violating Facilities. The  
13 Engineer will report violations to the Participants.

#### 14 8. Audit and Access to Records

15 (a) The Engineer shall maintain books, records, documents, and  
16 other evidence directly pertinent to performance of work under this Agree-  
17 ment in accordance with generally accepted accounting principles and prac-  
18 tices consistently applied and any Grantor's and state regulations in ef-  
19 fect on the date of execution of this Agreement. In addition, the Engineer  
20 shall comply with and require its contractors and subcontractors to comply  
21 with Section 1776 of the California Labor Code, which section relates to  
22 payroll records. The Engineer shall also maintain the financial informa-  
23 tion and data used by the Engineer in the preparation of support of any  
24 cost submission required under Grantor's regulations in effect on the date  
25 of execution of this Agreement and any negotiated Agreement amendment or  
26 amendment thereof and a copy of the cost summary submitted to the Partici-  
27 pants. The Engineer shall provide, and require its contractors and subcon-  
28 tractors to provide to the Grantor, the Participants and/or any of their

1 duly authorized representatives access to Engineer's and any of its  
2 contractor's or subcontractor's, books, records, documents, and other evi-  
3 dence for inspection, audit, and copying during normal business hours. The  
4 Engineer will provide and require its contractors and subcontractors to  
5 provide proper facilities for such access and inspection.

6 (b) The Engineer agrees to make paragraphs (a) through (f) of  
7 this provision applicable to all agreements it awards in excess of \$10,000,  
8 at any tier, and to make paragraphs (a) through (f) of this provision ap-  
9 plicable to all amendments thereto directly related to Project performance.

10 (c) Audits conducted under this provision shall be in accordance  
11 with generally accepted auditing standards and established procedures and  
12 guidelines of the reviewing or auditing agency(ies) and the General Ac-  
13 counting Office.

14 (d) The Engineer agrees to disclose all information and reports  
15 resulting from access to records under paragraphs (a) and (b) of this pro-  
16 vision to any of the Grantor's, the Participants and/or any of their duly  
17 authorized representatives.

18 (e) Records under paragraphs (a) and (b) above shall be main-  
19 tained and made available by the Engineer during performance of services  
20 under this Agreement and for three (3) years from the date of final Grantor  
21 assistance payment to the Participants for the Project. In addition, those  
22 records which relate to any controversy arising under this Agreement, liti-  
23 gation, the settlement of claims arising out of such performance or to  
24 costs or items to which an audit exception has been taken shall be main-  
25 tained and made available by the Engineer, and the Engineer shall require  
26 its contractors and subcontractors to maintain and make available, until  
27 three (3) years after the date of resolution of such appeal, litigation,  
28 claim or exception.

(f) This right of access provision applies to financial records pertaining to all agreements (except formally advertised, competitively awarded, fixed price agreements) and all Agreement amendments regardless of the type of Agreement. In addition, this right of access applies to all records pertaining to all agreements and Agreement amendments:

1. to the extent the records pertain directly to Agreement performance; or

2. if there is any indication that fraud, gross abuse or corrupt practices may be involved; or

3. if the Agreement is terminated for default or for convenience.

#### 9. Subcontracts

(a) Any subcontractors and outside associates or consultants required by the Engineer in connection with services under this Agreement will be limited to such individuals or firms as are specifically identified and agreed to in writing by the Participants during negotiations or as the Participants specifically agree to during the performance of this Agreement. The Participants must give prior written approval for any substitutions, additions or deletions to such subcontractors, associates, or consultants.

(b) The Engineer may not subcontract services in excess of thirty (30) percent of the contract price to subcontractors or consultants without the Participants' prior written approval. Copies of all such subcontracts shall be provided to the Participants by filing with the Clerk of its Board of Supervisors of the County and Secretary of the Lemon Cove Sanitary District.

#### 10. Insurance

The Engineer shall, during the term of this Agreement, maintain

1 at the Engineer's expense all necessary insurance for its employees and  
2 agents, including but not limited to, workers' compensation, disability,  
3 and unemployment insurance, and to provide Participants with certification  
4 upon request. The Engineer shall require its subcontractors during the  
5 terms of any subcontracts, to maintain at the subcontractors expense all  
6 necessary insurance for its employees and agents, including but not limited  
7 to, workers' compensation, disability, and unemployment insurance, and to  
8 provide the Participants with certification upon request.

9 The Engineer shall maintain and shall file with the Clerk of the Board  
10 of Supervisors of the County and Secretary of the Lemon Cove Sanitary Dis-  
11 trict, policies of liability insurance, issued by a company duly and le-  
12 gally licensed to transact business in the State of California, covering  
13 personal injuries, including wrongful death, and claims for property damage  
14 that arise from Engineer's activities pursuant to this Agreement. Said  
15 insurance shall be in the following amounts:

16 Comprehensive general liability and automotive liability insurance in  
17 a combined single limit of not less than \$500,000 on account of any  
18 one occurrence.

19 Said insurance policies shall be issued at the expense of the Engineer and  
20 maintained by it during the entire term of this Agreement. Said insurance  
21 policies shall name the Participants and officers, employees, and agents of  
22 the Participants, and, to the extent required by the grant and loan agree-  
23 ments between the Grantor and the Participants, the Grantor and its offi-  
24 cers, employees and agents as additional insureds. Said insurance shall  
25 further provide for at least thirty (30) days advance written notice to the  
26 Participants prior to cancellation, material change or nonrenewal of said  
27 insurance.  
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1 The Engineer shall require its subcontractors, during the term of the  
2 subcontracts, to maintain and file with the Clerk of the Board of Supervi-  
3 sors of the County and Secretary of the Lemon Cove Sanitary District poli-  
4 cies of liability insurance, issued by a company duly and legally licensed  
5 to transact business in the State of California, covering personal inju-  
6 ries, including wrongful death, and claims for property damage that arise  
7 from subcontractors activities pursuant to this Agreement. Said insurance  
8 shall be in the following amounts:

9 Comprehensive general liability and automotive liability insurance in  
10 a combined single limit of not less than \$500,000 on account of any  
11 one occurrence.

12 Said insurance policies shall be issued at the expense of the subcontractor  
13 and maintained by it during the entire term of the subcontract. Said in-  
14 surance policy shall name the Participants and officers, employees, and  
15 agents of the Participants, and, to the extent required by the loan and  
16 grant agreements between the Grantor and the Participants, the Grantor, its  
17 employees, officers and agents as additional insureds. Said insurance  
18 shall further provide for at least thirty (30) days advance written notice  
19 to the Engineer and the Participants prior to cancellation, material change  
20 or nonrenewal of said insurance.

#### 21 11. Equal Employment Opportunity

22 The Engineer shall comply, and shall require its subcontractors  
23 to comply, with Executive Order 11246, entitled "Equal Employment Oppor-  
24 tunity," as amended by Executive Order 11375, and as supplemented in De-  
25 partment of Labor regulations 41 CFR Part 60; Title VII of the Federal  
26 Civil Rights Act, 42 U.S.C. sections 2000e - 2003-17; the California Fair  
27 Employment and Housing Act, California Government Code section 12900 et  
28



1 seq.; the Unruh Civil Rights Act, California Civil Code section 51, et  
2 seq.; and all provisions of the grant and loan agreements between the Gran-  
tor and the Participants prohibiting discrimination in employment.

3 12. Small, Minority, and Women's Businesses

4 The Engineer agrees to take affirmative steps, and require its  
5 subcontractors to take affirmative steps to assure that small, minority,  
6 and women's businesses are utilized when possible as sources of supplies,  
7 equipment, construction and services. Such affirmative steps shall  
8 include:

9 (a) Including qualified small, minority and women's businesses  
10 on solicitation lists.

11 (b) Assuring that small, minority and women's businesses are  
12 solicited whenever they are potential sources.

13 (c) When economically feasible, dividing total requirements into  
14 smaller tasks or quantities so as to permit maximum small, minority and  
15 women's businesses participation.

16 (d) Where the requirement permits, establishing delivery sched-  
17 ules which will encourage participation by small, minority and women's  
18 businesses.

19 (e) Using the services and assistance of the Small Business Ad-  
20 ministration and the Minority Business Development Agency of the Department  
21 of Commerce.

22 13. Data and Materials

23 Upon completion of this Agreement, the engineer shall deliver or  
24 otherwise make available to the Participants within ten (10) days copies of  
25 all data, design drawings, "drawings of record", specifications, reports,  
26 estimates, summaries and such other information and materials as may have  
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1 been accumulated by the Engineer in performing this Agreement, whether com-  
2 pleted or in process. Such materials already provided to the Participants  
3 do not have to be duplicated. These materials will become the property of  
4 the Participants and the Participants may make any use of these materials  
5 that it wishes without restriction, except that any changes made in such  
6 materials by other than the Engineer shall relieve Engineer of liability  
7 under this contract only to the extent such liability is caused by such  
8 changes under this contract or with respect to construction or operations  
9 based on the changes to such materials.

#### 10 14. Gratuities

11 (a) If the Participants find after a notice and hearing that the  
12 Engineer or any of the Engineer's agents, representatives, or subcontrac-  
13 tors offered or gave gratuities (in the form of entertainment, gifts, or  
14 otherwise), to any official, employee, or agent of the Participants, the  
15 State, or the Grantor in an attempt to secure this Agreement or favorable  
16 treatment in awarding, amending or making any determinations related to the  
17 performance of this Agreement, the Participants may, by written notice to  
18 the Engineer, terminate this Agreement. The Participants may also pursue  
19 other rights and remedies that the law or this Agreement provides. How-  
20 ever, the existence of the facts on which the Participants bases such find-  
21 ings shall be in issue and may be reviewed in proceedings under the Reme-  
22 dies clause of this Agreement.

23 (b) In the event this Agreement is terminated as provided in  
24 paragraph (a), the Participants may pursue the same remedies against the  
25 Engineer as it could pursue in the event of a breach of the Agreement by  
26 the Engineer. As a penalty, in addition to any other damages to which it  
27 may be entitled by law, the Participants may pursue exemplary damages in an  
28 amount (as determined by the Participants) which shall be not less than

three times nor more than ten times, the costs the Engineer incurs in providing any such gratuities to any such officer or employee.

15. Covenant Against Contingent Fees

The Engineer assures that no person or selling agency has been employed or retained by either Engineer or its subcontractors to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Engineer for the purpose of securing business. For breach or violation of this assurance the Participants shall have the right to annul this Agreement without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or continent fees.

16. Cost of Pricing Data

The Engineer assures on behalf of itself and its subcontractors that cost and pricing data submitted for evaluation with respect to negotiation of prices for this and other negotiated agreements, lower tier subagreements, or amendments are based on current, accurate, and complete data supported by their books and records. If the Participants or the Grantor determines that any price (including profit) negotiated in connection with this Agreement, any lower tier subagreement, or any amendment thereunder was increased by any significant sums because the data provided was incomplete, inaccurate, or not current at the time of submission, then such price or cost or profit shall be reduced accordingly; and this Agreement shall be modified in writing to reflect such action. Failure to agree on a reduction shall be subject to the Remedies clause of this Agreement.

17. Remedies

Unless otherwise provided in this Agreement, all claims, counter-claims, disputes, and other matters in question between the Participants and the Engineer arising out of or relating to this Agreement or the breach of it shall be decided in a court of competent jurisdiction within the County of Tulare.

18. Assurance against Debarment

The Engineer assures that neither it nor any of its subcontractors are suspended or debarred by the state or Grantor to this Project.

19. Funding

This project is funded through grant agreements previously identified between the Participants and the Grantor. The Engineer agrees to complete its services under this Agreement in accordance with the requirements and limitation imposed on the Participants by the Grantor. The Engineer shall be compensated only to the extent and only for its services allowable under the terms of the Participants' agreements with the Grantor or to the maximum amount allowed under the other provisions of this Agreement. In the event that the Participants is required to refund or pay any money to the Grantor because of any failure of the Engineer or its Contractors or subcontractors to comply with any applicable Federal or State law, executive order, rule or regulation, the Engineer shall reimburse the Participants for the amount that the Participants is required to refund or repay to the Grantor. Such reimbursement shall not exceed the total compensation allowed under the terms of this Agreement.

20. Independent Contractor

In performing the services called for pursuant to this Agreement, the Engineer, its officers, agents, employees, contractors and subcontractors are independent contractors and not employees or officers of the Participants. As independent contractors, even when acting as an agent or representative of the Participants as may be specifically provided herein, the Engineer, its officers, agents, employees, contractors and subcontractors shall not be entitled to any of the benefits or rights accruing to any employee or officer of one of the Participants. In the event that the activities of the Engineer or its subcontractors under this Agreement are found by any state or federal agency to be those of an employee rather than an independent contractor, Engineer agrees to indemnify Participants and hold Participants harmless for costs, including but not limited to penalties and interest, which Participants or any one of the Participants may be assessed by such state or federal agency for failing to withhold from the compensation paid to Engineer under this Agreement any amount which may have been required to be withheld by law.

22. Notice

Any reports required to be made under this Agreement shall be personally served or mailed, postage prepaid, and any notice which is given under this Agreement shall be personally served or mailed, postage prepaid, by certified mail, return receipt and addressed as follows:

**ENGINEER:**

Dennis Keller, Principal  
Keller & Wegley,  
Consulting Civil Engineers  
P.O. Box 509  
Visalia, CA 93279

**COUNTY:**

James H. Brown  
Community Development Manager  
Courthouse Room 103  
County Civic Center  
Visalia, CA 93291-4593

**DISTRICT:**

William F. Pensar, Secretary  
Lemon Cove Sanitary District  
P.O. Box 74  
Lemon Cove, CA 93244

### 23. Services in Case of Litigation

In addition to the compensation set forth in Section A, Paragraph No. 6 of this Agreement, if the services or documents provided under this Agreement by the Engineer are contested in a court of law or administrative review processing, the Engineer agrees to testify on behalf of the Participants as to factual matters at no cost and to testify or consult with the Participants as an expert at an hourly rate of \$ 85, by quarter hour increments. Travel time and court or proceeding stand-by time at the place of hearing shall be billed at an hourly rate of \$ 75, by quarter hour increments.

### SECTION B - ENGINEERING SERVICES

#### Engineering Services during the Design Phase

1. The Engineer may proceed with its obligations under this Agreement immediately upon receiving written authorization by Participants representative to proceed. The Engineer shall furnish Engineering Services described in Section B-1 through B-8 described herein by twelve o'clock in the afternoon ("Noon") of May 25, 1991. Any supporting documentation or revisions regarding the Engineer's services under this Agreement necessary to obtain the approval of the Grantor and all State regulatory agencies will be provided promptly.

2. The Engineer shall perform the "Pre-Construction Services" and "Property Related Services" set out in Exhibit "B", attached hereto and incorporated herein by reference as if set out in full. The design drawings prepared shall be in sufficient detail to show the character and extent of the Project and to permit the actual location of the proposed improvements on the Project site. It is also understood that if subsurface explorations such as borings, or soil tests are required to determine

1 amounts of rock excavation or foundation conditions, the Engineer will fur-  
2 nish coordination of said exploration without additional charge, but the  
3 costs incident to such explorations, no matter whether they are performed  
4 by Engineer or by others, shall be considered services provided by the En-  
5 gineer under this Agreement and shall be paid for by the Participants as  
6 indicated in Section C.

7 3. The Engineer shall, if necessary and upon consultation with and  
8 concurrence of the Participants or delegated State agency as appropriate,  
9 revise design criteria, design standards, and other appropriate preliminary  
10 design information in order to complete the final design for the Project in  
11 accordance with the performance standards and accepted engineering  
12 practices.

13 4. The Engineer shall assist the Participants in obtaining necessary  
14 permits and approvals from appropriate State and other local regulatory  
15 agencies. Any fees required for such permits and approvals shall be borne  
16 by the Participants.

17 5. The Contract Documents furnished by the Engineer under Section B,  
18 clause No. 2 shall utilize those construction contract documents approved  
19 by the Grantor.

20 6. Prior to the advertisement for bids, the Engineer shall provide  
21 for each construction contract to be awarded by the Participants, ten (10)  
22 copies of detailed design drawings, specifications, and contract documents  
23 for use by the Participants and appropriate State and local agencies from  
24 whom approval of the Project must be obtained. Additional copies of the  
25 above specified documents shall be provided to the Participants by the En-  
26 gineer at production cost. Originals of such items as documents, survey  
27 notes, and tracings, prepared by the Engineer are and shall remain the  
28

property of the Engineer, but this shall in no way infringe upon the Participants' rights to such items under Section A Paragraphs 5 and 13.

7. The Engineer shall establish baselines for locating the work together with a suitable number of bench marks adjacent to the work and show their location in the construction Contract Documents. This information and the Contract Documents will provide the contractor sufficient reference from which to execute the contract work.

8. The Engineer shall prepare and furnish to the Participants three (3) copies of maps or drawings showing the approximate location of needed construction easements, permanent easements, rights-of-way and land to be acquired. Such maps or drawings shall be furnished promptly to enable the Participants to initiate property and easement acquisitions.

9. The Engineer shall attend the bid opening and tabulate the bid proposals, analyze the responsiveness of the bidders and make recommendations for awarding contract(s) for construction to the lowest responsible, responsive bidder.

10. Upon award of each construction contract, the Engineer shall furnish to the Participants, for each contract, seven (7) sets of the design drawings, specifications and contract documents for execution by the Participants and contractor. Additional copies of such contract documents shall be provided to the Participants by the Engineer at production cost.

11. Services to be provided and compensated under the Design Phase shall include those miscellaneous Engineering Services designated for the Design Phase in Section C to this Agreement.



Engineering Services During the Construction Phase

1        12. The Engineer shall perform the "Construction Phase Services" set  
2 out in Exhibit "C" attached hereto and incorporated herein by reference as  
3 if set out in full. Performance of the services requested during this  
4 phase will be initiated by the Engineer promptly after receipt of the Par-  
5 ticipants Representative's written authorization to proceed.

6        13. The Engineer shall review and approve, for conformance with the  
7 design concept, all shop drawings and other submittals required by the Con-  
8 tract Documents to be furnished by contractors.

9        14. The Engineer shall interpret the intent of the design drawings  
10 and specifications to protect the Participants against defects and defi-  
11 ciencies in construction on the part of the contractors.

12       15. The Engineer shall provide general engineering review of the work  
13 of the contractors as construction progresses to ascertain that the con-  
14 tractors are conforming with the design concept.

15       16. The Engineer's undertaking hereunder shall not relieve the con-  
16 tractor of its obligation to perform the work in conformity with the Con-  
17 tract Documents and in a workmanlike manner, shall not make the Engineer an  
18 insurer of the contractor's performance, and shall not impose upon the En-  
19 gineer any obligations to see that the work is performed in a safe manner.  
20 However, the Engineer shall immediately notify the Participants in writing  
21 if Engineer becomes aware of any failure of performance by the contractor.

22       17. The Engineer shall review each contractor's applications for pro-  
23 gress and final payments and submit sufficient copies of same to the Par-  
24 ticipants with the Engineer's recommendation for approval or disapproval.

25       18. The Engineer shall prepare necessary contract change orders for  
26 approval of the Participants and others as required.

1 19. The Engineer shall make an inspection prior to issuing the cer-  
2 tificate of substantial completion of all construction and submit a written  
3 report to the Participants, the Grantor and others as required.

4 20. Prior to submission of recommendation for final payment on each  
5 construction contract, the Engineer shall submit a certificate of substan-  
6 tial completion of work done under that contract to the Participants, Gran-  
7 tor and others as required.

8 21. The Engineer shall provide the Participants with one set of  
9 reproduction drawings of record and two sets of prints. Such drawings of  
10 record will be based upon the resident project inspector's construction  
11 data and the construction records provided by the contractor during con-  
12 struction and review by the resident inspector.

13 22. The services to be provided and compensated under this Construc-  
14 tion Phase shall include those miscellaneous Engineering Services desig-  
15 nated for the Construction Phase in Section C to this Agreement.

16 23. The Engineer shall provide an operations and maintenance manual  
17 for each constructed water distribution system facility. Draft operations  
18 and maintenance manuals shall be submitted to the Participants for review  
19 and approval at fifty percent (50%) of construction completion.

20 Said operations and maintenance manual shall be furnished by the Engineer  
21 at a cost not to exceed One Thousand Five Hundred (\$1,500) which amount  
22 shall be part of the total compensation set out in Section A, clause 6 (a).  
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### Engineering During Operation Phase

24. The Engineer will be available to furnish engineering services and consultations necessary to correct unforeseen project operation difficulties for a period of one year after the date of statement of substantial completion of the facility. The service will include instruction of the Participants in initial project operation and maintenance, but will not include supervision of normal operation of the system. Such consultation and advice shall be furnished by the Engineer based upon actual time and expenses provided at the rates set in Exhibit "A" hereto and incorporated herein as set out in full. The Engineer will assist the Participants in performing a review of the project during the 11th month after the date of the certificate of substantial completion. The compensation for services, if required, will be in addition to the total compensation set out in Section A, Paragraph 6(a). Any services required by this paragraph shall not be provided except upon prior written approval by the Participants.

### SECTION C - MISCELLANEOUS ENGINEERING SERVICES

The following miscellaneous Engineering Services shall be provided by the Engineer. Such miscellaneous Engineering Services are designated below as Design Phase (D) or Construction Phase (C) services, thereby establishing when such services will be performed and under which Phase such services shall be compensated. Any services addressed by this Section shall not be provided except upon prior written approval by the Participants and shall only be compensated to the extent such services are included in the compensation amounts identified in Paragraph 6 of Section A and are determined to be grant/loan eligible prior to the Participants providing written consent.

### Phase Designations

1     C 1. Provide Resident Project Inspection. The Engineer shall, prior  
2 to the preconstruction conference, submit a resume of the resident inspec-  
3 tor's qualifications, anticipated duties and responsibilities for approval  
4 by the Participants. Resident inspection includes checking lines and  
5 grades, keeping records of full measurements and the contractor's activi-  
6 ties, passing information between the Engineer and contractor, reviewing of  
7 contractor's request for progress payments, inspecting of completed work  
8 for compliance with Contract Documents and keeping of a daily diary. Per-  
9 formance of this service will not be a guarantee of the contractor's per-  
10 formance, but it endeavors to protect the Participants against defects and  
11 deficiencies in the Project and very compliance with the Construction Con-  
12 tract Documents.

13     D 2. Prepare site surveys as may be required.

14     D,C 3. Conduct field tests, well tests, water sampling, borings, and  
15 specialized geological, soils, hydraulic, or other studies recommended by  
16 the Engineer.

17     D 4. Prepare detailed descriptions of sites, maps, drawings, or esti-  
18 mates related thereto; assist in negotiating for land and easement rights.  
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C 5. Provide construction staking service.

C 6. Provide final operations and maintenance manuals upon completion of construction.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

COUNTY OF TULARE

By: Charles Gould  
CHAIRMAN, Board of Supervisors  
"County"

ATTEST: LOUIS J. FERNANDEZ  
Acting County Executive/Clerk of the Board  
of Supervisors of the County of Tulare

By: Linda Magallon  
Deputy Clerk

LEMON COVE SANITARY DISTRICT

By: Arthur A. Ponsar  
President, Lemon Cove Sanitary District  
Board of Directors  
"District"

ATTEST: Secretary for the  
Board of Directors of the  
Lemon Cove Sanitary District

By: William F. Ponsar  
William F. Ponsar, District Secretary

DENNIS R. KELLER - JAMES H. WEGLEY,  
CONSULTING ENGINEERS

By: Dennis Keller  
Dennis Keller, Principal  
"Engineer"

Approved as to Form,  
County Counsel

By: John J. Kohn  
Deputy

## EXHIBIT "A"

### COMPENSATION

Compensation includes cost for payroll of personnel, equipment, material and subcontractors, plus overhead and profit. Compensation for the above described services shall be as follows:

<u>Pre-Construction Phase</u> - Engineering Design, Surveys, Coordination, Improvement Plans, Bid Documents and Specifications, Easement Preparation and Review of Water Use Ordinance	\$ <u>15,313</u>
<u>Construction Phase</u> - Project Management. Field Testing and Laboratory Sampling, Construction and Site Inspection	\$ <u>25,650</u>
TOTAL	\$ <u>40,963</u>

EXHIBIT "A"

SCHEDULE OF FEES  
FOR  
PROFESSIONAL SERVICES

<u>Classification</u>	<u>Hourly Rate</u>
Partner	\$ 75.00
Senior Civil Engineer	58.00
Junior Civil Engineer	42.00
Engineering Technician	41.00
Draftsman-Inspector	41.00
Draftsman	34.00
Secretary	29.00
Word Processor and Computer Time	- \$12.00/Hr.
Mileage	- \$0.35/Mile

SURVEYING:

<u>Classification</u>	<u>Rate</u>
Crew Supervision	\$ 50.00
4-man Survey Crew	140.00
3-man Survey Crew	105.00
2-man Survey Crew	75.00

## **EXHIBIT "B"**

### **Pre-Construction Services**

1. Meet and confer with Participants staff, County Counsel, Public Works Department staff, State Department of Water Resources staff, and if necessary any other public agency staff as required during design phase.
2. Obtain aerial photo map base sheets along proposed construction alignment within existing road rights-of-way.
3. Perform topographic survey of project alignments and plot field survey data on construction improvement plan base sheets.
4. Perform all necessary engineering work in connection with the above described project improvements.
5. Prepare detailed contract construction drawings.
6. Prepare specifications and contract documents, including bid forms and notice to bidders.
7. Upon completion of plans and specifications, prepare detailed statement of probable improvement costs.
8. Furnish the Participants with ten (10) copies of plans and specifications for each design phase. Furnish at cost, additional copies of the plans and specifications as required for bidding and construction purposes. Distribute plans and specifications for bidding.
9. Assist the Participants in obtaining bids, evaluating bids, and making the contract awards.

### **PROPERTY RELATED SERVICES**

1. Perform research and analysis of the individual construction sites and along planned construction alignment to determine information necessary to prepare property deed and provide the Participants with assistance in determining the specific needs for additional easement acquisitions if necessary.
2. Prepare detailed descriptions of required easements for the pipeline portion of the project if necessary.
3. Prepare mapping in such detail as required to assist the Participants in acquisition of the required easements.



## EXHIBIT "C"

### CONSTRUCTION PHASE SERVICES

1. Assist Participants in issuing notice to proceed with construction.
2. Provide observation of construction. The engineer shall make visits to the site at intervals appropriate to the various stages of construction, as engineer deems necessary in order to observe as an experienced and qualified design professional, the progress and quality of the various aspects of contractor's work. Based on information obtained during such visits and on such observations, engineer shall endeavor to determine in general if such work is proceeding in accordance with the contract documents, and engineer shall keep Participants informed of the progress of the work.
3. Perform such field tests as are required to determine compliance with Engineer's design and contract documents, including site compaction tests.
4. Communicate test results to Participants and contractor and review the replacement or correction of any work which is necessary due to failing tests.
5. Provide field construction bench marks and sufficient baselines for the contractor to establish the alignment and grade of required work.
6. Assist the Participants in preparing and checking the following items:
  - A. Contractor's payroll records.
  - B. Contractor's compliance with prevailing wage regulations.
  - C. Monthly pay estimates.
  - D. Final summary of project costs.
7. Issue certificate of completion to the Participants upon completion of the contract.
8. Provide reproducible "Drawings of Record" of the completed project.
9. Provide ongoing communication, assistance and support regarding the progress of construction and response to any questions which may arise during the course of the work.
10. Provide assistance in responding to requests for change orders or clarification of contract documents, and preparation and processing of any change orders which may be deemed necessary during the course of the project.
11. Review and monitor contractor's schedule, including documentation of unseasonal weather or other factors beyond the contractor's control, which might warrant adjustments to the contract period.
12. Assist Participants as required in providing reports to the State of California Safe Drinking Water Bond Program.

# ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

11-08-90

ROD NUMBER

MORGAN, KLEPPE & NASH INSURANCE  
P.O. BOX 1390  
VISALIA, CA 93279

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A** USF&G INSURANCE COMPANY

COMPANY LETTER **B** WEST AMERICAN INSURANCE COMPANY

COMPANY LETTER **C**

COMPANY LETTER **D**

COMPANY LETTER **E**

INSURED

DENNIS R. KELLER & JAMES H. WEGLEY  
CONSULTING ENGINEERS  
P.O. BOX 509  
VISALIA, CA 93279

## COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
<b>GENERAL LIABILITY</b>				GENERAL AGGREGATE \$1,000,000.
<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG. \$1,000,000.
CLAIMS MADE <input checked="" type="checkbox"/> OCCUR.	IMP 11069628900	08-17-90	08-17-91	PERSONAL & ADV. INJURY \$1,000,000.
OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE \$1,000,000.
				FIRE DAMAGE (Any one fire) \$ 50,000.
				MED. EXPENSE (Any one person) \$ 5,000.
<b>AUTOMOBILE LIABILITY</b>				COMBINED SINGLE LIMIT \$ 500,000.
ANY AUTO				BODILY INJURY (Per person) \$
ALL OWNED AUTOS	BAW 5026 44 35	02-26-90	02-26-91	BODILY INJURY (Per accident) \$
<input checked="" type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
<input checked="" type="checkbox"/> HIRED AUTOS				
<input checked="" type="checkbox"/> NON-OWNED AUTOS				
GARAGE LIABILITY				
<b>EXCESS LIABILITY</b>				EACH OCCURRENCE \$
UMBRELLA FORM				AGGREGATE \$
OTHER THAN UMBRELLA FORM				
<b>WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY</b>				STATUTORY LIMITS
				EACH ACCIDENT \$
				DISEASE-POLICY LIMIT \$
				DISEASE-EACH EMPLOYEE \$
<b>OTHER</b>				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

## CERTIFICATE HOLDER

COUNTY OF TULARE  
PLANNING & DEVELOPMENT DEPARTMENT  
ATTN: KATHY MURCH  
COUNTY CIVIC CENTER  
VISALIA, CA 93291

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE MORGAN, KLEPPE & NASH INSURANCE

BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

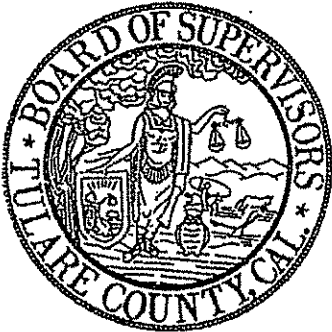
IN THE MATTER OF AMENDMENT )  
TO AGREEMENT WITH LEMON COVE )  
SANITARY DISTRICT )  
)

RESOLUTION NO. 91-0403  
AGREEMENT NO. 15793-A

UPON MOTION OF SUPERVISOR HARNESS , SECONDED BY  
SUPERVISOR BUCKLEY, THE FOLLOWING WAS ADOPTED BY THE BOARD OF  
SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 9, 1991,  
BY THE FOLLOWING VOTE:

AYES: Supervisors Gould, Conway, Mangine, Harness, and  
Buckley.

NOES: None  
ABSTAIN: None  
ABSENT: None



ATTEST: LOUIS J. FERNANDEZ  
ACTING COUNTY EXECUTIVE/CLERK  
BOARD OF SUPERVISORS

BY: Linda Maganin

\* \* \*

Approved an amendment to Agreement No. 15793 with the Lemon Cove  
Sanitary District to include the design and construction of the  
water distribution system

Plng/Dev  
Fn 7314

4/11/91  
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AMENDMENT NO. 1 TO  
TULARE COUNTY AGREEMENT NO. 15793

THIS AMENDMENT NO. 1 to Tulare County Agreement No. 15793 is made and entered into this 9<sup>th</sup> day of April, 1991, by and between the COUNTY OF TULARE, hereinafter referred to as the "County", and the LEMON COVE SANITARY DISTRICT, hereinafter referred to as the "District".

WITNESSETH:

WHEREAS, the County and District entered into Tulare County Agreement No. 15793 providing for joint participation in a cooperative effort to locate and, if possible, construct a Common Water Source Supply System as part of their concurrent efforts to provide community water systems utilizing a common water source to the residents in their respective jurisdictions in the Lemon Cove area with funds obligated by the State of California, Department of Water Resources Safe Drinking Water Grant Program; and

WHEREAS, the County and the District had originally anticipated under Tulare County Agreement No. 15793 contracting separately for engineering services to design and manage construction of each party's water distribution system portion of the whole Project but now, due to time constraints and efficiency considerations, desire to jointly contract for such engineering services; and

WHEREAS, the State of California, Department of Water Resources has encouraged the County and the District to undertake design and construction of their community water systems as a joint effort to minimize costs and enhance the parties' ability to complete their portions of the Project by the October 14, 1991 project completion deadline; and

WHEREAS, the County and the District desire to jointly contract, to the extent

TULARE COUNTY AGREEMENT NO. 15793-A

1 possible, with Keller & Wegley, Consulting Engineers, hereinafter referred to as the  
2 "Engineer", to provide the engineering services needed to design and construct their  
3 separate water distribution systems as they jointly contracted with the Engineer to  
4 provide the engineering services needed to design and construct the Common Water  
5 Source Supply System; and  
6

7 WHEREAS, the Engineer to qualified to and willing to provide such engineering  
8 services under such a joint contract; and

9 WHEREAS, Tulare County Agreement No. 15793 may be amended upon  
10 written mutual consent of both parties;

11 NOW, THEREFORE BE IT AGREED as follows:

12 1. Section I.C, Phase III, of Tulare County Agreement No. 15793 is amended  
13 to read as follows:  
14

15 "Phase III. The parties shall jointly contract with an Engineer to provide  
16 professional engineering services for the design and construction of their separate  
17 water distribution systems. The Engineer shall submit the final designs, plans and  
18 specifications for the separate water distribution systems to both parties. Each party  
19 shall comment on the final designs, plans and specifications of the other party's  
20 water distribution system within forty-eight (48) hours of receipt unless additional time  
21 is allowed by the other party's representative or project manager. The decision to  
22 incorporate any suggested changes from the commenting party will be up to the sole  
23 discretion of the party constructing the water distribution system. At the end of the  
24 comment period, each party will be responsible for submitting the final designs, plans  
25 and specifications for that party's water distribution system to the Grantor for  
26 approval as required under that party's grant agreement. If changes have been  
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1 made to the designs, plans and specifications as submitted to both parties by the  
2 Engineer prior to submission to the Grantor, the submitting party will provide to the  
3 other party a copy of the final designs, plans and specifications as submitted to the  
4 Grantor. To the extent possible, Phase III shall be undertaken simultaneously with  
5 Phase II."  
6

7 2. Section I.C of Tulare County Agreement No. 15793 is amended to add  
8 "Phase IV" as follows:

9 "Phase IV. Each party shall be responsible for the administration of the  
10 construction of its water distribution system and shall contract separately with an  
11 appropriate contractor for the construction of its water distribution system. However,  
12 to facilitate efficiency in the use of the Engineer's time and services, to the extent  
13 possible, the parties shall coordinate and concurrently advertise for, receive and  
14 consider the bids for the construction of their separate water distribution systems. If  
15 the same contractor or contractors are awarded the construction contracts for both  
16 water distribution systems, it is understood and agreed that the County's water  
17 distribution system, due to Grantor time constraints, shall have construction priority.  
18 Except as otherwise expressly provided or agreed to in writing, each party will work  
19 directly with the Engineer and the party's construction contractors for the  
20 construction of that party's water distribution system. However, each party shall  
21 provide the other with copies of invoices and payment warrants to the extent  
22 requested by the other's representatives and shall otherwise mutually cooperate in  
23 the administration of the Project's budgets and progress."  
24  
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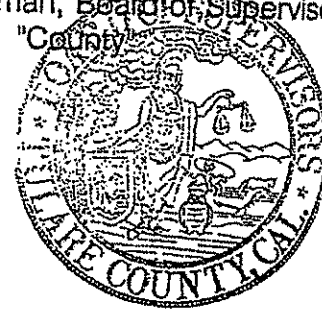
26 3. Section II, and the subsections thereto, of Tulare County Agreement No.  
27 15793 is amended to add "Phase III" wherever reference to "Phases I and II" is made.  
28

1 4. All other provisions, terms and conditions of Tulare County Agreement No.  
2 15793 shall remain in full force and effect.

3 IN WITNESS WHEREOF, the parties hereto have executed this Agreement as  
4 of the day and year first above written.  
5

6 COUNTY OF TULARE

7 By Charles R. Gould  
8 Chairman, Board of Supervisors  
9 "County"



10 ATTEST: LOUIS J. FERNANDEZ, Acting  
11 County Executive/Clerk of the Board  
12 of Supervisors of the County of Tulare

13 By Linda Magani  
14 Deputy

15 LEMON COVE SANITARY DISTRICT

16 By Arthur J. Rich  
17 Chairman, Board of Directors  
18 "District"

19 ATTEST: Secretary for the  
20 Board of Directors of the  
21 Lemon Cove Sanitary District

22 By Bill Pensar  
23 Bill Pensar, District Secretary

24 Approved as to form:  
25 County Counsel

26 By \_\_\_\_\_  
27 Deputy

28 LGRTS\C152200\JJR1.AGR

**AMENDMENT NO. 2 TO  
TULARE COUNTY AGREEMENT NO. 15793**

**THIS AMENDMENT NO. 2 to Tulare County Agreement No. 15793** is made this 23rd day of July, 1991, by and between the County of Tulare, a political subdivision of the State of California, hereinafter referred to as the "County", and the Lemon Cove Sanitary District, hereinafter referred to as the "District".

**WITNESSETH:**

WHEREAS, District and County have entered into Tulare County Agreement No. 15793 and Amendment No. 1 (Tulare County Agreement No. 15793-A) thereto (which agreements are hereinafter referred to collectively as the "Agreement") providing, among other things, for a cooperative effort to locate and, if possible, construct a common water source supply system (consisting of as many as two wells) located, constructed and operated by both parties and two separate water distribution systems, one of which is to be constructed and operated by the County within the Lemon Cove Zone of Benefit within County Service Area No. 1 and one of which will be constructed and operated by the District within its area of jurisdiction; and

WHEREAS, the Agreement expressly provides that the source of funding for said cooperative efforts is to be provided by the State of California Department of Water Resources through conditional grants to both parties under the California Safe Drinking Water Bond Law of 1986 and that neither party is expected or required to contribute any amounts to the cooperative Project in excess of the grant amounts awarded to the respective party; and

WHEREAS, the parties have been successful in locating one source of potable water which is located within the Lemon Cove Zone of Benefit within County Service



Area No. 1 and have been unable to locate a second source of potable water within the boundaries and jurisdiction of the District due to difficulties in drilling test holes through hard rock at the test well site (hereinafter referred to as the "Cairns Site"); and

WHEREAS, in order for the District to continue the drilling of a test well at the Cairns Site and/or to explore for another adequate potable water source, the parties must adjust the use of grant funds as previously anticipated and budgeted under the Agreement for drilling test holes; and

WHEREAS, the conditions of the District's grant allow the District additional time for completion of its water system and it wishes to use some of that time to explore further for another adequate potable water source; and

WHEREAS, the District desires to pursue those steps necessary to continue the drilling of a test hole at the Cairns Site and/or explore for another adequate potable water source independent of County assistance and subject to the conditions that any costs incurred by the District in continuing the drilling of the test well at the Cairns Site and/or in the exploration for another adequate potable water source be paid solely out of the District's grant allocation and/or other District sources of revenue, whatever they may be, and that the District will enter into separate engineering and well drilling contracts for the purposes of continuing drilling of the test well at the Cairns Site and/or exploring for another adequate potable water source; and

WHEREAS, the Agreement provides that it may be modified or amended but only by mutual consent of both parties in writing;

NOW, THEREFORE, in consideration of their mutual promises as hereinafter

1 set forth, the parties hereto consent to amend the Agreement by this Amendment  
2 No. 2 as follows:

3 1. Section I.C. Phase I of the Agreement is amended to read as  
4 follows:

5 "Phase I.

6  
7 "(A) The parties shall jointly contract with an engineer to  
8 provide engineering design and testing services necessary for the location (including  
9 the drilling of test wells) and the testing of an adequate source or sources of potable  
10 water and the final design of the common water source supply system. Upon the  
11 location of an adequate source or sources of potable water, the engineer, shall  
12 submit the final design, plans and specifications for the common water source supply  
13 system to the parties for approval. Each party shall approve or reject such final  
14 design, plans and specification with in five (5) working days of receipt. Upon  
15 mutually approving the final design, plans and specifications, the parties shall submit  
16 the approved common water source supply system design, plans specifications to  
17 the State for approval as required under the grant agreements.

18  
19 "(B) Notwithstanding the foregoing the District is hereby  
20 authorized to undertake an independent effort to locate an adequate potable water  
21 source within the District's boundaries. For such purpose, the District shall  
22 separately and independently contract with an engineer for necessary engineering  
23 services and with contractors for the drilling of any test wells. Any such separate  
24 and independent contracts shall not include the County as a party, the County shall  
25 not act as lead agency for such separate and independent contracts and the District  
26 will indemnify and hold County harmless for any costs and claims associated with  
27  
28

said separate independent contracts for the drilling of test wells. District may pay for any such separate and independent contracts out of District's grant funds as previously described or from any other funds available to the District. The District shall not seek contribution of grant funds available to the County for such purpose.

"(C) If, as part of its independent effort, the District locates an adequate potable water source, such water source shall be included in the final design of the common water source supply system. Although such location of the adequate potable water source by the District will be through an independent effort or undertaking by the District the cost of which will be borne by the District, the inclusion of such a water source in the final design and construction of the common water source supply system will be a cooperative effort by the County and District, the cost of which will be borne as otherwise provided for such cooperative effort under this Agreement."

2. Section I.C. Phase II of the Agreement is amended to read as follows:

"Phase II. The parties shall request bids, as necessary, and jointly contract with an engineer and appropriate contractors for the construction of the common water supply system, including up to two wells with pumps in accordance with the final grantor approved common water source supply system design, plans and specifications, except as provided in Phase I(B) hereinabove with respect to any separate and independent contracts for test wells by the District."

3. Paragraph A of Section II is amended to read as follows:

"A. Except as provided in Section I.C Phase I(B) above wherein the District through its independent effort enters into separate and independent

1 contracts for the drilling of a test well, the County, by mutual consent, is designated  
2 as the lead agency for Phases I, II, and III of this Agreement. As Lead Agency, the  
3 County shall coordinate meetings, joint authorizations and negotiations, and other  
4 administrative activities."  
5

6 4. Paragraph B.(4) is hereby added to Section II to read as follows:

7 "B. (4) The provisions of Paragraphs B.(1) through B.(3) shall not  
8 apply to any separate and independent contracts entered into by District as part of  
9 its independent effort in the drilling of a test well as described in the second  
10 paragraph of Section I.C Phase I(B). While the District may use its available grant  
11 funds for its independent effort in the drilling of a test well, none of the grant funds  
12 available to the County shall be used for such activities of the District. The District  
13 shall be solely responsible for the receipt, approval, submission to the State where  
14 appropriate, resolution of all disputes, and payment of all costs and invoices  
15 associated with any separate and independent contracts it enters into as part of its  
16 independent effort in the drilling of a test well as described in the second paragraph  
17 of Section I.C Phase I(B)."  
18

19 7. Except as provided in this Amendment No. 2 to Tulare County  
20 Agreement No. 15793, Tulare County Agreement No. 15793 and Amendment No. 1  
21 (Tulare County Agreement No. 15793-A) thereto, and all covenants, conditions and  
22 terms therein, shall remain in full force and effect and, as amended herein, represents  
23

24 ///

25 ///

26 ///

27 ///

28 ///

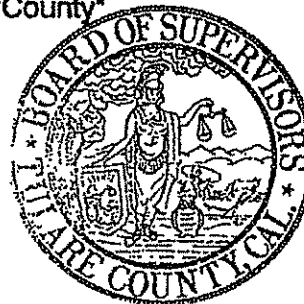
1 the complete and entire understanding between the parties as to those matter  
 2 contained therein and herein.

3 IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 to  
 4 Tulare County Agreement No. 15793 in the year and day first written above.  
 5

6 COUNTY OF TULARE

7  
 8 By *Chad R. Gould*  
 9 Chairman, Board of Supervisors  
 "County"

10 ATTEST: LOUIS J. FERNANDEZ  
 11 County Executive/Clerk of the Board  
 12 of Supervisors of the County of Tulare



13 By *Linda Magarini*  
 14 Deputy

15 LEMON COVE SANITARY DISTRICT

16  
 17 By *Anthony J. Pineda*  
 18 Chairman, Board of Directors  
 "District"

19 ATTEST: Secretary for the  
 20 Board of Directors of the  
 Lemon Cove Sanitary District

21 By *Bill Pensar*  
 22 Bill Pensar, District Secretary

23  
 24 Approved as to form:  
 25 County Counsel

26 By *John Skolnick*  
 27 Deputy

28 lgnts\lemoncov\lfr2.agr

BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

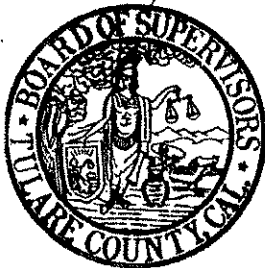
IN THE MATTER OF FY 1991/92 )  
BUDGET FOR LEMON COVE SAFE )  
DRINKING WATER PROJECT )  
)

RESOLUTION NO. 91-1311

UPON MOTION OF SUPERVISOR HARNESS , SECONDED BY  
SUPERVISOR MAGOON, THE FOLLOWING WAS ADOPTED BY THE BOARD  
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD NOVEMBER 19, 1991,  
BY THE FOLLOWING VOTE:

AYES: Supervisors Gould, Magoon, Mangine, and Harness

NOES: None  
ABSTAIN: None  
ABSENT: None



ATTEST: LOUIS J. FERNANDEZ  
COUNTY EXECUTIVE/CLERK  
BOARD OF SUPERVISORS

BY: \_\_\_\_\_

*Linda Maganin*  
Deputy Clerk

\* \* \* \* \*

Approved a revised FY 1991/92 budget for the Lemon Cove Safe  
Drinking Water Project and directed the Auditor to amend the  
revenue and expenditure accounts (Attachment I) to combine grants  
with the Lemon Cove Sanitary District as attached hereto and  
incorporated in by reference

Plng/Dev  
Auditor  
CEO  
FN 7314

11/20/91  
lm

Tulare County Planning and Development Dept.  
Community Development Division  
Report of Lemon Cove Board Agenda

RECOMMENDATIONS:  
ITEM A(2), Expenditure  
Account

Budget #	Acct. Title	Type	Dt.	Cr.
Original:				
C15-C15-2200-1011	Salaries	Exp.	\$3,650.00	
C15-C15-2200-1021	Retirement	Exp.	\$430.00	
C15-C15-2200-1022	Social Security	Exp.	\$350.00	
C15-C15-2200-1023	Health Insurance	Exp.	\$220.00	
C15-C15-2200-1024	Life Insurance	Exp.	\$10.00	
C15-C15-2200-1025	Workers' Comp. Ins.	Exp.	\$5.00	
C15-C15-2200-1026	Unemployment Ins.	Exp.	\$15.00	
C15-C15-2200-2150	Prof. Services	Exp.	\$105,000.00	
C15-C15-2200-2153	Services From Others	Exp.	\$2,000.00	
C15-C15-2200-2170	Publications	Exp.	\$400.00	
C15-C15-2200-3530	Interfund Exp.	Exp.	\$3,000.00	
C15-C15-2200-5642	Construction	Exp.	\$270,920.00	
C15-C15-2200-8508	Approp. Fpr. Con.	Exp.	\$14,000.00	
C15-C15-2200-5400	State Other	Rev.		\$400,000.00
Totals			<u>\$400,000.00</u>	<u>\$400,000.00</u>
Additions:				
C15-C15-2200-1011	Salaries	Exp.	\$390.00	
C15-C15-2200-1021	Retirement	Exp.	\$45.00	
C15-C15-2200-1022	Social Security	Exp.	\$40.00	
C15-C15-2200-1023	Health Insurance	Exp.	\$25.00	
C15-C15-2200-2150	Prof. Services	Exp.	\$72,528.00	
C15-C15-2200-2170	Publications	Exp.	\$100.00	
C15-C15-2200-3530	Interfund Exp.	Exp.	\$800.00	
C15-C15-2200-5642	Construction	Exp.	\$326,072.00	
C15-C15-2200-5400	State Other	Rev.		\$400,000.00
Totals			<u>\$400,000.00</u>	<u>\$400,000.00</u>
Combined:				
C15-C15-2200-1011	Salaries	Exp.	\$4,040.00	
C15-C15-2200-1021	Retirement	Exp.	\$475.00	
C15-C15-2200-1022	Social Security	Exp.	\$390.00	
C15-C15-2200-1023	Health Insurance	Exp.	\$245.00	
C15-C15-2200-1024	Life Insurance	Exp.	\$10.00	
C15-C15-2200-1025	Worker's Comp Ins.	Exp.	\$5.00	
C15-C15-2200-1026	Unemployment Ins.	Exp.	\$15.00	
C15-C15-2200-2150	Prof. Services	Exp.	\$177,528.00	
C15-C15-2200-2153	Services from Other	Exp.	\$2,000.00	
C15-C15-2200-2170	Publications	Exp.	\$500.00	
C15-C15-2200-3530	Interfund Exp.	Exp.	\$3,800.00	
C15-C15-2200-5642	Construction	Exp.	\$596,992.00	
C15-C15-2200-8508	Approp. Fpr Con.	Exp.	\$14,000.00	
C15-C15-2200-5400	State Other	Rev.		\$800,000.00
			<u>\$800,000.00</u>	<u>\$800,000.00</u>

Attachment I

C  
#20

BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Ratification)  
of Amendment No. 3 to Tulare  
County Agreement No. 15793. }

R E S O L U T I O N  
NO. 91-1507

Whereas, the Lemon Cove Sanitary District hereinafter referred to as the "District", and the County of Tulare, a political subdivision of the State of California, hereinafter referred to as the "County", have entered into Tulare County Agreement No. 15793 and Amendment No. 1 (Tulare County Agreement No. 15793-A) and Amendment No. 2 (Tulare County Agreement No. 15793-B) thereto, which Agreements are hereinafter referred to collectively as the "Agreement," and

Whereas said Agreement provides for, among other things, a cooperative effort to locate and, construct a common water source supply system (consisting of as many as two wells) located, constructed and operated by both parties, and for the construction of two separate water distribution systems, one of which is to be constructed and operated by the County within the Lemon Cove Zone of Benefit within County Service Area No. 1, and one of which is to be constructed and operated by the District within its area of jurisdiction; and

Whereas, the County and the District have determined that it would be to the benefit of both parties to amend their existing JPA to provide for the joint construction and construction administration of their separate water distribution systems; and

Whereas, the written documentation for such Amendment was inadvertently not presented to the Board of Supervisors on or before July



1, 1991 for execution due to the need to obtain certain approvals by the State Department of Water Resources and Health Services; and

Whereas, the County Department of Planning and Development staff entered into an oral agreement with the District to amend the existing JPA to provide for the joint construction of the separate water distribution system so the project could proceed expeditiously; and

Whereas, the Board of Supervisors had the authority to, had intended to, and would have entered into Agreement No. 3 to Tulare County Agreement No. 15793 as of July 1, 1991, but for the delay in receiving the needed documentation; and

Whereas, the Board of Supervisors desire upon execution of Amendment No. 3 to Tulare County Agreement No. 15793 to ratify such Amendment effective as of July 1, 1991;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Board of Supervisors hereby ratifies the oral agreements entered into on its behalf by the Department of Planning and Development staff amending Tulare County Agreement No. 15793 as those agreements are set out in Amendment No. 3 to Tulare County Agreement No. 15793 attached hereto.

2. That the Board of Supervisors hereby ratifies, effective as of July 1, 1991, and approves said Amendment No. 3 to Tulare County Agreement No. 15793.

3. That the Board of Supervisors authorizes the Chairman to sign said Amendment on its behalf effective July 1, 1991.

The foregoing resolution was adopted upon motion of Supervisor Harness, seconded by Supervisor Magoon, at a regular meeting on the 17th day of December, 1991, by the following vote:

AYES: Supervisors Gould, Magoon, Mangine & Harness

NOES: None

ABSTAIN: None

ABSENT: None



ATTEST: LOU J. FERNANDEZ  
County Executive/Clerk of the Board  
of Supervisors of the County of Tulare

By Janice McFarlin  
DEPUTY

ng/Dev 18  
7314  
/26/91 19

**AMENDMENT NO. 3 TO  
TULARE COUNTY AGREEMENT NO. 15793**

THIS AMENDMENT NO. 3 to Tulare County Agreement No. 15793 is made and entered into this 17<sup>th</sup> day of Dec, 1991, by and between the County of Tulare, a political subdivision of the State of California, hereinafter referred to as the "County", and the Lemon Cove Sanitary District, hereinafter referred to as the "District".

**WITNESSETH:**

WHEREAS, District and County have entered into Tulare County Agreement No. 15793 and Amendment No. 1 (Tulare County Agreement No. 15793-A) and Amendment No. 2 (Tulare County Agreement No. 15793-B) thereto (which Agreements are hereinafter referred to collectively as the "Agreement") providing, among other things, for a cooperative effort to locate and, if possible construct a common water source supply system (consisting of as many as two wells) located, constructed and operated by both parties and two separate water distribution systems, one of which is to be constructed and operated by the County within the Lemon Cove Zone of Benefit within County Service Area No. 1 and one of which will be constructed and operated by the District within its area of jurisdiction; and

WHEREAS, the Agreement expressly provides that the source of funding for said cooperative efforts is to be provided by the State of California Department of Water Resources through conditional grants to both parties under the California Safe Drinking Water Bond Law of 198<sup>9</sup> and that neither party is expected or required to contribute any amount to the cooperative Project in excess of the grant amounts awarded to the respective party; and

///

TULARE COUNTY AGREEMENT NO. 15793-C

1 WHEREAS, the State of California, Department of Water Resources has  
2 encouraged the County and the District to undertake design and construction of their  
3 community water systems as a joint effort to minimize costs and to enhance the  
4 County's ability to encumber its portion of the Project grants by the October 14, 1991  
5 County project grant completion deadline; and  
6

7 WHEREAS, the conditions of the District's grant allow the District additional  
8 time for completion of its water system and, if it wishes, to use some of that time to  
9 explore further for another adequate potable water source; and

10 WHEREAS, the Agreement provides that it may be modified or amended by  
11 the mutual consent of both parties in writing;

12 NOW, THEREFORE, in consideration of their mutual promises as hereinafter  
13 set forth, the parties hereto consent to amend the Agreement by this Amendment  
14 No. 3 as follows:  
15

16 1. Section I.B of the Agreement is amended to read as follows:

17 "B. The parties further contemplate that the described Project shall  
18 be accomplished for the amounts of the grants described above and that neither  
19 party shall be expected or required to contribute any amounts to this Project not  
20 eligible for or in excess of the grant amounts awarded to that particular party except  
21 as specifically provided herein. If at any time during this Agreement, either party or  
22 both mutually decide that further participation is infeasible because of the cost of the  
23 project, this Agreement may be terminated upon thirty days written notice to the  
24 other party. During the thirty day notice period, neither party shall be expected to  
25 continue performance of its obligations under this Agreement except, in the case of a  
26 unilateral, as opposed to a mutual decision, of financial infeasibility, the parties shall  
27  
28

1 shall negotiate in good faith during the thirty day notice period for an alternative  
2 solution to termination.\*

3 2. Section I.C Phase IV of the Agreement is amended to read as  
4 follows:

5 "Phase IV. The parties shall jointly contract with an  
6 appropriate contractor for the construction of the water distribution systems in  
7 accordance with the final grantor approved design, plans and specifications. The  
8 County's water distribution system, due to grantor time restraints, shall have  
9 construction priority."

10  
11 3. Section II.A. of the Agreement is amended to read as follows:

12 "A. Except as provided in Section 1.C Phase 1.(B) wherein the District  
13 through its independent effort enters into separate and independent contracts for the  
14 drilling of a test well, the County, by mutual consent, is designated as the lead  
15 agency for Phases I, II, III and IV of this Project. As Lead Agency, the County shall  
16 coordinate meetings, joint authorizations and negotiations, construction management,  
17 and other administrative activities. Although not otherwise involved with the District's  
18 activities under Section 1.C Phase 1.(B), the County shall, upon receipt of all  
19 necessary invoices and receipts for grant eligible activities in connection therewith  
20 from the District, submit such invoices and receipts to the grantors in accordance  
21 with the rest of the terms and provisions of the Agreement."

22  
23  
24 4. Section II.B, and the paragraphs thereto, of the Agreement is hereby  
25 amended to add a reference to Phase IV wherever reference to Phases I, II and III  
26 collectively is made.

27 ///

5. Section II.B.(4) as added by Amendment No. 2 (Tulare County Agreement No. 15793-B) to the Agreement is hereby rescinded and replaced by the following Section II.B.(4):

"(4) The parties agree to pool all grant funds for the Project and to pay the grant eligible costs and expenses therefrom in accordance with the amounts set out in Exhibit "D". Any increase in available grant funds due to any grant amendment shall be spent in accordance with the grant amendment terms. In order to best utilize the grant funds available, the parties agree that all grant eligible costs and expenses incurred and invoiced on or before October 14, 1991 shall be submitted to the grantor as charges against the County's grant until that grant is exhausted or the grant deadline for submitting charges is reached. After October 14, 1991, all grant eligible costs and expenses shall be submitted to the grantor as charges against the District's grant until that grant is exhausted or the grant deadline for submitting charges is reached."

6. Section II.B.(5) is hereby added to read as follows:

"(5) Each party may suggest improvements or additions to the Project not covered by the grant agreements or eligible for grant reimbursement. If at any time during the Agreement, the party unilaterally decides to undertake any grant ineligible improvements or additions to the Project, that party shall be responsible for all activities, including but not limited to all administration and construction, necessary or desired for such grant ineligible improvements or additions and shall pay for all the expenses or costs and expenses incurred therefore. Nothing in this provision shall prevent the parties from jointly undertaking any improvements or additions to the Project not contemplated or eligible under the

1 grant agreements pursuant to a written agreement between the parties expressly  
2 agreeing to and delineating such undertaking."

3 7. Section II.C is hereby amended to read as follows:

4 "C. During all phases of the Project both parties shall participate and be  
5 represented in meetings to determine the proper course of the Project and to be  
6 informed by the engineer as to the status of the Project."

7 8. Except as provided in this Agreement No. 3 to the Tulare County  
8 Agreement No. 15793, Tulare County Agreement No. 15793 and Amendment No. 1  
9 (Tulare County Agreement No. 15793-A) and Amendment No. 2 (Tulare County  
10 Agreement No. 15793-B) thereto, and all covenants, conditions and terms therein,  
11 shall remain in full force and effect and, as amended herein, represents the complete  
12

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and entire understanding between the parties as to those matter contained therein and herein.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 to Tulare County Agreement No. 15793 in the year and day first written above.

COUNTY OF TULARE

By *Charles R. Gould*  
Chairman, Board of Supervisors



ATTEST: LOUIS J. FERNANDEZ  
County Executive/Clerk of the Board  
of Supervisors of the County of Tulare

By *Janice McFarlin*  
Deputy

LEMON COVE SANITARY DISTRICT

By *Robert J. Risch*  
Chairman, Board of Directors

"District"

ATTEST: Secretary for the  
Board of Directors of the  
Lemon Cove Sanitary District

By *Bill Pensar*  
Bill Pensar, District Secretary

Approved as to form:  
County Counsel

By *Julia Sklar*  
Deputy

H:\Land\Julia\wp\LGRS\Lemoncov\JRS.Agr



BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF DECLARING AN )  
EMERGENCY REGARDING LEMON COVE )  
SAFE DRINKING WATER PROJECT )

RESOLUTION NO. 92-0099

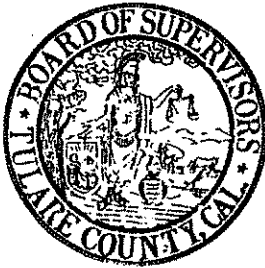
UPON MOTION OF SUPERVISOR MAGOON, SECONDED BY  
SUPERVISOR GOULD, THE FOLLOWING WAS ADOPTED BY THE BOARD  
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 21, 1992,  
BY THE FOLLOWING VOTE:

AYES: Supervisors Gould, Magoon, Mangine and Harness

NOES: None

ABSTAIN: None

ABSENT: None



ATTEST: LOUIS J. FERNANDEZ  
COUNTY EXECUTIVE/CLERK  
BOARD OF SUPERVISORS

BY: Janice McFarlin  
Deputy Clerk

\* \* \* \* \*

Declared an emergency for the Lemon Cove Safe Drinking Water  
Project providing for the temporary removal of the production  
pump at the McKay's Point Well Site and testing of the well seal

Plng/Dev  
FN 7890

1/23/92  
jm

BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

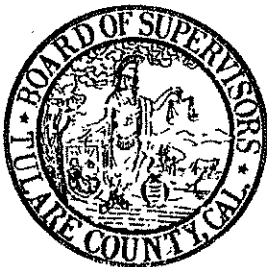
IN THE MATTER OF LEMON COVE  
SAFE DRINKING WATER PROJECT

RESOLUTION NO. 92-0100

UPON MOTION OF SUPERVISOR GOULD, SECONDED BY  
SUPERVISOR MAGOON, THE FOLLOWING WAS ADOPTED BY THE BOARD  
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 21, 1992,  
BY THE FOLLOWING VOTE:

AYES: Supervisors Gould, Magoon, Mangine and Harness

NOES: None  
ABSTAIN: None  
ABSENT: None



ATTEST: LOUIS J. FERNANDEZ  
COUNTY EXECUTIVE/CLERK  
BOARD OF SUPERVISORS

BY: Janice McFarlin  
Deputy Clerk

\* \* \* \* \*

Approved change order to the Lemon Cove Safe Drinking Water  
Project providing for the temporary removal of the production  
pump at the McKay's Point Well Site and testing of the well seal

Plng/Dev  
FN 7890

1/23/92  
jm

RECORDING REQUESTED BY AND MAIL TO:

92-031559

Total

.00

NAME CLERK BOARD OF SUPERVISORS  
ADDRESS \_\_\_\_\_  
CITY & \_\_\_\_\_  
STATE \_\_\_\_\_

Recorded  
Official Records  
County of  
Tulare  
Madine Svoboda  
Recorder  
8:01am 30-Apr-92

DN 2

PLEASE RECORD AND RETURN  
TO CLERK OF THE BOARD

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the project entitled Lemon Cove Zone of Benefit and the Lemon Cove Sanitary District, Lemon Cove Safe Drinking Water Project, Tulare County Agreement No. 16390, dated August 23, 1991, pursuant to a contract between the County of Tulare and Schiedt, Haydon & Hall Construction Co., was completed on January 30, 1992, and that the County of Tulare and the Lemon Cove Sanitary District are the owners of said installation.  
Dated this 27th day of April, 1992.

COUNTY OF TULARE  
Planning and Development Department

By:

Date: 4/27/92

STATE OF CALIFORNIA )

COUNTY OF TULARE )

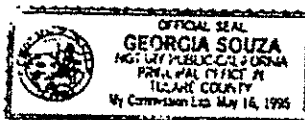
George Finney, being first duly sworn, deposes and says: that he is authorized to execute the foregoing Notice of Completion for the County of Tulare, that he has read the foregoing notice, knows the contents thereof, and that the facts stated herein are true; that he makes this affidavit on behalf of and pursuant to authorization of the Board of Supervisors of the County of Tulare.

[Signature]  
Planning & Development Department

Subscribed and sworn to before me

this 27 day of April 1992.

[Signature]  
Notary Public in and for the County  
of Tulare, State of California.



BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

\* \* \*

IN THE MATTER OF NOTICE	)	
OF COMPLETION FOR:	)	
LEMON COVE SAFE DRINKING	)	RESOLUTION NO. 92-0639
WATER WELL SITE AND	)	
APPURTANANCES	)	
	)	
TULARE COUNTY AGREEMENT	)	
NO. 16389	)	

Upon motion of Supervisor Gould, seconded by Supervisor Johnson, the following resolution was made, passed and adopted:

WHEREAS, George E. Finney, Director, Tulare County Planning & Development Department

has certified to this Board of Supervisors that the work has been completed in accordance with plans and specifications and is ready for acceptance.

NOW, THEREFORE, IT IS ORDERED that the Project for the Lemon Cove Safe Drinking Water Well Site and Appurtenances

being completed by W.M. Lyles Construction Company be, and the same is hereby accepted.

That the Clerk of this Board of Supervisors is hereby authorized to record a Notice of Completion of said work in the office of the Tulare County Recorder.

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors held June 2, 1992, by the following vote:

AYES:Supervisors Gould, Magoon, Johnson, Harness & Maples  
NOES:None  
ABSTAIN:None  
ABSENT:None

92-041046 92-041046 92-041046

RECORDING REQUESTED BY AND MAIL TO:

CLERK BOARD OF SUPERVISORS

ESS

92-041046

Total .00

Recorded  
Official Records  
County of  
Tulare  
Madine Svoboda  
Recorder  
11:13am 5-Jun-92

BT 3

PLEASE RECORD AND RETURN  
TO CLERK OF THE BOARD

### NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the project entitled Lemon Cove Zone of Benefit and the Lemon Cove Sanitary District, Lemon Cove Safe Drinking Water Project, Tulare County Agreement No. 16389, dated September 5, 1991, pursuant to a contract between the County of Tulare and W. M. Lyles Co., Inc., was completed on January 30, 1992, and that the County of Tulare and the Lemon Cove Sanitary District are the owners of said installation.  
Dated this 2 day of June 1992.

COUNTY OF TULARE  
Planning and Development Department

BY: [Signature]  
Date: 5/26/92

STATE OF CALIFORNIA )  
COUNTY OF TULARE )

George E. Finney, being first duly sworn, deposes and says: that he is authorized to execute the foregoing Notice of Completion for the County of Tulare, that he has read the foregoing notice, knows the contents thereof, and that the facts stated herein are true; that he makes this affidavit on behalf of and pursuant to authorization of the Board of Supervisors of the County of Tulare.

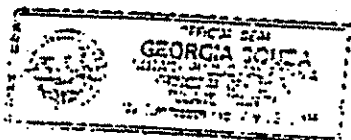
[Signature]  
Planning & Development Department

Subscribed and sworn to before me

this 2 day of June 1992.

[Signature]  
Notary Public in and for the County  
of Tulare, State of California.

Please see attached  
Resolution.



*Maze*  
*Dixler*

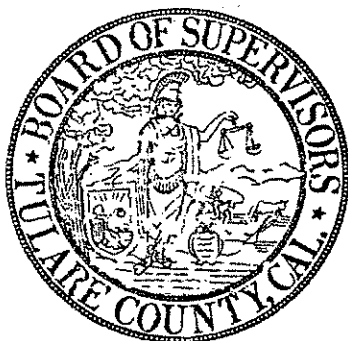
BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA

\* \* \*

IN THE MATTER OF JOINT POWERS	)	
AGREEMENT WITH LEMON COVE	)	RESOLUTION NO. 94-1441
SANITATION DISTRICT AND	)	AGREEMENT NO. 17618
SEQUOIA UNION SCHOOL DISTRICT	)	
	)	
	)	

UPON MOTION OF SUPERVISOR HARNESS, SECONDED BY  
SUPERVISOR MAZE, THE FOLLOWING WAS ADOPTED BY THE BOARD OF  
SUPERVISORS, AT AN OFFICIAL MEETING HELD NOVEMBER 29, 1994, BY THE  
FOLLOWING VOTE:

AYES: Supervisors Richmond, Maze, Harness and Maples  
NOES: None  
ABSTAIN: None  
ABSENT: Supervisor Sanders



ATTEST: THOMAS F. CAMPANELLA  
ADMINISTRATIVE OFFICER/CLERK  
BOARD OF SUPERVISORS

BY: *Janice McFarlane*  
Deputy Clerk  
\*\*\*\*\*

Approved the joint powers agreement between Tulare County with Lemon Cove  
Sanitation District and Sequoia Union School District to provide a water connection  
for fire flow only and authorized the Chairman to sign the agreement upon receipt.

Pub Wks  
Auditor  
FN 10022  
  
11/30/94  
jm

**Lemon Cove Sanitary District  
Lemon Cove Water  
P. O. Box 0374  
Lemon Cove, CA 93244-0374**

April 27, 2012

Supervisor Allen Ishida  
Board of Supervisors Office  
2800 West Burrel Avenue  
Visalia, CA 93291

Dear Supervisor Ishida:

Please find enclosed the requested white paper outlining the unfortunate relationship between the County of Tulare and the Lemon Cove Sanitary District. There is, of course, considerable more information and numerous humorous anecdotes we could offer, but we endeavored to restrict it to one page. It is our belief and experience that multipage documents rarely get read in detail. It is our desire, before extraordinary measures need to be taken, to afford the County one last opportunity to honestly uphold the terms they set forth and to address what we feel are legitimate claims and concerns. We owe it to the residents of our District to hold the County accountable.

I appreciate your assistance in this matter. If you have further questions , please do not hesitate to phone. I can be reached at my home at 559-597-2504.

Sincerely,

William Pensar, Secretary  
Lemon Cove Sanitary District

cc:  
Jessi Snyder, Paul Boyer, S.H.E.  
Linda Ng, Jeremy Callihan, DWR  
District Counsel  
Charles Hemans, TCEHD  
Denise Akins, SOAC  
Laurel Firestone, CWC

## LEMON COVE SANITARY DISTRICT AND COUNTY SERVICE AREA #1

In 1983, the Lemon Cove Sanitary District, applied for and received a 1984 Safe Drinking Water Grant of \$400,000 (Contract #E59221). The purpose was to address the problem of high nitrates. The County, at the same time and without the Sanitary District's knowledge, applied for and received \$394,000 (Contract #E59222), to address the same problem in an area adjacent to and south and west of the District. These applications were independent acts and initially the District neither knew of, nor encouraged the County's action. Later at the State's urging, the parties were cajoled into combining systems. The County assumed Lead Agency status. Agreement #15793 was drafted, signed and recorded between the District and the Board of Supervisors in May of 1990, before the combined project commenced. Page 7 of that agreement's Section III. reads,

*"ADDITIONAL OBLIGATIONS UPON DECISION TO PROCEED If both parties agree to proceed beyond the Phase I portion of the Project, each shall undertake the following, additional obligations: A. Negotiate in good faith and enter into a joint powers agreement with the other party for the operation and maintenance of the common water source supply system. Included in such obligation is the obligation of each party to reasonably assess or charge its water users or otherwise provide for its proportionate cost of operating and maintaining the common water source supply system, including establishing a fund for depreciation and future capital improvement needs."*

We were promised, and this document indicates an intent on the part of the County to share responsibility for what turned out to be a one-well system with over three miles of pipe and nitrates that exceeded the mandated level (and continued to climb to almost 100 ppm. in the fall of 1999). The design of this system was predicated on the county's involvement and it was never contemplated to be a system serving a small compact district 2 pipe-miles away from its sole water source. These unintended aspects have created unique maintenance issues for the Lemon Cove Sanitary District.

The County, having installed 31 meters in their County Service Area #1, which lies between the well and the LCSD, decided not to allow connections in its area, and has been less than reluctant to participate in system operation. While the reasons for the County's behavior have never been officially stated, the belief is widely held that if anyone was connected in the CSA #1, it would place the County under a compliance order similar to that under which the LCSD currently labors. Never the less, the County took almost \$400,000 from the State of California, has activated not one of its meters, and has ignored the Sanitary District's repeated requests that it honor its obligations and shoulder its agreed-upon share of the maintenance and operation of the project. The county has NOT participated in the O&M of the system and written requests have been ignored. After considerable expenditure of time, talent and treasure by the District, and years of exposure to contaminated water, we continue to seek resolution from our silent, passive partner and still stand ready to negotiate in good faith.



TABLE 1  
Lemon Cove Water Project  
Summary of Tulare County  
Board of Supervisor Action

Document Name	Document Type	Date	Summary	Resolution	Contract \$	Have doc?
SDWBL		6/18/85	Approve appl. for SDWBL	85-0892		n
SDW Contract E59222	Agreement #15194	9/20/88	Appvl of grant w/DWR			y
Budget		11/8/88	Est. Budg. for LC	88-0695		n
ZOB		2/28/89	Rename zone of benefit	89-0021		n
Budget		1/2/90	Estimated budget	90-0024		n
Tulare Co. & LCSD - JPA	Agreement #15793	5/22/90	JPA Agreement	90-0591		y
K/W Engineering-JPA	Agreement #15793	5/22/90				
Keller/Wegley Engineers	Agreement #15794	5/22/90	Well & Appurtanences			
DWR	Agreement #15194B	11/20/90	Ammend cont/ext. date	90-1434		n
Direction		3/5/91	Direction to Staff	91-0248A		y
Plans & specs		3/26/91	Approved test wells & specs & authorized bids	91-0351		y
JPA-amend A	Agreement #15793A	4/9/91	Engineer to construct &	91-0403		y
Keller/Wegley Engineers	Agreement #16185	4/9/91	Water Distribution System	91-0397		y
Montgomery Easement	Agreement #16186	4/9/91	Test/Production Wells &	91-0397		y
1st McKay's Pt easement	Agreement #16200	4/23/91	Rescind agreement 4/9/91	91-0457		y
		4/30/91	Authorized planning & dev. to neg. w/ well drillers	91-0499		y
Layne Environ.Services	Agreement #16264	6/11/91	Drill Test Wells-McKay's	91-0692		y
Cairns Easement	Agreement #	6/18/91	Drill test well-easements	91-0716		y
Neg. Dec.		7/2/91	Adopt neg. dec.	91-0784		y
		7/9/91	Approval of plans & specs	91-0812		y
JPA - amend B	Agreement #15793B	7/23/91	District to contract to drill well alone			y
Amend Bid Documents	Bid Document	8/13/91	Change completion dates	91-0953		n
Scheidt, Hayden & Hall	Bid Award	8/15/91	Water Distribution System	91-0954	\$351,373.00	y
Addendum to Bid Doc.			Well & Appurt. Bid doc.	91-0933		n
W.M. Lyles	Bid Award	8/15/91	Well & Appurtanences	91-0954	\$210,974.00	y
Scheidt/Hayden/Hall Cont	Agreement #16390	8/15/91	Distribution System Const			
W.M.Lyles Contract	Agreement #16389	9/5/91	Well & Appurtanences Con			
?		9/10/91	?	91-1044		n
Interim finance & amend budget		9/10/91	\$150,000 interim finance 120 days at 5.75% interest	91-1046		y
Keller/Wegley Engineers	Agreement #16185A	9/10/91	Increase contract \$10,000	91-1048	\$10,000.00	y
McKay's Easement	Agreement #16201	9/11/91	Easement - Secondary Well			y
W.M.Lyles NTP	Notice to Proceed	9/12/91	Begin Construction			
Scheidt, Hayden, & Hall NTP	Notice to Proceed	9/13/91	Begin construction			
McKay's Easement	Recorded	9/26/91	Easement - Secondary Well			
		11/19/91	Approved FY 1991/92 Budget	91-1311		y
CDBG	Hearing	12/10/91	Set hearing for CDBG	91-1403		n
DWR		12/10/91	Ammend SDW contract & inc. grant to \$400,000	91-1413		n
JPA - amend C	Agreement #15793C	12/17/91	Authorize Co. to Admin.	91-1507		y
CDBG		12/17/91	Approve cdbg prgm in LC for water hookups	91-1428		n
Gen funds		1/7/92	Extension of repayment deadline to gen fund	92-0025		y
Emergency prod well		1/21/92	Declared emergency	92-0098		y
Prod. well		1/21/92	App'd change order for removal of pump	92-0099		y
Well seal		1/21/92	App'd change order for testing of well seal	92-0100		y
Self_Help	Agreement #16546	2/18/92	CCDBG			y
Final Change Orders	Approval	3/24/92	Final Change orders	92-0034		y
Scheidt, Hayden & Hall	Notice o Completion	3/24/92	NOC for Distrib. System	92-0335	\$363,171.87	y
Scheidt, Hayden & Hall	Notice o Completion	4/30/92	Recorded	92-031559		y
W.M.Lyles NOC	Notice o Completion	6/2/92	NOC for Well & Appurtanence	92-0639	\$219,714.00	y
W.M. Lyles NOC	Notice o Completion	6/5/92	Recorded	92-041046		y
Interim financing		6/30/92	Extension of repayment of \$50,000 inter. financing	92-0769		y
Budget		12/15/92	Establishing a FY 92/93 closeout budget	92-1390		y

Utilities/LEMON - W LEMONCO 09/15/2005 Modified 5/28/2002 4:36 PM Transferred fr. Dsgn to Utilities  
Also Utilities/Water/LemonCove Water/LEMONCO.xls - Modified 10/14/1994 10:26 PM

# Lemon Cove Community Plan 2019

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# Lemon Cove Community Plan 2019

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## Appendices

Appendix A: Planning Commission Resolutions

Appendix B: Board of Supervisors Resolution

# Lemon Cove Community Plan 2019

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# Lemon Cove Community Plan 2019

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## Appendix A: Planning Commission Resolutions

# Lemon Cove Community Plan 2019

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BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF THE INITIAL STUDY AND )  
MITIGATED NEGATIVE DECLARATION FOR )  
THE LEMON COVE COMMUNITY PLAN 2019 )  
(GPA 17-007) INCLUSIVE OF ZONING )  
ORDINANCE AMENDMENTS FOR LEMON ) RESOLUTION NO. 9692  
COVE MIXED USE OVERLAY DISTRICT )  
(PZC 19-016), LEMON COVE BY-RIGHT USES )  
(PZC 19-017), AND LEMON COVE ZONING )  
DISTRICT MAP (PZC 17-007) )

Resolution of the Tulare County Planning Commission ("Commission") recommending adoption to the Board of Supervisors ("Board") of the Initial Study and Mitigated Negative Declaration (IS/MND), inclusive of the Mitigation Monitoring and Reporting Plan (MMRP) for the Lemon Cove Community Plan 2019 (GPA 17-007, PZC 19-016, PZC 19-017, and PZC 17-007). The General Plan Amendment is required to (i) allow preparation and adoption of the Lemon Cove Community Plan, (ii) approve an amendment to Section 18.9 of the Zoning Ordinance to add Lemon Cove to the Mixed Use Overlay Zoning District and, (iii) approve an amendment to Section 16 of the Zoning Ordinance to allow additional by-right uses (within the Lemon Cove Urban Development Boundary, pursuant to Sections 15070 through 15073 of the CEQA Guidelines. The unincorporated community of Lemon Cove is located within Sections 02, 03, 10, and 11, Township 18 South, Range 27 East Mount Diablo Base & Meridian (MDB&M).

WHEREAS, the IS/MND (Exhibit "A"), inclusive of the MMRP (Attachment "E" of Exhibit "A"), is attached and incorporated by reference herein; and

WHEREAS, on April 4, 2017, the Board, by Resolution No. 2017-0222, approved the Economic Development and Planning Branch's proposal to prepare the Lemon Cove Community Plan; and

WHEREAS, this resolution of the Commission recommends that the Board adopt the IS/MND, inclusive of the MMRP for the Lemon Cove Community Plan 2019, as being in compliance with the California Environmental Quality Act ("CEQA") and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 ("State CEQA Guidelines"); and

WHEREAS, on November 8, 2019, pursuant to State CEQA Guideline section 15072, the Notice of Intent to Adopt the IS/MND for the Lemon Cove Community Plan 2019, was published in the Visalia Times Delta (a newspaper of general circulation in Tulare County) and posted on the Tulare County Resource Management Agency (RMA) website. The Notice of Completion for this IS/MND was submitted to the State Clearinghouse for circulation to relevant State Agencies,

and notification to necessary property owners, for public review, with a review period that started on November 8, 2019, and closed on December 9, 2019; and

WHEREAS, the IS/MND, inclusive of the MMRP, is for the Lemon Cove Community Plan 2019 inclusive of General Plan Amendment No. GPA 17-007, Mixed Use Overlay PZC 19-016, Additional By-Right Uses PZC 19-017 and Community Plan Rezoning No. PZC 17-007; and

WHEREAS, at the December 11, 2019 meeting of the Planning Commission, Staff presented the 2019 Lemon Cove Community Plan. Michael Eberisk voiced his concerns regarding proposed R-3-MU Zoning on property located (24412 Avenue 328, Lemon Cove, California) directly adjacent to his property. Eberisk went on to explain the adjacent property stores airstream trailers and he was concerned that they were for an Airbnb trailer park. Eberisk also stated the lighting situated over the airstream trailers has impacted the nesting area of owls. Eberisk provided additional paperwork including 38 Lemon Cove community members signatures opposed to the proposed R-3-MU zoning on the adjacent property. Eberisk did confirm there was no evidence the adjacent property owner was renting the trailers as it was speculative based. Tom Storm, (24412 Avenue 328) property owner spoke regarding his request to change the zoning on his property (APN 113-110-035) from R-3 to R-3-MU. Storm explained over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Storm provided details on the airstream trailers stating they were placed on concrete with the location manicured which was for personal use. Storm had inquired with the County regarding pursuing an Airbnb however, the County advised that it was not possible but recommended changing the zoning to R-3-MU to allow for a commercial business utilizing the existing buildings on his property. Storm stated he had no intention of pursuing an Airbnb, however, his wife is an artist and when he retires his intention was to open an art studio. Assistant RMA Director–Economic Development & Planning, Aaron Bock suggested a continuance would be appropriate due to time constraints as another meeting was scheduled to occupy the room. Commissioner Dias made a motion that the public hearing be continued to the next Planning Commission meeting to be held on January 15, 2020. Commissioner McElroy seconded the motion. Commissioners Elliott, Aguilar, Millies, McElroy, Dias, and Pearson approved continuing the 2019 Lemon Cove Community Plan to the January 15, 2020, and Commissioner Whitlatch was absent; and

WHEREAS, a public hearing was held on January 15, 2020 at a regularly scheduled Planning Commission meeting The Chairman of the Planning Commission reminded the audience, that the public hearing was still open, and for anyone with comments to approach the Commission; and

WHEREAS, at that meeting of the Planning Commission , Staff presented the 2019 Lemon Cove Community Plan, and public testimony was received by Harold Wyatt, Michael Eberisk, and Bill Pensar, who spoke in favor of the Lemon Community Plan, but requested that the Planning Commission deny the proposed R-3-MU rezoning changes for two parcels (APN 113-210-032) from R-A to R-3-MU zone and (APN 113-110-035) from R-3 to R-3-MU zone in regards to the Lemon Cove Community Plan Rezoning Plan (PZC 17-007). Additional written communications was received from Bill Pensar. Aaron Bock, recapped Tom Storm’s public testimony presented at the December 11, 2019, Planning Commission hearing for the 2019 Lemon Cove Community Plan, regarding the air stream trailers located on the Storm’s property As follows: 1) The air stream trailers



have been located on the property for years and he has been remodeling them, 2) The trailers are not being used as rentals, and 3) over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop) Aaron Bock stated the County has police powers to protect the public health, safety, and welfare of its residents. Mr. Bock went on to inform the Planning Commissioners of the economic benefits the County has offered with the adoption of mixed use zoning in the last 35 community plans and that this is the first time that there has been opposition to mixed use zoning in a community.

WHEREAS, this resolution recommends that the Board approve and certify the IS/MND, inclusive of the MMRP, for the 2019 Lemon Cove Community Plan that was presented at the meeting on January 15, 2020; and

WHEREAS, the Commission finds that the Staff of the Tulare County RMA has conducted the necessary investigations (including environmental review of this matter); prepared a written Staff Report (made a part hereof), and provided additional information affecting this IS/MND, inclusive of the MMRP, and identification of errata within the IS/MNDs (Exhibit "B"), at the public hearing noticed, convened and conducted for this matter; and based on substantial evidence, submitted this IS/MND, inclusive of the MMRP for the consideration of, and action by, the Commission; and

WHEREAS, through a good faith and substantial analysis of environmental impacts from this Project in the IS/MND, staff found, and the Commission agrees, that all impacts are less than significant, with the exception of Biological, Cultural, and Tribal Cultural Resources, which will be less than significant with mitigation; and therefore, the IS/MND and MMRP were the appropriate level of environmental review under CEQA for this Project; and

WHEREAS, the Lemon Cove Community Plan 2019 will become consistent with the Tulare County General Plan 2030 Update, and will include the following primary goals and objectives;

- 1) Land Use and Environmental Planning - Promote development within planning areas next to the Regional State Route 198 and State Route 216 Corridors in order to implement the following General Plan goals:
  - a) Ensure that the text and mapping of the Community Plan Designations and Zoning Reclassifications address various development matters such as encouraging Agricultural Adaptive Reuse activities, recognizing Non-Conforming Use activities, and facilitating Ministerial Permit approvals;
  - b) Encourage infill development within Urban Development Boundaries, thereby discouraging leapfrog development within Tulare County;
  - c) Reduce development pressure on agriculturally designated lands within the Valley Floor, thereby encouraging agricultural production to flourish;
  - d) Reduce vehicle miles travelled throughout the County, thereby positively affecting air quality and greenhouse gas reduction; and

- e) Help to improve the circulation and transit systems within this community, including, but not limited to, laying the groundwork for the construction of key projects such as Safe Routes to Schools, Complete Streets, and Bike Lanes/Pedestrian Paths.
- 2) Improvements for a “disadvantaged community” - It is expected that the community planning areas will be improved for the following reasons:
- a) With faster project processing resulting from an updated community plan, increased employment opportunities are more likely to be provided by the private sector as proposed project developments can be approved as expeditiously as possible;
  - b) Increased housing grant awards are more likely to occur based on updated community plans that are consistent with the policies of the General Plan 2030 Update (August 2012) and the Housing Element 2015 Update (November 2015); and
  - c) With updated community plans, enhanced infrastructure grant awards are more likely, thereby providing access to funding to install or upgrade road, water, wastewater, and storm water facilities.
- 3) Strengthening Relationship with TCAG - An important benefit of this expedited community plan process will be the opportunity for RMA to strengthen the County’s relationship with the Tulare County Association of Governments (TCAG) in that this and other community plans will help to facilitate the funding and implementation of several key transportation programs such as Safe Routes to Schools, Complete Streets, and Bike/Pedestrian Projects. By pursuing these transportation programs through a heightened collaborative process, the likelihood of getting actual projects in the ground will be realized faster than historically achieved. In doing so, these communities and others can become safer and healthier by providing a more efficient transportation network.

WHEREAS, an IS/MND for the Lemon Cove Community Plan 2019, inclusive of General Plan Amendment No. GPA 17-007, Mixed Use Overlay PZC 19-016, Additional By-Right Uses PZC 19-017, and Community Plan Rezoning No. PZC 17-007, was prepared by Tulare County Staff and approved for public review by the Tulare County Environmental Assessment Officer; and submitted for 30-day public review, comment, and response on November 8, 2019;

WHEREAS, in accordance with state and local ordinance, RMA Staff has given due notice of the public hearing for the IS/MND that would be held for the purpose of receiving comment on the environmental document for the Lemon Cove Community Plan 2019 (GPA 17-007, PZC 19-016, PZC 19-017, and PZC 17-007); and

WHEREAS, the IS/MND and Environmental Impacts Checklist for the Lemon Cove Community Plan 2019 were duly circulated for a 30-day public review period commencing on November 8, 2019, and ending December 9, 2019, and

WHEREAS, on Wednesday, November 27, 2019, a Notice of Public Hearing was duly sent to public agencies, pertinent departments, and interested parties, and published in the Visalia Times Delta (a newspaper of general circulation in Tulare County) for a Commission meeting set for Wednesday, December 11, 2019; and

WHEREAS, Written comments were received during the 30-day comment period; and

WHEREAS, a public hearing was conducted on December 11, 2019 and January 15, 2020, at the regular Planning Commission Meeting in the Board of Supervisors Chambers where there was opportunity for public testimony to be received on the Project; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. This Commission hereby recommends certification by the Board based on their findings and substantial evidence in the record that the analysis presented in the IS/MND, inclusive of the MMRP, for the Lemon Cove Community Plan 2019 (GPA 17-007, PZC 17-007, PZC 19-016, and PZC 17-017) has been completed in compliance with CEQA and the State CEQA Guidelines.

2. This Commission further finds that the public review period for the IS/MND, inclusive of the MMRP, closed on December 9, 2019, and a Public Hearing was opened on December 11, 2019 and continued to January 15, 2020, and was opened and closed at the conclusion of the items discussed, at a regular meeting of the Commission held on January 15, 2020.

3. This Commission is deemed the recommending body, and the Board is the approving body, with respect to the IS/MND and Community Plan. In the context of CEQA, the County is the "Lead Agency."

4. Therefore, the findings made in regards to the IS/MND, inclusive of the MMRP, for the Project, are recommended by the Commission for the County as Lead Agency on January 15, 2020, by Resolution No. 9692.

5. Consistent with Public Resource Code section 21081 and State CEQA Guidelines sections 15091 through 15093 (including Public Resources Code section 21061.1 and State CEQA Guidelines section 15364 relating to the definition of "feasibility"), the Commission hereby makes various findings relating to the less than significant effects identified in the Project IS/MND. Based on substantial evidence in the IS/MND and pursuant to the discussion in each section of the IS/MND, and the Public Record of Proceedings, the Commission finds and declares that the mitigation measures included in the MMRP are required and that the Project will not cause a significant impact to the environment with adoption of these mitigations measures.

AND, BE IT FURTHER RESOLVED as follows:

A. The Commission, after considering all of the evidence presented, hereby determines the following findings to be relevant in evaluating the proposed General Plan Amendments:

1. The amendment of the Land Use Element to incorporate the land use designations contained in the Lemon Cove Community Plan 2019 is recommended to the Board for approval.
2. The amendment of the General Plan Transportation and Circulation Element to incorporate circulation plan designations and the “Complete Streets Programs” contained in the Lemon Cove Community Plan 2019 is recommended to the Board for approval.
3. The amendment of the Planning Framework Element to adopt Urban Development Boundaries and the amendment to the Environmental Resources Management Element to modify the urban expansion area in the open space element reflective of the adoption of urban development boundaries consistent with the Planning Framework Element of the Tulare County General Plan as the Lemon Cove Urban Development Boundary expanded by 263.7 acres, from approximately 404.1 acres to approximately 667.8 acres, as set forth in the Lemon Cove Community Plan 2019 in GPA 17-007.
4. Amendments to the Zoning Ordinance (PZC 19-016, PZC 19-017, and PZC 17-7) to implement the Lemon Cove Community Plan 2019 will reflect and remain consistent with the Land Use Plan for the community exclusive of the proposed R-8) MU rezoning changes for two parcels (APN 113-210-032) from R-A to R-3-MU zone and (APN 113-110-035) from R-3 to R-3-MU zone in regards to the Lemon Cove Community Plan Rezoning Plan (PZC 17-007).
5. State law requires that the County General Plan shall be internally consistent. The proposed amendments are consistent with the Land Use, Transportation and Circulation, Planning Framework, and Environmental Resources Management Elements of the Tulare County General Plan.
6. The Environmental Assessment Officer approved the IS/MND, inclusive of the MMRP, prepared for the Lemon Cove Community Plan 2019.
7. This Commission hereby finds, based on substantial evidence that the analysis presented in the IS/MND, inclusive of the MMRP, for the Lemon Cove Community Plan 2019 (GPA 17-007) has been completed in compliance with CEQA and the State CEQA Guidelines.
8. RMA Staff conducted public outreach as part of the Lemon Cove Community Plan 2019 and Complete Streets process.

B. The Commission finds that the County is required to implement Mitigation Measures (see Attachment “E” of Exhibit “A”), that are restrictive and applied only to the Lemon Cove Community Plan 2019. Therefore, the public will benefit from the Project as it will

implement the General Plan and advance socially desirable community improvements that are environmentally and economically sound.

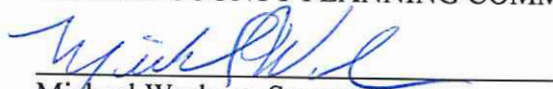
C. The Commission confirms that the IS/MND, inclusive of the MMRP, is available at the Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277, (559) 624-7000. The custodian for these documents and other material is Mr. Hector Guerra, Chief Environmental Planner, Environmental Planning Division, Tulare County Resource Management Agency.

D. The Commission hereby recommends that the Board: (i) certify and adopt the IS/MND, inclusive of the MMRP, for the Lemon Cove Community Plan 2019 (GPA 17-007, PZC 19-016, PZC 19-017, and PZC 17-007), and (ii) direct the Environmental Assessment Officer, or designee, to file the Notice of Determination for the Project upon approval of the Community Plan.

The foregoing resolution was adopted upon motion of Commissioner Millies, seconded by Commissioner Aguilar, at a regular meeting of the Planning Commission on January 15, 2020, by the following roll call vote:

AYES: Elliott, Aguilar, Whitlatch, Millies, McElroy, Dias, and Pearson  
NOES:  
ABSTAIN:  
ABSENT:

TULARE COUNTY PLANNING COMMISSION

  
Michael Washam, Secretary

Exhibits:

- A – Initial Study and Mitigated Negative Declaration (IS/MND), inclusive of the Mitigation Monitoring and Reporting Plan (MMRP, Attachment “E” of this Exhibit)
- B – Errata

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENTS TO THE )  
LAND USE, TRANSPORTATION AND )  
CIRCULATION, OPEN SPACE (ERME) )  
AND PLANNING FRAMEWORK ELEMENTS ) RESOLUTION NO. 9693  
OF THE TULARE COUNTY GENERAL PLAN )  
2019 LEMON COVE COMMUNITY PLAN )  
(GPA 17-007). )

Resolution of the Tulare County Planning Commission recommending the adoption of the proposed amendments to the Land Use, Transportation and Circulation, Environmental Resources Management (Open Space), and Planning Framework Elements of the Tulare County General Plan for the Lemon Cove Community by the Board of Supervisors.

WHEREAS, the Tulare County Board of Supervisors, by Resolution No. 2017-0222, on April 4, 2017 initiated the action to amend the Tulare County General Plan pursuant to title 7, Chapter 3, Articles 5 and 6 of the Government Code of the State of California; and

WHEREAS, the Planning Commission has been given notice of the proposed amendment to the General Plan as provided in Section 65854 of the Government Code of the State of California; and

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

WHEREAS, a public notice was printed in the Foothills Sun-Gazette on Wednesday, November 27, 2019, at least ten days prior to the public hearing before the Planning Commission on December 11, 2019; and

WHEREAS, the Chairman of the Planning Commission Opened the Public Hearing and thereby an opportunity for public testimony was provided at a regular meeting of the Planning Commission on December 11, 2019; and

WHEREAS, at the December 11, 2019 meeting of the Planning Commission, Staff presented the 2019 Lemon Cove Community Plan. Michael Eberisk voiced his concerns regarding proposed R-3-MU Zoning on property located (24412 Avenue 328, Lemon Cove, California) directly adjacent to his property. Eberisk went on to explain the adjacent property stores airstream trailers and he was concerned that they were for an Airbnb trailer park. Eberisk also stated the lighting situated over the airstream trailers has impacted the nesting area of owls. Eberisk provided additional paperwork including 38 Lemon Cove community members signatures opposed to the proposed R-3-MU zoning on the adjacent property. Eberisk did confirm there was no evidence the adjacent property owner was renting the trailers as it was speculative based. Tom Storm, (24412 Avenue 328) property owner spoke regarding his request to change the zoning on his property (APN 113-110-035) from R-3 to R-3-MU. Storm explained over the last 50-60 years the property has been used for three different

commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Storm provided details on the airstream trailers stating they were placed on concrete with the location manicured which was for personal use. Storm had inquired with the County regarding pursuing an Airbnb however, the County advised that it was not possible but recommended changing the zoning to R-3-MU to allow for a commercial business utilizing the existing buildings on his property. Storm stated he had no intention of pursuing an Airbnb, however, his wife is an artist and when he retires his intention was to open an art studio. Assistant RMA Director–Economic Development & Planning, Aaron Bock suggested a continuance would be appropriate due to time constraints as another meeting was scheduled to occupy the room. Commissioner Dias made a motion that the public hearing be continued to the next Planning Commission meeting to be held on January 15, 2020. Commissioner McElroy seconded the motion. Commissioners Elliott, Aguilar, Millies, McElroy, Dias, and Pearson approved continuing the 2019 Lemon Cove Community Plan to the January 15, 2020, and Commissioner Whitlatch was absent; and

WHEREAS, a public hearing was held on January 15, 2020 at a regularly scheduled Planning Commission meeting. The Chairman of the Planning Commission reminded the audience, that the public hearing was still open, and for anyone with comments to approach the Commission; and

WHEREAS, at that meeting of the Planning Commission , Staff presented the 2019 Lemon Cove Community Plan, and public testimony was received by Harold Wyatt, Michael Eberisk, and Bill Pensar, who spoke in favor of the Lemon Community Plan, but requested that the Planning Commission deny the proposed R-3-MU rezoning changes for two parcels (APN 113-210-032) from R-A to R-3-MU zone and (APN 113-110-035) from R-3 to R-3-MU zone in regards to the Lemon Cove Community Plan Rezoning Plan (PZC 17-007). Additional written communications was received from Bill Pensar. Aaron Bock, recapped Tom Storm’s public testimony presented at the December 11, 2019, Planning Commission hearing for the 2019 Lemon Cove Community Plan, regarding the air stream trailers located on the Storm’s property As follows: 1) The air stream trailers have been located on the property for years and he has been remodeling them, 2) The trailers are not being used as rentals, and 3) over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop) Aaron Bock stated the County has police powers to protect the public health, safety, and welfare of its residents. Mr. Bock went on to inform the Planning Commissioners of the economic benefits the County has offered with the adoption of mixed use zoning in the last 35 community plans and that this is the first time that there has been opposition to mixed use zoning in a community.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for compliance with the California Environmental Quality Act (CEQA), and the State CEQA Guidelines for the Implementation of CEQA, prior to taking action on the proposed amendments to the Land Use, Open Space, Planning Framework, and



Transportation & Circulation Elements of the Tulare County General Plan for the 2019 Lemon Cove Community Plan.

B. This Planning Commission, after considering all the evidence presented, hereby determines the following findings to be relevant in evaluating the proposed General Plan Amendment:

1. The amendment of the Land Use Element to incorporate the land use designations contained in the 2019 Lemon Cove Community Plan is recommended to the Board of Supervisors for approval.
2. The amendment of the Transportation and Circulation Element to incorporate circulation plan designations contained in the 2019 Lemon Cove Community Plan is recommended to the Board of Supervisors for approval.
3. Changes to the Planning Framework Element and Open Space Element to update the Urban Development Boundary are proposed, as set forth in the 2019 Lemon Cove Community Plan adopted in GPA 17-007 and affirmed in the General Plan 2030 for the Planning Framework Element, adopted by the Tulare County Board of Supervisors in August 2012.
4. Amendments to the Zoning Ordinance to implement the 2019 Lemon Cove Community Plan will reflect and remain consistent with the Land Use Plan for the community.
5. State law requires that the County General Plan shall be internally consistent. The proposed amendments are consistent with the Land Use, Planning Framework, Environmental Resources Management Element (Open Space Element), and Transportation and Circulation Elements of the Tulare County General Plan.
6. The Environmental Assessment Officer approved the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) prepared for the project.
7. This Planning Commission hereby finds, based on substantial evidence, that the analysis presented in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for GPA 17-007 has been completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970.
8. RMA Staff conducted public outreach as part of a new community plan.

AND, BE IT FURTHER RESOLVED as follows:



A. This Planning Commission hereby recommends that the Tulare County Board of Supervisors certify the IS/MND and MMRP and adopt the 2019 Lemon Cove Community Plan (GPA 17-007).

B. The Planning Commission hereby recommends that the Tulare County Board of Supervisors adopt General Plan Amendment No. GPA 17-007 the 2019 Lemon Cove Community Plan and amendments to the Land Use, Transportation and Circulation, Environmental Resources Management (Open Space) and Planning Framework Elements of the Tulare County General Plan.

The foregoing Resolution No. 9693 was adopted upon motion by Commissioner Millies, seconded by Commissioner Aguilar, at a regular meeting of the Planning Commission on January 15, 2020, by the following roll call vote for the 2019 Lemon Cove Community Plan.

AYES: Elliott, Aguilar, Whitlatch, Millies, McElroy, Dias, and Pearson

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

  
Michael Washam, Secretary

Exhibit:

A – 2019 Lemon Cove Community Plan

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN AMENDMENT TO SECTION 18.9 )  
OF ZONING ORDINANCE NO. 352 TO ESTABLISH A )  
MIXED-USE COMBINING ZONE WITHIN THE LEMON ) RESOLUTION NO. 9694  
COVE URBAN DEVELOPMENT BOUNDARY, AS )  
PROPOSED IN CHANGE OF ZONE NO. PZC 19-016. )

Resolution of the Tulare County Planning Commission recommending that the Board of Supervisors amend Section 18.9: "MU" Mixed-Use Combining Zone of Ordinance No. 352, the Zoning Ordinance, as set forth in attached Exhibit A, to establish a Mixed-Use Overlay Combining Zoning District within the Lemon Cove Urban Development Boundary, consistent with the 2019 Lemon Cove Community Plan.

WHEREAS, the proposed Zoning Ordinance Amendment was initiated by the Tulare County Board of Supervisors as part of the General Plan Initiation (GPI 17-001) request for the Lemon Cove Community Plan on April 4, 2017 by Resolution No. 2017-0222; and

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

WHEREAS, the Planning Commission has given notice of the Ordinance amendment as provided in Section 18 of County Ordinance No. 352 and Section 65854 of the Government Code of the State of California; and

WHEREAS, on Wednesday, November 27, 2019, a Notice of Public Hearing by the Tulare County Planning Commission was duly published in the Foothills Sun-Gazette, a newspaper of general circulation in Tulare County, and

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

WHEREAS, at the December 11, 2019 meeting of the Planning Commission, Staff presented the 2019 Lemon Cove Community Plan. Michael Eberisk voiced his concerns regarding proposed R-3-MU Zoning on property located (24412 Avenue 328, Lemon Cove, California) directly adjacent to his property. Eberisk went on to explain the adjacent property stores airstream trailers and he was concerned that they were for an Airbnb trailer park. Eberisk also stated the lighting situated over the airstream trailers has impacted the nesting area of owls. Eberisk provided additional paperwork including 38 Lemon Cove community members signatures opposed to the proposed R-3-MU zoning on the adjacent property. Eberisk did confirm there was no evidence the adjacent property owner was renting the trailers as it was speculative based. Tom Storm, (24412 Avenue 328) property owner spoke regarding his request to change the zoning on his property (APN 113-110-035) from R-3 to R-3-MU. Storm explained over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Storm

provided details on the airstream trailers stating they were placed on concrete with the location manicured which was for personal use. Storm had inquired with the County regarding pursuing an Airbnb however, the County advised that it was not possible but recommended changing the zoning to R-3-MU to allow for a commercial business utilizing the existing buildings on his property. Storm stated he had no intention of pursuing an Airbnb, however, his wife is an artist and when he retires his intention was to open an art studio. Assistant RMA Director–Economic Development & Planning, Aaron Bock suggested a continuance would be appropriate due to time constraints as another meeting was scheduled to occupy the room. Commissioner Dias made a motion that the public hearing be continued to the next Planning Commission meeting to be held on January 15, 2020. Commissioner McElroy seconded the motion. Commissioners Elliott, Aguilar, Millies, McElroy, Dias, and Pearson approved continuing the 2019 Lemon Cove Community Plan to the January 15, 2020, and Commissioner Whitlatch was absent; and

WHEREAS, a public hearing was held on January 15, 2020 at a regularly scheduled Planning Commission meeting. The Chairman of the Planning Commission reminded the audience, that the public hearing was still open, and for anyone with comments to approach the Commission; and

WHEREAS, at that meeting of the Planning Commission , Staff presented the 2019 Lemon Cove Community Plan, and public testimony was received by Harold Wyatt, Michael Eberisk, and Bill Pensar, who spoke in favor of the Lemon Community Plan, but requested that the Planning Commission deny the proposed R-3-MU rezoning changes for two parcels (APN 113-210-032) from R-A to R-3-MU zone and (APN 113-110-035) from R-3 to R-3-MU zone in regards to the Lemon Cove Community Plan Rezoning Plan (PZC 17-007). Additional written communications was received from Bill Pensar. Aaron Bock, recapped Tom Storm’s public testimony presented at the December 11, 2019, Planning Commission hearing for the 2019 Lemon Cove Community Plan, regarding the air stream trailers located on the Storm’s property As follows: 1) The air stream trailers have been located on the property for years and he has been remodeling them, 2) The trailers are not being used as rentals, and 3) over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Aaron Bock stated the County has police powers to protect the public health, safety, and welfare of its residents. Mr. Bock went on to inform the Planning Commissioners of the economic benefits the County has offered with the adoption of mixed use zoning in the last 35 community plans and that this is the first time that there has been opposition to mixed use zoning in a community.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration (IS/MND) and proposed amendment to Section 18.9 “MU” Mixed-Use Combining Zone to establish a Mixed-Use Combining Zoning District within the Lemon Cove Urban Development Boundary, together with all comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the zone change.

B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

1. The Tulare County Board of Supervisors, by Resolution No. 2017-0222, initiated action to amend the Tulare County General Plan for the Lemon Cove community pursuant to Title 7, Chapter 3, Articles 5 and 6 of the Government Code of the State of California.
2. The purpose of this proposal is to obtain the appropriate zoning consistent with the 2019 Lemon Cove Community Plan to promote sustainability through mixed land uses while providing economic development and prosperity in the community of Lemon Cove.
3. The purpose of this Mixed-Use Combining Zoning District is to provide design flexibility, streamline the approval process, promote economic development, and reduce vehicles miles traveled by locating residential uses within proximity of employment areas.
4. Section 18.9 has currently established additional Mixed-Use Combining Zoning Districts uses in 34 Communities, Hamlets, and Legacy Boundaries in Tulare County. The community of Lemon Cove will be added.
5. Within the Mixed-Use Overlay Zoning District, all uses outlined in the C-1, C-2, C-3, R-1, R-2, and R-3 uses are allowed. Uses and activities that are found by the Planning Director to be similar to, and compatible with, those specific zoning districts are also allowed. Uses and activities determined to be compatible by the Planning Commission and the Board of Supervisors with the above-mentioned zoning districts are also allowed.
6. All conditional uses allowed in the C-1, C-2, C-3, R-1, R-2, and R-3 zoning districts shall also be allowed by right with the exception of the following uses and combination of uses: Auto wrecking and Residential, Battery Manufacture and Residential or Commercial, Biomass Fuel Production and Residential, Flammable Liquids over 10,000 gallons, Hazardous Waste Facility, Planing Mills and Residential or Commercial, Sand blasting, Slaughterhouse and Residential, Solid Waste Recycling and Residential, Super service stations and Residential, Airport, and Heliport.
7. All uses shall be non-detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the community, or to the general welfare of the county. All uses shall limit impacts related to smoke, fumes, dust, gas, noise, odor, vibrations and other hazards. All allowed uses are subject to the determination of appropriateness by the Director of Planning.

8. The Director of Planning has the option of deferring any land use application allowed in this district to the Planning Commission for review and decision.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Zoning Ordinance amendment to be consistent with the purpose of Ordinance No. 352 and further finds the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

D. This Planning Commission hereby recommends that the Board of Supervisors find that the Mixed-Use Combining Zoning District will not have a significant effect on the environment, and that the Initial Study/Mitigated Negative Declaration, and Mitigation Monitoring & Reporting Program prepared for the Mixed-Use Combining Zoning District reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State, CEQA Guidelines for the Implementation of the California Environmental Quality Act.

E. This Planning Commission hereby recommends that the Tulare County Board of Supervisors approve the Change of Zone, No. PZC 19-016, an amendment to Ordinance 352, Section 18.9: "MU" Mixed-Use Combining Zone to establish a Mixed Use Combining Zone District in the Lemon Cove UDB excepting the M-1-MU zoning district, consistent with the 2019 Lemon Cove Community Plan.

The foregoing resolution No. 9694 was adopted upon motion of Commissioner Millies, seconded by Commissioner Dias, at a regular meeting of the Planning Commission on January 15, 2020, by the following roll call vote for the 2019 Lemon Cove Community Plan.

AYES: Elliott, Aguilar, Whitlatch, Millies, McElroy, Dias, and Pearson

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

  
Michael Washam, Secretary

Exhibit:

A – Section 18.9: "MU" Mixed-Use Combining Zone

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN AMENDMENT TO )  
SECTION 16.H OF ZONING ORDINANCE NO. )  
352 TO ESTABLISH ADDITIONAL BY- ) RESOLUTION NO. 9695  
RIGHT USES WITHIN THE LEMON COVE )  
URBAN DEVELOPMENT BOUNDARY AS )  
PROPOSED IN CHANGE OF ZONE NO. PZC )  
19-017

Resolution of the Tulare County Planning Commission recommending that the Board of Supervisors amend Section 16.H of Ordinance No. 352, the Zoning Ordinance, as set forth in attached Exhibit A, to establish additional by-right uses within the Lemon Cove Urban Development Boundary, consistent with the 2019 Lemon Cove Community Plan.

WHEREAS, the Zoning Ordinance Amendment was initiated by the Tulare County Board of Supervisors as part of the General Plan Initiation (GPI 17-001) request for the Lemon Cove Community Plan Update on April 4, 2017 by Resolution No. 2017-0222; and

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

WHEREAS, the Planning Commission has been given notice of the Zoning Ordinance Amendment as provided in Section 18 of Ordinance No. 352 and Section 65854 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended modifications and approval of the Zoning Ordinance Amendment; and

WHEREAS, on Wednesday, November 27, 2019, a Notice of Public Hearing by the Tulare County Planning Commission was duly published in the Foothills Sun-Gazette, a newspaper of general circulation in Tulare County; and

WHEREAS, at the December 11, 2019 meeting of the Planning Commission, Staff presented the 2019 Lemon Cove Community Plan. Michael Eberisk voiced his concerns regarding proposed R-3-MU Zoning on property located (24412 Avenue 328, Lemon Cove, California) directly adjacent to his property. Eberisk went on to explain the adjacent property stores airstream trailers and he was concerned that they were for an Airbnb trailer park. Eberisk also stated the lighting situated over the airstream trailers has impacted the nesting area of owls. Eberisk provided additional paperwork including 38 Lemon Cove community members signatures opposed to the proposed R-3-MU zoning on the adjacent property. Eberisk did confirm there was no evidence the adjacent property owner was renting the trailers as it was speculative based. Tom Storm, (24412 Avenue 328) property owner spoke regarding his request to change the zoning on his property (APN 113-110-035) from R-3 to R-3-MU. Storm explained over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Storm



provided details on the airstream trailers stating they were placed on concrete with the location manicured which was for personal use. Storm had inquired with the County regarding pursuing an Airbnb however, the County advised that it was not possible but recommended changing the zoning to R-3-MU to allow for a commercial business utilizing the existing buildings on his property. Storm stated he had no intention of pursuing an Airbnb, however, his wife is an artist and when he retires his intention was to open an art studio. Assistant RMA Director–Economic Development & Planning, Aaron Bock suggested a continuance would be appropriate due to time constraints as another meeting was scheduled to occupy the room. Commissioner Dias made a motion that the public hearing be continued to the next Planning Commission meeting to be held on January 15, 2020. Commissioner McElroy seconded the motion. Commissioners Elliott, Aguilar, Millies, McElroy, Dias, and Pearson approved continuing the 2019 Lemon Cove Community Plan to the January 15, 2020, and Commissioner Whitlatch was absent; and

WHEREAS, a public hearing was held on January 15, 2020 at a regularly scheduled Planning Commission meeting. The Chairman of the Planning Commission reminded the audience, that the public hearing was still open, and for anyone with comments to approach the Commission; and

WHEREAS, at that meeting of the Planning Commission, Staff presented the 2019 Lemon Cove Community Plan, and public testimony was received by Harold Wyatt, Michael Eberisk, and Bill Pensar, who spoke in favor of the Lemon Community Plan, but requested that the Planning Commission deny the proposed R-3-MU rezoning changes for two parcels (APN 113-210-032) from R-A to R-3-MU zone and (APN 113-110-035) from R-3 to R-3-MU zone in regards to the Lemon Cove Community Plan Rezoning Plan (PZC 17-007). Additional written communications was received from Bill Pensar. Aaron Bock, recapped Tom Storm’s public testimony presented at the December 11, 2019, Planning Commission hearing for the 2019 Lemon Cove Community Plan, regarding the air stream trailers located on the Storm’s property As follows: 1) The air stream trailers have been located on the property for years and he has been remodeling them, 2) The trailers are not being used as rentals, and 3) over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Aaron Bock stated the County has police powers to protect the public health, safety, and welfare of its residents. Mr. Bock went on to inform the Planning Commissioners of the economic benefits the County has offered with the adoption of mixed use zoning in the last 35 community plans and that this is the first time that there has been opposition to mixed use zoning in a community.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration (IS/MND) and proposed amendment to Section 16.H of Ordinance No. 352, the Zoning Ordinance, to establish additional by-right uses within the Lemon Cove Urban Development Boundary, together with all comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the zone change.

B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

1. The Tulare County Board of Supervisors, by Resolution No. 2017-0222, initiated action to amend the Tulare County General Plan for the Lemon Cove community pursuant to Title 7, Chapter 3, Articles 5 and 6 of the Government Code of the State of California.
2. The purpose of this proposal is to obtain the appropriate zoning consistent with the 2019 Lemon Cove Community Plan and to promote sustainability through additional by-right uses while providing economic development and prosperity in the Community of Lemon Cove.
3. The purpose of the additional by-right uses is to provide design flexibility, streamline the approval process, promote economic development, and reduce vehicles miles traveled by locating residential uses within proximity of employment areas.
4. Section 16.H has currently established additional by-right uses in 35 Communities, Hamlets, and Legacy Boundaries in Tulare County. The Community of Lemon Cove will be added.
5. The proposed use must also qualify for an exemption under the California Environmental Quality Act as determined by the Permit Center which will review the project for General Plan Policy, Community Plan Policy and development standard consistency and determine which environmental document is appropriate. Projects where the Permit Center is unable to make an immediate determination will be required to go through the Project Review Committee (PRC).
6. Uses that have an environmental effect on adjacent properties or necessitate mitigation measures through the California Environmental Quality Act will be required to apply for a PRC and a traditional use permit and legislative process through the County.
7. Projects with a square footage of 80,000 or more will also require a traditional use permit.
8. All uses shall be non-detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the community, or to the general welfare of the county. All uses shall limit impacts related to smoke, fumes, dust, gas, noise, odor, vibrations and other hazards. All allowed uses are subject to the determination of appropriateness by the Director of Planning.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Zoning Ordinance amendment to be consistent with the purpose of Ordinance No. 352 and further finds the petition is in conformance with the adopted General Plan for the County of Tulare.



AND, BE IT FURTHER RESOLVED as follows:

D. This Planning Commission hereby recommends that the Board of Supervisors find that the amendment to Section 16.H of the Zoning Ordinance will not have a significant effect on the environment, and that the Initial Study/Mitigated Negative Declaration prepared for the amendment to Section 16.H of the Zoning Ordinance reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act.

E. This Planning Commission hereby recommends that the Tulare County Board of Supervisors approve Change of Zone No. PZC 19-017, an amendment to Section 16.H of Tulare County Zoning Ordinance No. 352 to allow additional by-right uses within the Lemon Cove UDB, consistent with the 2019 Lemon Cove Community Plan.

The foregoing Resolution No. 9695 was adopted upon motion of Commissioner Millies, seconded by Commissioner McElroy, at a regular meeting of the Planning Commission on January 15, 2020, by the following roll call vote for the Lemon Cove Community Plan.

AYES: Elliott, Aguilar, Whitlach, Millies, McElroy, Dias, and Pearson

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
Michael Washam, Secretary

Exhibit:

A – Section 16.H: Additional By-Right Uses

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN AMENDMENT TO THE )  
ZONING DISTRICT ORDINANCE MAPS OF )  
ZONING ORDINANCE NO. 352 TO IMPLEMENT ) RESOLUTION NO. 9696  
THE REZONING PLAN WITHIN THE LEMON COVE )  
URBAN DEVELOPMENT BOUNDARY, AS PROPOSED )  
IN CHANGE OF ZONE NO. PZC 17-007 )

Resolution of the Tulare County Planning Commission recommending that the Board of Supervisors amend the Zoning District Ordinance Maps of Ordinance No. 352, the Zoning Ordinance, as set forth in attached Exhibit A, to rezone properties within the Lemon Cove Urban Development Boundary, consistent with the 2019 Lemon Cove Community Plan.

WHEREAS, the proposed Zoning Ordinance Amendment was initiated by the Tulare County Board of Supervisors as part of the General Plan Initiation (GPI 17-001) request for the Lemon Cove Community Plan on April 4, 2017 by Resolution No. 2017-0222; and

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

WHEREAS, the Planning Commission has given notice of the Ordinance amendment as provided in Section 18 of Ordinance No. 352 and Section 65854 of the Government Code of the State of California; and

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

WHEREAS, on Wednesday, November 27, 2019, a Notice of Public Hearing by the Tulare County Planning Commission was duly published in the Foothills Sun-Gazette, a newspaper of general circulation in Tulare County; and

WHEREAS, at the December 11, 2019 meeting of the Planning Commission, Staff presented the 2019 Lemon Cove Community Plan. Michael Eberisk voiced his concerns regarding proposed R-3-MU Zoning on property located (24412 Avenue 328, Lemon Cove, California) directly adjacent to his property. Eberisk went on to explain the adjacent property stores airstream trailers and he was concerned that they were for an Airbnb trailer park. Eberisk also stated the lighting situated over the airstream trailers has impacted the nesting area of owls. Eberisk provided additional paperwork including 38 Lemon Cove community members signatures opposed to the proposed R-3-MU zoning on the adjacent property. Eberisk did confirm there was no evidence the adjacent property owner was renting the trailers as it was speculative based. Tom Storm, (24412 Avenue 328) property owner spoke regarding his request to change the zoning on his property (APN 113-110-035) from R-3 to R-3-MU. Storm explained over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Storm

provided details on the airstream trailers stating they were placed on concrete with the location manicured which was for personal use. Storm had inquired with the County regarding pursuing an Airbnb however, the County advised that it was not possible but recommended changing the zoning to R-3-MU to allow for a commercial business utilizing the existing buildings on his property. Storm stated he had no intention of pursuing an Airbnb, however, his wife is an artist and when he retires his intention was to open an art studio. Assistant RMA Director–Economic Development & Planning, Aaron Bock suggested a continuance would be appropriate due to time constraints another meeting was scheduled to occupy the room. Commissioner Dias made a motion that the public hearing be continued to the next Planning Commission meeting to be held on January 15, 2020. Commissioner McElroy seconded the motion. Commissioners Elliott, Aguilar, Millies, McElroy, Dias, and Pearson approved continuing the 2019 Lemon Cove Community Plan to the January 15, 2020, and Commissioner Whitlatch was absent; and

WHEREAS, a public hearing was held on January 15, 2020 at a regularly scheduled Planning Commission meeting. The Chairman of the Planning Commission reminded the audience, that the public hearing was still open, and for anyone with comments to approach the Commission; and

WHEREAS, at that meeting of the Planning Commission , Staff presented the 2019 Lemon Cove Community Plan, and public testimony was received by Harold Wyatt, Michael Eberisk, and Bill Pensar, who spoke in favor of the Lemon Community Plan, but requested that the Planning Commission deny the proposed R-3-MU rezoning changes for two parcels (APN 113-210-032) from R-A to R-3-MU zone and (APN 113-110-035) from R-3 to R-3-MU zone in regards to the Lemon Cove Community Plan Rezoning Plan (PZC 17-007). Additional written communications was received from Bill Pensar. Aaron Bock, recapped Tom Storm’s public testimony presented at the December 11, 2019, Planning Commission hearing for the 2019 Lemon Cove Community Plan, regarding the air stream trailers located on the Storm’s property As follows: 1) The air stream trailers have been located on the property for years and he has been remodeling them, 2) The trailers are not being used as rentals, and 3) over the last 50-60 years the property has been used for three different commercial uses (meat market, post office, Lemon Cove telephone, and a beauty shop). Aaron Bock stated the County has police powers to protect the public health, safety, and welfare of its residents. Mr. Bock went on to inform the Planning Commissioners of the economic benefits the County has offered with the adoption of mixed use zoning in the last 35 community plans and that this is the first time that there has been opposition to mixed use zoning in a community.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration (IS/MND) and proposed amendment to the Zoning District Ordinance Maps of Ordinance No. 352, the Zoning Ordinance, to implement the rezoning plan within the Lemon Cove Urban Development Boundary, together with all comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the zone change.

B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

1. The Tulare County Board of Supervisors, by Resolution No. 2013-0860, initiated action to amend the Tulare County General Plan for the Lemon Cove community pursuant to title 7, Chapter 3, Articles 5 and 6 of the Government Code of the State of California.
2. The purpose of this proposal is to obtain the appropriate Zoning District Ordinance Maps consistent with the 2019 Lemon Cove Community Plan.
3. The change in zone district designations identified in the attached Exhibit A (Rezoning Plan) is consistent with General Plan policy.
4. The Director of Planning has the option of deferring any land use application allowed in this district to the Planning Commission for review and decision.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Zoning Ordinance amendment to be consistent with the purpose of Ordinance No. 352 and further finds the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

D. This Planning Commission hereby recommends that the Board of Supervisors find that the amendment to Zoning District Ordinance Maps will not have a significant effect on the environment, and that the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring & Reporting Program prepared for the amendment to the Zoning Ordinance reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act.

E. This Planning Commission hereby recommends that the Tulare County Board of Supervisors deny the proposed R-3-MU rezoning changes for two parcels (APN 113-210-032 and APN 113-110-035) and approve the remainder of the proposed Change of Zone No. PZC 17-007, an amendment to Zoning District Ordinance Maps within the Lemon Cove UDB, consistent with the 2019 Lemon Cove Community Plan.

The foregoing Resolution No. 9696 was adopted upon motion of Commissioner Millies, seconded by Commissioner Elliott, at a regular meeting of the Planning Commission on January 15, 2020, by the following roll call vote for the 2019 Lemon Cove Community Plan.

AYES: Elliott, Aguilar, Whitlatch, Millies, McElroy, Dias, and Pearson

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

  
Michael Washam, Secretary

Exhibit:

A – Zoning District Ordinance Maps (Rezoning Plan)

# Lemon Cove Community Plan 2019

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# Lemon Cove Community Plan 2019

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## **Appendix B: Board of Supervisors Resolution**

# Lemon Cove Community Plan 2019

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# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF 2019 LEMON COVE  
COMMUNITY PLAN (GPA 17-007)

)  
) Resolution No. 2020-0056  
) Ordinance Nos. 3577, 3578  
and 3579

UPON MOTION OF SUPERVISOR CROCKER, SECONDED BY SUPERVISOR TOWNSEND, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD FEBRUARY 25, 2020 BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE



ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: *Mercedes L. Gomez*  
Deputy Clerk

\*\*\*\*\*

1. Held a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Approved the findings and recommendations of the Planning Commission, as set forth in the attached Exhibit A.
3. Adopted the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Plan (MMRP) (SCH# 2019119031) prepared for the 2019 Lemon Cove Community Plan consistent with Planning Commission Recommendation Resolution No. 9692.
4. Adopted General Plan Amendment (GPA No. 17-007) for Amendments to Part III of the Tulare County General Plan to establish a Community Plan for Lemon Cove and to Part I General Plan Amendment to the Planning Framework, Land Use, Environmental Resources Management (Open Space), Transportation and Circulation Elements, consistent with Planning Commission Recommendation Resolution No. 9693.
5. Amended Section 18.9 (PZC 19-016) of the Tulare County Zoning Ordinance No. 352 establishing the Mixed Use Combining Zone within Lemon Cove, consistent with Planning Commission Recommendation Resolution No. 9694.
6. Amended Section 16 of Ordinance No. 352, the Zoning Ordinance, to allow additional by-right uses within the Lemon Cove (PZC 19-017), consistent with Planning Commission Recommendation Resolution No. 9695.

7. Amended Ordinance No. 352, the Zoning Ordinance, as set forth in the Zoning District Ordinance Maps for Lemon Cove (PZC 17-007), consistent with the 2019 Lemon Cove Community Plan to rezone certain properties, consistent with Planning Commission Recommendation Resolution No. 9696.

## **EXHIBIT "A"**

### **A. Lemon Cove 2019 Community Plan (General Plan Amendment 17-007)**

WHEREAS, upon conclusion of the public hearing, the Planning Commission recommended the Board of Supervisors certify and adopt the 2019 Lemon Cove Community Plan, as being in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, including CEQA findings, and adopt the Mitigation Monitoring and Reporting Program and approve the 2019 Lemon Cove Community Plan; and

WHEREAS, on December 11, 2019 and January 15, 2020 the Planning Commission held public hearings on the 2019 Lemon Cove Community Plan (GPA 17-007); Change of Zone Mixed-Use Combining Zone Section 18.9), PZV 19-016); and Change of Zone for By-Right Uses–Section 16 (PZC 19-017); Change of Zoning District Map Change of Zone (PZC 17-007) and

WHEREAS, the Board of Supervisors held a public hearing on February 25, 2020 to consider the proposed 2019 Lemon Community Plan; and

WHEREAS, the Board of Supervisors finds the public hearing for the 2019 Lemon Cove Community Plan was properly noticed in accordance with state law and the Tulare County Ordinance Code.

WHEREAS, the Board of Supervisors finds the 2019 Lemon Cove Community Plan is compatible, integrated and internally consistent with the existing policies of and with the Tulare County General Plan.

WHEREAS, the Board of Supervisors accepts and incorporates by reference herein, the findings of facts and recommendations adopted by the Planning Commission as follows:

1. Planning Commission Resolution No. 9692 in the matter of the Mitigated Negative Declarations and Mitigation Monitoring Reporting Plans (MMRP) of the Certification and adoption of the prepared for the 2019 Lemon Cove Community Plan (SCH# 2019119031) (PC Package Attachment 1 – CEQA Resolution).
2. Planning Commission Resolution No. 9693, to adopt General Plan Amendment No. GPA 17-007 for the 2019 Lemon Cove Community Plan and Amendments to Part III of the Tulare County General Plan to adopt the 2019 Lemon Cove Community Plan, and to Part I General Plan Amendment to the Planning Framework, Land Use, Environmental Resources Management (Open Space), Transportation and Circulation Elements, consistent with the

- 2019 Lemon Cove Community Plan (PC Package Attachment 2 – GPA Resolution).
3. Planning Commission Resolution No. 9694, in the matter of an Amendment to Section 18.9 of Ordinance No. 352, the Zoning Ordinance, and establish the Mixed Use Combining Zone within the Lemon Cove Urban Development Boundary, (PC Package Attachment 3 – Section 18.9 Resolution).
  4. Planning Commission Resolution No. 9695, in the matter of an Amendment to Section 16 of Ordinance No. 352, the Zoning Ordinance, to allow additional by-right uses within Lemon Cove Urban Development Boundary, (PC Package Attachment 4 – Section 16 Resolution).
  5. Planning Commission Resolution No. 9696, in the matter of an Amendment to Ordinance No. 352, the Zoning Ordinance, as set forth in the Zoning District Ordinance Maps for Lemon Cove Urban Development Boundary. (PC Package Attachment 5 – Rezoning Plan Resolution).

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The Board of Supervisors hereby certifies and adopts the Mitigated Negative Declaration and Mitigation Monitoring Reporting Plan (MMRP) (SCH# 2019119031) prepared for the 2019 Lemon Cove Community Plan, as being in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, including CEQA findings, and adopts the Mitigation Monitoring Reporting Programs.

NOW BE IT FURTHER RESOLVED as follows:

B. The Board of Supervisors adopts the entirety of all of the above findings and actions as one General Plan Amendment No. GPA 17-007.

C. The Board of Supervisors adopts amendments to the Tulare County Zoning Ordinance 352 pertaining to Section 18.9 - Mixed-Use Combining Zone, to Section 16 - Variances and Special Uses, and Zoning District Map Changes.

D. The Board of Supervisors authorizes the Chairman to sign any and all necessary zoning changes under Ordinance 352, and specifically changes to Section 18.9 and Section 16 to add the 2019 Lemon Cove Community Plan to include Mixed Use Combining Zone and additional “By-Right” uses.

E. The Board of Supervisors directs the Clerk of the Board to publish once in the Foothills Sun-Gazette newspaper the summary of the ordinance amendments and amended zoning maps with the names of the Board of Supervisors voting for and against the amendment and to post a certified copy of the full ordinances amending the Tulare County Zoning Ordinance with the names of the Board of Supervisors voting for and against the amendments, within fifteen (15) days as required by Section 25124 et. seq.

F. The Board of Supervisors directs the Environmental Assessment Officer, or designee, of the Tulare Resource Management Agency to file Notice of Determination with the Tulare County Clerk.

G. The Board of Supervisors authorizes the Director of the Resource Management Agency, or designee, to make appropriate technical revisions to the General Plan Amendment, Community Plan, and associated project documents.

RMA

02/25/2020

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ORDINANCE NO. 3577

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, BEING AN ORDINANCE ESTABLISHING AND REGULATING LAND USES WITHIN CERTAIN ZONES IN THE COUNTY OF TULARE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map to Mount Diablo Base and Meridian as follows: Lemon Cove, Sections 02, 03, 10, and 11, Township 18 South, Range 27 East. A Map showing the zoning reclassification of the properties pursuant to Change of Zone Case No. PZC 17-007 is attached hereto and incorporated herein by reference.

Section 2. The properties affected by the zoning reclassification, filed as Change of Zone Case No. PZC17-007, is briefly described as follows:

PZC 17-007 located in the Lemon Cove Urban Development Boundary.

Section 3. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the Sun Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 25 day of February, 2020, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:  
Supervisors Crocker, Vander Poel, Shuklian,  
Valero and Townsend

NOES:  
None

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ABSENT:

None

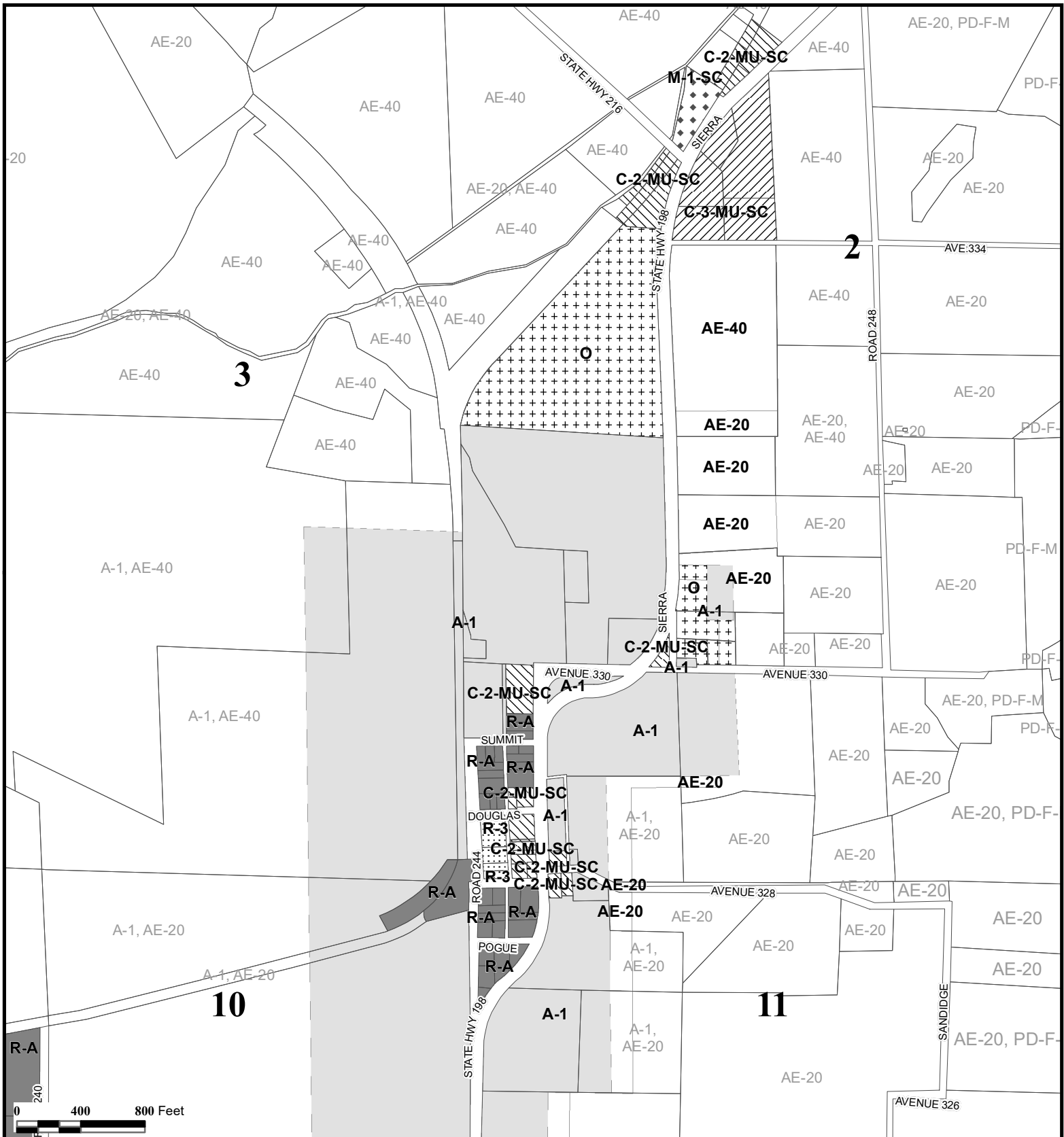


Chairman, Board of Supervisors



ATTEST: JASON T. BRITT  
County Administrative Officer/Clerk  
Board of Supervisors of Tulare County

By:   
Deputy



**Zone Change for Lemon Cove Community Plan  
Update (PZC 17-007)**

**Proposed Zoning**

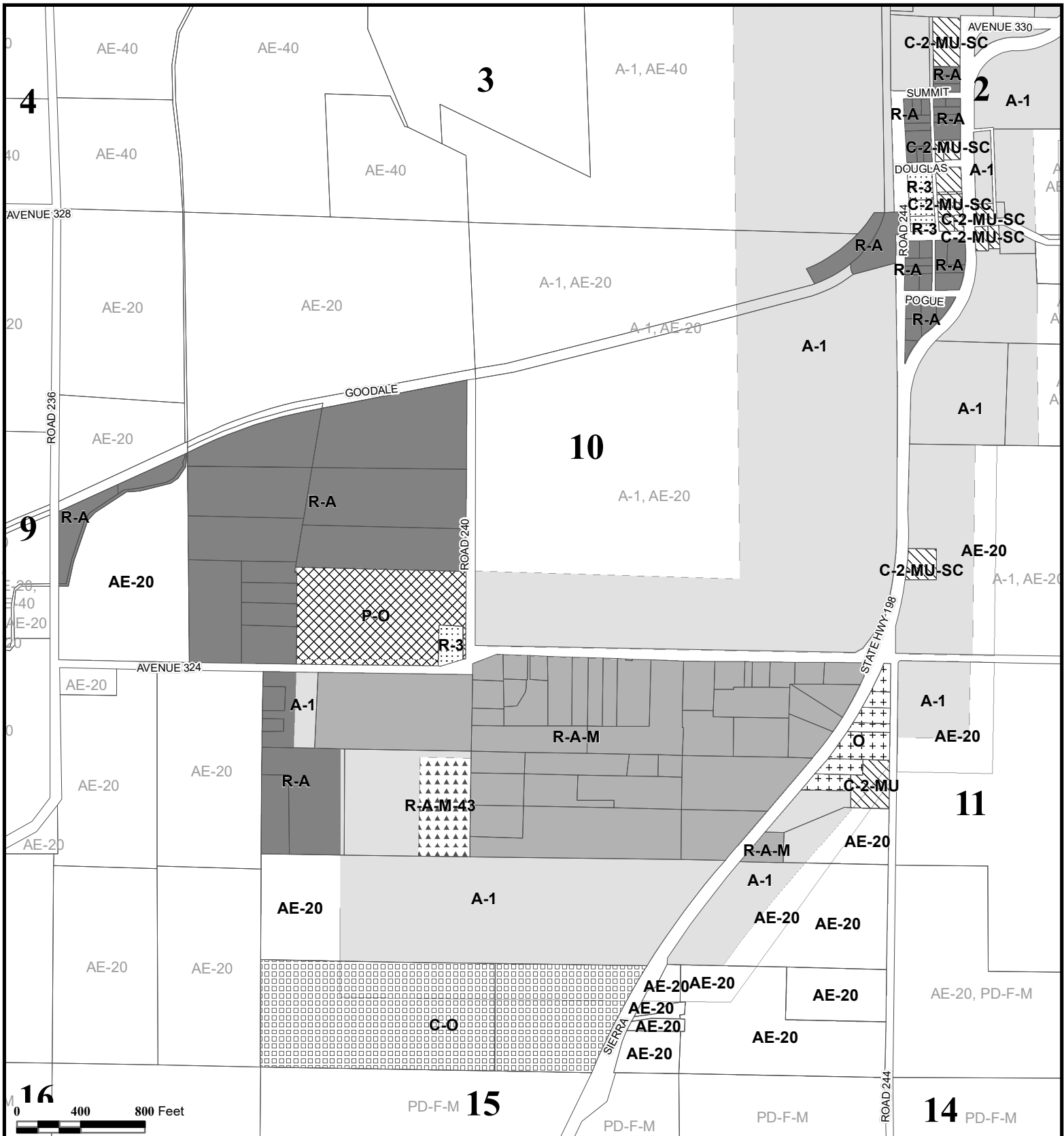
A-1	C-O	R-A
AE-20	M-1-SC	R-A-M
AE-40	O	R-A-M-43
C-2-MU-SC	P-O	
C-3-MU-SC	R-3	



ORDINANCE NO. 3577  
AMENDING A PORTION OF PARTS 373 & 374  
W 1/2 OF SEC. 2, SE 1/4 OF SEC. 3, ALL OF SEC. 10,  
W 1/2 OF SEC. 11, T18S, R27E, M.D.B. & M.

**OFFICIAL ZONING MAP  
COUNTY OF TULARE, CA**

TULARE COUNTY BOARD OF SUPERVISORS  
ADOPTED: 2/25/2020



**Zone Change for Lemon Cove Community Plan  
Update (PZC 17-007)**

**Proposed Zoning**

A-1	C-O	R-A
AE-20	M-1-SC	R-A-M
AE-40	O	R-A-M-43
C-2-MU-SC	P-O	
C-3-MU-SC	R-3	



ORDINANCE NO. 3577  
AMENDING A PORTION OF PARTS 373 & 374  
W 1/2 OF SEC. 2, SE 1/4 OF SEC. 3, ALL OF SEC. 10,  
W 1/2 OF SEC. 11, T18S, R27E, M.D.B. & M.

**OFFICIAL ZONING MAP  
COUNTY OF TULARE, CA**

TULARE COUNTY BOARD OF SUPERVISORS  
ADOPTED: 2 / 25 / 2020



ORDINANCE NO. 3578

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, PERTAINING TO SECTION 16.H TO ALLOW ADDITIONAL “BY-RIGHT USES” IN LEMON COVE, unless otherwise provided in this Ordinance Lemon Cove PZC 19-017).

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Section 16.H is hereby amended to Tulare County Ordinance No. 352, as amended from time to time, to read as follows:

The following regulations shall apply in the communities of Lemon Cove, Ivanhoe, Plainview, Woodville, Poplar/Cotton Center, Goshen, Ducor, Terra Bella, Traver, Strathmore, Pixley, Tipton, Earlimart, Alpaugh, East Orosi, London, Richgrove, Sultana, El Monte Mobile Village, Hypericum, Jovista, Matheny Tract, Tooleville, Allensworth, Delft Colony, East Tulare Villa, Lindcove, Monson, Seville, Teviston, Tonyville, Waukena, West Goshen, and Yettem, unless otherwise provided in this Ordinance unless otherwise provided in this Ordinance.

All of the following, and all structures and accessory uses directly related thereto in this section are entitled without a Special Use Permit (Conditional Use Permit). The following is allowed only in the various zones indicated below and within a community plan that adopted development standards for such entitled use. The proposed use must adhere to the adopted development standards of the community. The proposed use must also qualify for an exemption under the California Environmental Quality Act as determined by the Permit Center. The Permit Center will review the project for General Plan Policy, Community Plan Policy and development standard consistency and determine which environmental document is appropriate. Projects where the Permit Center is unable to make an immediate determination will be required to go through the Project Review Committee (PRC).

Uses that have an environmental effect on adjacent properties or necessitate mitigation measures through the California Environmental Quality Act will be required to apply for a PRC and a traditional use permit and legislative process through the County. Projects with a square footage of 80,000 or more will also require traditional use permit. Uses may have environmental or land use issues that may not be compatible with adjacent uses. These impacts may include but are not

1 limited to; hours of operation (night time), noise (i.e. power tools such as impact drivers, or  
2 loudspeaker, etc.) air quality (idle running vehicles) traffic, (number of vehicles) and odor. The  
3 Permit Center process is to determine the whether the use is by right or must go through the  
4 traditional use permit process.

5 The following uses and zones shall be considered:

6 **Animal hospital, clinic, and veterinarian office wherein only small/domestic animals (i.e.**  
7 **dogs, cats, etc.) are treated. C-1, C-2, C-3, M-1, M-2.**

8 **Antique and art store. C-2, C-3, M-1, M-2, R-3.**

9 **Antique store. C-1, C-2, C-3, M-1, R-2, R-3.**

10 **Apartment Hotel O, CO, C-1, C-2, C-3, M-1, R-3.**

11 **Apparel stores. CO, C-1, C-2, C-3, M-1, R-3.**

12 **Arcades, including video. O, CO, C-1, C-2, C-3, M-1, R-3.**

13 **Assemblage of people for educational or entertainment purposes. O, CO, C-1, C-2, C-3, M-1,**  
14 **M-2.**

15 **Assembly of electric appliances such as lighting fixtures, irons, fans, toasters and electric toys,**  
16 **refrigerators, washing machines, dryers, dishwashers and similar home appliances. C-2, C-3,**  
17 **M-1, M-2.**

18 **Assembly of small electrical equipment such as home and television receivers. O, CO, C-1,**  
19 **C-2, C-3, M-1, R-3.**

20 **Assembly of typewriters, business machines, computers, and similar mechanical equipment.**  
21 **O, CO, C-1, C-2, C-3, M-1, M-2, R-3.**

22 **Automated car wash (coin operated only). O, CO, C-1, C-2, C-3, M-1, M-2, R-3, AP.**

23 **Automobile parking lots, public parking areas or storage garages. O, CO, C-1, C-2, C-3, M-1,**  
24 **M-2, R-3, AP.**

25 **Automobile supply stores. O, CO, C-1, C-2, C-3, M-1, R-3.**

26 **Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning.**  
27 **C-2, C-3, M-1, M-2.**

28 **Bakery [employing not more than five (5) persons on premises]. O, CO, C-1, C-2, C-3, M-1,**  
29 **R-3.**

30 **Bakery goods store. CO, C-1, C-2, C-3, M-1.**

1	<b>Banks and financial institutions. C-1, C-2, C-3, M-1, R-3.</b>
2	<b>Barber shop or beauty parlor. C-1, C-2, C-3, M-1, R-3.</b>
3	<b>Bed and Breakfast Home with three or more guests rooms (Up to 5). CO, C-1, C-2, C-3, M-1,</b>
4	<b>R-3, R-2).</b>
5	<b>Bicycle shops. Structure. CO, C-1, C-2, C-3, M-1, R-3.</b>
6	<b>Billiard or Pool hall Structure. C-2, C-3, M-1.</b>
7	<b>Bird store or pet shop. O, CO, C-1, C-2, C-3, M-1.</b>
8	<b>Blueprinting and Photostatting shop. CO, C-1, C-2, C-3, M-1, AP.</b>
9	<b>Boat sales and service. O, CO, C-1, C-2, C-3, M-1.</b>
10	<b>Book binding. O, CO, C-1, C-2, C-3, M-1, R-3.</b>
11	<b>Book or stationary store. O, CO, C-1, C-2, C-3, M-1, R-3.</b>
12	<b>Business and professional schools and colleges. CO, C-1, C-2, C-3, M-1.</b>
13	<b>Business, professional and trade schools and colleges. CO, C-1, C-2, C-3, M-1.</b>
14	<b>Catering Shops. CO, C-1, C-2, C-3, M-1.</b>
15	<b>Ceramic shops. CO, C-1, C-2, C-3, M-1.</b>
16	<b>Christmas tree sales lots as a temporary use. CO, C-1, C-2, C-3, M-1.</b>
17	<b>Church. CO, C-1, C-2, C-3, M-1.</b>
18	<b>Clothes cleaning and pressing establishment. CO, C-1, C-2, C-3, M-1.</b>
19	<b>Clothing and costume rental. CO, C-1, C-2, C-3, M-1.</b>
20	<b>Confectionery store. CO, C-1, C-2, C-3, M-1.</b>
21	<b>Conservatory of Music. CO, C-1, C-2, C-3, M-1.</b>
22	<b>Contractor's Storage Yards. CO, C-1, C-2, C-3, M-1, AP.</b>
23	<b>Dairy products store. CO, C-1, C-2, C-3, M-1.</b>
24	<b>Digesters. M-1</b>
25	<b>Department store. CO, C-1, C-2, C-3, M-1.</b>
26	<b>Drug store or pharmacy. CO, C-1, C-2, C-3, M-1.</b>
27	<b>Dry goods or notions store. CO, C-1, C-2, C-3, M-1.</b>
28	<b>Electric appliance stores and repairs. CO, C-1, C-2, C-3, M-1.</b>
29	<b>Expansion, Alteration or Replacement of non-conforming buildings and uses. CO, C-1, C-2,</b>
30	<b>M-1, R-1, R-2, R-3, R-A.</b>

1	<b>Family Day Care Home, Large (Up to Ca State maximum). CO, C-1, C-2, R-1, R-2, R-3, RA.</b>
2	<b>Family Day Care Home, small. CO, C-1, C-2, R-1, R-2, R-3, RA.</b>
3	<b>Feed and seed stores. CO, C-1, C-2, C-3, M-1, AP.</b>
4	<b>Fire Station. CO, C-1, C-2, C-3, M-1, AP.</b>
5	<b>Firewood sales yard. CO, C-1, C-2, C-3, M-1.</b>
6	<b>Florist shop. CO, C-1, C-2, M-1, R-1, R-2, R-3, RA.</b>
7	<b>Furniture store. CO, C-1, C-2, C-3, M-1.</b>
8	<b>Furniture warehouses for storing personal household goods, provided ground floor front is</b>
9	<b>devoted to stores. CO, C-1, C-2, C-3, M-1.</b>
10	<b>Gasoline filling station. CO, C-1, C-2, C-3, M-1.</b>
11	<b>Gift, novelty or souvenir. CO, C-1, C-2, M-1, R-2, R-3, RA.</b>
12	<b>Glass shop, retail, excluding major service activities. C-2, C-3, M-1.</b>
13	<b>Grocery store. CO, C-1, C-2, C-3, M-1.</b>
14	<b>Grocery store, fruit store or supermarket. C-1, C-2, C-3, M-1.</b>
15	<b>Gunsmith shops. CO, C-1, C-2, C-3, M-1.</b>
16	<b>Healthcare Facilities. All Zones</b>
17	<b>Hobby and art supply store. CO, C-1, C-2, C-3, M-1.</b>
18	<b>Hospital, sanitarium and nursing home. C-1, C-2, C-3, M-1, PO.</b>
19	<b>Household and office equipment and machinery repair shops. C-2, C-3, M-1, PO.</b>
20	<b>Household appliance stores. CO, C-1, C-2, C-3, M-1.</b>
21	<b>Ice storage house of not more than 5-ton storage capacity. CO, C-1, C-2, C-3, M-1, AP.</b>
22	<b>Incidental manufacturing, processing and treatment of products. C-2, C-3, M-1.</b>
23	<b>Interior decorating store. CO, C-1, C-2, C-3, M-1.</b>
24	<b>Jail or correctional (public facilities only). C-2, C-3, M-1, M-2.</b>
25	<b>Jewelry store, including clock and watch repair. CO, C-1, C-2, C-3, M-1.</b>
26	<b>Laundries. C-2, C-3, M-1.</b>
27	<b>Laundry, coin operated machines only. CO, C-1, C-2, C-3, M-1.</b>
28	<b>Leather goods and luggage stores. CO, C-1, C-2, C-3, M-1.</b>
29	<b>Linen supply services. C-2, C-3, M-1.</b>
30	<b>Liquor store. Not within 300' of residential/School Site. CO, C-1, C-2, C-3, M-1.</b>

- 1 Locksmiths. CO, C-1, C-2, C-3, M-1.
- 2 Massage or physiotherapy establishment. CO, C-1, C-2, C-3, M-1.
- 3 Meat market or delicatessen store. CO, C-1, C-2, C-3, M-1.
- 4 Medical and orthopedic appliance stores. CO, C-1, C-2, C-3, M-1, PO.
- 5 Medical laboratory. CO, C-1, C-2, C-3, M-1, PO.
- 6 Memorial building, theatre, auditorium. CO, C-1, C-2, C-3, M-1, R-3.
- 7 Micro-brewery. \*Allowed in C-1 and C-2 in conjunction with a restaurant. M-1, M-2, C-  
8 3,\*C-2,\*C-1
- 9 Mini-warehouses. C-2, C-3, M-1, AP.
- 10 Mobile home for use by caretaker or night watchman. CO, C-1, C-2, C-3, M-1.
- 11 Motorcycle sales and service. C-2, C-3.
- 12 Musical instrument repair shops. CO, C-1, C-2, C-3, M-1.
- 13 Name plates. CO, C-1, C-2, C-3, M-1, R-3.
- 14 Nursery school. CO, C-1, C-2, M-1, R-1, R-2, RA, R3, R-A.
- 15 Office, business or professional. CO, C-1, C-2, M-1, R-1, R-2, R-3, PO.
- 16 Opticians and optometrists shops. CO, C-1, C-2, C-3, M-1, PO.
- 17 Paint and wallpaper stores. C-1, C-2, C-3, M-1.
- 18 Pet shops. CO, C-1, C-2, C-3, M-1.
- 19 Photo processing pick-up and delivery outlets. CO, C-1, C-2, C-3, M-1.
- 20 Photographic and blueprint processing and printing. CO, C-1, C-2, C-3, M-1.
- 21 Photographic developing and printing. CO, C-1, C-2, C-3, M-1.
- 22 Photographic supply stores. CO, C-1, C-2, C-3, M-1.
- 23 Picture framing shops. CO, C-1, C-2, C-3, M-1.
- 24 Plumbing fixtures for retail sales. CO, C-1, C-2, C-3, M-1.
- 25 Plumbing shops. C-2, C-3, M-1.
- 26 Police station. O, CO, C-1, C-2, C-3, M-1, M-2.
- 27 Post Office. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, PO.
- 28 Pressing establishments. C-2, C-3, M-1.
- 29 Printing, lithography, engraving. CO, C-1, C-2, C-3, M-1.
- 30 Private club, fraternity, sorority and lodge. CO, C-1, C-2, C-3, M-1.

1	Private greenhouses and horticultural collections. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-
2	A.
3	Public library. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.
4	Public Park or playground. O, MR, CO, C-1, C-2, C-3, M-1, M-2 R-1, R-2, R-3, R-A, AP.
5	Public utility structure. CO, C-1, C-2, C-3, M-1, MR, RO, R-1, R-2, R-3, R-A, PO, O, AP.
6	Radio and television broadcasting studios. C-2, C-3, M-1.
7	Radio and television repair shops. C-2, C-3, M-1.
8	Radio, microwave and television towers (Over 75 feet or within 2 miles of an airport)
9	C-2, C-3, M-1, M-2.
10	Real Estate Offices. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A
11	Recreation center. CO, C-1, C-2, C-3, M-1.
12	Repairing and altering of wearing apparel. CO, C-1, C-2, C-3, M-1.
13	Resort. CO, C-1, C-2, C-3, M-1.
14	Restaurant. CO, C-1, C-2, C-3, M-1.
15	Restaurant, tea room or cafe. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.
16	Retail office equipment sales. CO, C-1, C-2, C-3, M-1.
17	Retail sales of sporting goods, boats, boat motors, boat trailers, trailer coaches and their
18	repair, rental and storage. O, CO, C-1, C-2, C-3, M-1.
19	Retail stores and offices incidental to and located on the site of a hotel, motel, resort,
20	restaurant or guest ranch. O, CO, C-1, C-2, C-3, M-1.
21	Rug and carpet cleaning and dyeing. CO, C-1, C-2, C-3, M-1.
22	Satellite antenna sales. CO, C-1, C-2, C-3, M-1.
23	Satellite television antennas. CO, C-1, C-2, C-3, M-1.
24	School, private. CO, C-1, C-2, C-3, M-1, PO.
25	School, public. CO, C-1, C-2, C-3, M-1, PO.
26	Scientific instrument stores. CO, C-1, C-2, C-3, M-1.
27	Secondhand stores, pawn shops and thrift shops. CO, C-1, C-2, C-3, M-1.
28	Shoe repair shop. CO, C-1, C-2, C-3, M-1.
29	Shoe store. CO, C-1, C-2, C-3, M-1.
30	Sign painting shops. C-2, C-3, M-1.

1 **Small appliance sales and service. CO, C-1, C-2, C-3, M-1.**  
2 **Soda fountains. CO, C-1, C-2, C-3, M-1.**  
3 **Sporting goods store. CO, C-1, C-2, C-3, M-1.**  
4 **Stamp and coin stores. CO, C-1, C-2, C-3, M-1.**  
5 **Storage of petroleum products for use on the premises. CO, C-1, C-2, C-3, M-1.**  
6 **Studios (except motion picture). CO, C-1, C-2, C-3, M-1.**  
7 **Tinsmith. C-2, C-3, M-1.**  
8 **Tire sales (no retreading or recapping). C-2, C-3.**  
9 **Tobacco and cigar stores. CO, C-1, C-2, C-3, M-1**  
10 **Tourist Court. CO, C-1, C-2, C-3, M-1.**  
11 **Toy store. CO, C-1, C-2, C-3, M-1.**  
12 **Trailer and recreation vehicle sales, service and rentals. C-2, C-3, M-1, M-2, AP.**  
13 **Travel agencies. CO, C-1, C-2, C-3, M-1.**  
14 **Variety store. CO, C-1, C-2, C-3, M-1.**  
15 **Video machine and tape sales/rental. CO, C-1, C-2, C-3, M-1.**  
16 **Warehouses except for the storage of fuel or flammable liquids and explosives. CO, C-1, C-2,**  
17 **C-3, M-1.**  
18 **Watch and clock repair shop. CO, C-1, C-2, C-3, M-1.**  
19 **Wedding chapel. CO, C-1, C-2, C-3, M-1.**

20       Section 2. This Ordinance shall take effect thirty (30) days from the date of the passage  
21 hereof, or if published more than 15 days after the date of passage, then 30 days after publication,  
22 whichever is later, and, shall be published once in the Sun Gazette, a newspaper printed and  
23 published in the County of Tulare, State of California, together with the names of the members of  
24 the Board of Supervisors voting for and against the same.

25       THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of  
26 the County of Tulare, State of California, on the 25 day of February, 2020, at a regular meeting of  
27 said Board, duly and regularly convened on said day, by the following roll call vote:  
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AYES:

Supervisors Crocker, Vander Poel, Shuklian,  
Valero and Townsend

NOES:

None

ABSENT:

None



Chairman, Board of Supervisors



ATTEST: JASON T. BRITT  
County Administrative Officer/Clerk  
Board of Supervisors

By:   
Deputy Clerk



# Lemon Cove Community Plan 2019

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ORDINANCE NO. 3579

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, PERTAINING TO ESTABLISH SECTION 18.9 OF ORDINANCE NO. 352, THE ZONING ORDINANCE, A MIXED-USE OVERLAY COMBINING ZONE FOR LEMON COVE, UNLESS OTHERWISE PROVIDED IN THIS ORDINANCE PZC 19-016.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. SECTION 1. Section 18.9 is hereby added to Tulare County Ordinance No. 352, as amended from time to time, to read as follows:

The following regulations shall apply in the communities of Lemon Cove, Ivanhoe, Plainview, Woodville, Poplar/Cotton Center, Three Rivers, Goshen, Ducor, Terra Bella, Traver, Strathmore, Pixley, Tipton, Earlimart, Alpaugh, East Orosi, London, Richgrove, Sultana, El Monte Mobile Village, Hypericum, Jovista, Matheny Tract, Tooleville, Allensworth, Delft Colony, East Tulare Villa, Lindcove, Monson, Seville, Teviston, Tonyville, Waukena, West Goshen, and Yettem unless otherwise provided in this Ordinance unless otherwise provided in this Ordinance.

**PURPOSE A.** The purpose of this zone is to allow for mixed uses. Allowing a mix of uses promotes flexibility in the types of entitlements that can be issued. Economic Development can be pursued with a wide variety of development potential. In addition, mixed use can allow for decreased vehicles miles traveled if residential uses are mixed with uses for employment.

**APPLICATION B.** This overlay zone only applies to the communities of Lemon Cove, Ivanhoe, Plainview, Woodville, Poplar/Cotton Center, Three Rivers, Goshen, Ducor, Terra Bella, Traver, Strathmore, Pixley, Tipton, Earlimart, Alpaugh, East Orosi, London, Richgrove, Sultana, El Monte Mobile Village, Hypericum, Jovista, Matheny Tract, Tooleville, Allensworth, Delft Colony, East Tulare Villa, Lindcove, Monson, Seville, Teviston, Tonyville, Waukena, West Goshen, and Yettem.

**USE C.** No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses allowed in this this overlay zone are outlined in the community plan for Lemon Cove, Ivanhoe, Plainview, Woodville, Poplar/Cotton Center, Three Rivers, Goshen, Ducor, Terra Bella, Traver, Strathmore, Pixley, Tipton, Earlimart, Alpaugh, East Orosi, London, Richgrove, Sultana, El Monte Mobile Village, Hypericum, Jovista,

1	Matheny Tract, Tooleville, Allensworth, Delft	<b>Uses/Combination of Uses reviewed by</b>
2	Colony, East Tulare Villa, Lindcove, Monson,	<b>Planning Commission</b>
3	Seville, Teviston, Tonyville, Waukena, West	Autowrecking and Residential
4	Goshen, and Yettem, unless otherwise provided	Battery Manufacture and Residential or
5	in this Ordinance.	Commercial
6	Within the Mixed Use Zoning District, all uses	Biomass Fuel Production and Residential
7	outlined in the M-1 (Except Lemon Cove and	Flammable Liquids over 10,000 gallons
8	Three Rivers), C-3 (Except Three Rivers), C-2, C-	Hazardous Waste Facility
9	1 and R-1, R-2, R-3 uses are allowed. Uses and	Planing Mills and Residential or Commercial
10	activities that are found by the Planning Director	Sand blasting
11	to be similar to and compatible with those specific	Slaughterhouse and Residential
12	zoning districts are also allowed. In addition, use	Solid Waste Recycling and Residential
13	and activities determined to be compatible by the	Super service stations and Residential
14	Planning Commission and the Board of	Airport
15	Supervisors with the above mentioned zoning	Heliport
16	districts are also allowed.	
17	All conditional uses allowed in these zoning districts shall also be allowed by right with exception	
18	of the following combination of uses:	
19		
20	All uses shall not be detrimental to the health, safety, peace, morals, comfort, and general welfare of	
21	persons residing or working in the neighborhood, or to the general welfare of the county. All uses	
22	shall limit impacts related to smoke, fumes, dust, gas, noise, odor, vibrations and other hazards to	
23	be considered an allowed use without the need for a special use permit. All allowed uses are	
24	subject to the determination of appropriateness by the Director of Planning.	
25		
26	The Director of Planning has the option of deferring any land use application allowed in this district	
27	to the Planning Commission for review and decision.	
28		
29	<b>DEVELOPMENT STANDARDS D. 1.     <u>Height:</u></b> No building or structure hereafter erected or	
30	structurally altered shall exceed six (6) stories or seventy five (75) feet to uppermost part of roof.	
31		



1    2. Front Yard: 0 Feet

2    3. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-  
3    3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a  
4    lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than  
5    fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other  
6    cases, a side yard for a commercial building shall not be required.

7    4. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-  
8    3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a  
9    commercial building shall not be required.

10   5. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however,  
11   that where a lot has less area than herein required and was of record at the time this paragraph  
12   became effective, said lot may be occupied by not more than one (1) main building subject to the  
13   provisions of this Section.

14   6. Floor Area Ratio: The maximum Floor Area Ratio is 2. The Floor Area Ratio is the amount of  
15   square feet of all structure allowed on a parcel based on parcel size.

16   7. Distance between structures: The minimum distance between structures is 10 feet.

17   8. Parking: Off-street parking and loading shall be required in conformance with Section 15.

18   9. Fences, Walls, and Screening: Where the side or rear lot line of a site adjoins or is located across  
19   an alley from any "R" Zone (R-A, R-O, R-1, R-2, and R-3), there shall be a solid wall, fence or  
20   equivalent landscaping screening at least six (6) feet in height located along the common lot line,  
21   except in the required front or side yard. Open storage of materials and equipment shall be  
22   permitted only within an area surrounded and screened by a solid wall or fence or compact  
23   evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided  
24   that no materials shall be stored to a height greater than that of the wall, fence, or hedge.  
25   Fulfillment of the requirement of this paragraph shall not be required for buildings and uses which  
26   were established in accordance with all applicable buildings and zoning regulations and which were  
27   existing in a commercial or manufacturing zone on the effective date of this paragraph, until such  
28   time as a permit or other grant of approval for expansion, alteration or development of property is  
29   approved by Tulare County.

1 E. All other Development Standards are outlined in the Community Plan(s) for Lemon Cove,  
2 Ivanhoe, Plainview, Woodville, Poplar/Cotton Center, Three Rivers, Goshen, Ducor, Terra Bella,  
3 Traver, Strathmore, Pixley, Tipton, Earlimart, Alpaugh, East Orosi, London, Richgrove, Sultana,  
4 El Monte Mobile Village, Hypericum, Jovista, Matheny Tract Tooleville, Allensworth, Delft  
5 Colony, East Tulare Villa, Lindcove, Monson, Seville, Teviston, Tonyville, Waukena, West  
6 Goshen, and Yettem, unless otherwise provided in this Ordinance. Conformance to development  
7 standards is required for all development; however, the Planning Director, Planning Commission,  
8 or Board of Supervisors may provide exemptions to particular development standards when  
9 deemed appropriate

10  
11 Section 2. This Ordinance shall take effect thirty (30) days from the date of the passage  
12 hereof, or if published more than 15 days after the date of passage, then 30 days after publication,  
13 whichever is later, and, shall be published once in the Sun Gazette, a newspaper printed and  
14 published in the County of Tulare, State of California, together with the names of the members of  
15 the Board of Supervisors voting for and against the same.

16 THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of  
17 the County of Tulare, State of California, on the 25 day of February, 2020, at a regular meeting of  
18 said Board, duly and regularly convened on said day, by the following roll call vote:

19  
20 AYES:

21 Supervisors Crocker, Vander Poel, Shuklian,  
22 Valero and Townsend

23  
24 NOES:

25 None

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27 ABSENT:

28 None  
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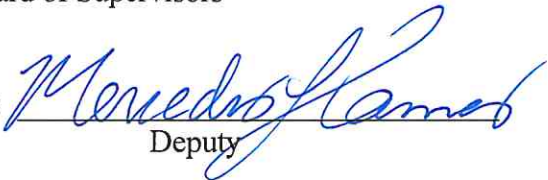
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Chairman, Board of Supervisors



ATTEST: JASON T. BRITT  
County Administrative Officer/Clerk  
Board of Supervisors

By:   
Deputy