



**CITY OF PORTERVILLE - CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 2, 2025, 5:30 PM**

The City of Porterville provides access to view city council meetings electronically. Please note that this service is offered as a courtesy and may not always be accessible to the public. To ensure the opportunity to participate in public comments and scheduled public hearings, individuals must attend in person.

This meeting will be available for viewing via YouTube at
<https://www.youtube.com/@cityofporterville4149>

Please direct any questions to the Office of City Clerk at 559-782-7464.

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 243-330-022. Agency Negotiator: Richard Tree. Negotiating Parties: City of Porterville and Michael L McElhany & M Cherry (TRS). Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 245-010-091. Agency Negotiator: Richard Tree. Negotiating Parties: City of Porterville and Ben Ennis. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 245-010-049. Agency Negotiator: Richard Tree. Negotiating Parties: City of Porterville and Pam Coons. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54956.95 – Liability Claim: Claimant: Lacey Cabrera. Agency claimed against: City of Porterville.

5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Dominguez v. City of Porterville, et al., Tulare County Superior Court Case No. VCU328001.

6 - Government Code Section 54956.9(d) (2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One (1) case in which facts are not yet known to potential plaintiff.

7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two (2) cases.

6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Green

Invocation

COUNCIL COMMENTS

PRESENTATIONS

Veterans Homecoming Queen and Her Court
Employee of the Month - Robert Ruiz III
City Employee Recognition

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. Approval of Draft Minutes of November 18, 2025

Re: Considering approval of the City Council draft Minutes of November 18, 2025.

2. Authorization of Emergency SCADA System Repairs at Rocky Hill and Martin Hill Reservoir

Re: Consideration of emergency authorization for SCADA system repairs at the Rocky Hill and Martin Hill Reservoir, including approval of a not-to-exceed expenditure of \$21,043 and direction to the Finance Director to issue a Purchase Order to Primex Company.

3. Authorization to Repair Airport Fuel Island Concrete

Re: Consideration to authorize the repair of the Porterville Municipal Airport fuel island concrete pad using the lowest responsive quote from Austin Enterprise and to approve a total project cost not to exceed \$13,836.24, including a 10% contingency.

4. Authorization of CivicPlus Contract Renewal

Re: Consider the authorization of the CivicPlus contract renewal for agenda and meeting management services in the amount of \$12,552.97.

5. Authorization to Enter into Memorandum of Understanding (MOU) with Valley Adult Day Services for Coordinated Transportation Services

Re: Consider approval of a Memorandum of Understanding between the City of Porterville and Valley Adult Day Services for coordinated transportation services using Porterville Transit's paratransit demand-response program.

6. Status and Review of Declaration of Local Flood Emergency

Re: Review of the Declaration of Local Emergency made on March 13, 2023, concerning the significant weather event and impacts relative to flood event.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

7. Villas at Winding Creek Tentative Subdivision Map and Conditional Use Permit

Re: Hold a Public Hearing to receive public testimony and consider the Villas at Winding Creek Residential Development Project, located on an 8.76-acre parcel along the Poplar Ditch between Wisconsin Street and Indiana Street, including adoption of the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, as well as approval of a Conditional Use Permit for reduced lot sizes and a Tentative Subdivision Map for a 32-lot residential subdivision.

8. Krayola Korner Modification of Conditional Use Permit

Re: Consideration of a resolution approving a modification to Conditional Use Permit 10-88, which authorized the operation of a childcare facility within the existing single-family residential structure at 420 N. E Street.

9. Adoption of an Ordinance Approving a Development Agreement Between the City of Porterville and Cannabis Express, Inc. for the Relocation of a Retail Cannabis Dispensary to 1432 W. Olive Avenue, Unit A

Re: Public Hearing regarding the introduction of a draft ordinance approving a Development Agreement between the City and Cannabis Express, Inc. to facilitate relocation of the cannabis dispensary to 1432 W. Olive Avenue, Unit A and enable the State licensing process.

10. Adoption of an Ordinance Adding Article XV to Chapter 2 of the Porterville Municipal Code Establishing Principles of Individual Liberty

Re: Public Hearing to receive public testimony and consider the first reading of the draft Ordinance adding Article XV to Chapter 2 of the Porterville Municipal Code to establish the City's commitment to individual liberty, including medical freedom, parental rights, nondiscrimination protections, and related provisions.

SECOND READINGS

11. **Second Reading - Ordinance No. 1921, Amending Article I of Chapter 7 of the Municipal Code of the City of Porterville and Adopting by Reference the 2025 Editions of the California Administrative Code, The California Building Code Along with Designated Appendices, The California Residential Code Along with Designated Appendices, The California Energy Code, The California Historical Buildings Code, The California Existing Building Code, The California Referenced Standards Code, and The Wildland-Urban Interface Code.**
Re: Adoption of an ordinance amending Chapter 12, Amending Article I Of Chapter 7 Of The Municipal Code Of The City Of Porterville And Adopting By Reference The 2025 Editions Of The California Administrative Code, The California Building Code Along With Designated Appendices, The California Residential Code Along With Designated Appendices, The California Energy Code, The California Historical Buildings Code, The California Existing Building Code, The California Referenced Standards Code, And The Wildland-Urban Interface Code As Published By The International Code Council.
12. **Second Reading - Ordinance No. 1922, Amending Section 7-4 of the Municipal Code of the City of Porterville, Adopting by reference the 2025 Edition Of The California Mechanical Code**
Re: Adoption of an ordinance amending section 7-4 of the Municipal Code of the City of Porterville, adopting by reference the 2025 Edition of the California Mechanical Code, published by The International Association of Plumbing and Mechanical Officials.
13. **Second Reading - Ordinance No. 1923, Amending Section 7-6 of the Municipal Code of the City of Porterville, Adopting by Reference the 2025 Edition of the California Plumbing Code**
Re: Adoption of an ordinance amending section 7-6 of the municipal code of the City of Porterville, adopting by reference the 2025 Edition of the California Plumbing Code published by The International Association of Plumbing and Mechanical Officials
14. **Second Reading - Ordinance No. 1924, Amending Section 7-9 and Deleting Section 7-10 of the Municipal Code of the City of Porterville and Adopting by Reference the 2025 Edition of the California Electrical Code**
Re: Adoption of an ordinance of the City Council of the City of Porterville amending section 7-9 and deleting Section 7-10 of the municipal code of the City of Porterville, and adopting by reference the 2025 Edition of the California Electrical Code Published By Bni Publications, Inc.
15. **Second Reading - Ordinance No. 1925, Amending Article IV of Chapter 7 of the Municipal Code of the City of Porterville, Adopting by Reference the 2025 Edition of the California Green Building Standards Code**
Re: Adoption of an ordinance of the City Council of the City of Porterville, amending Article IV of Chapter 7 of the municipal code of the City of Porterville, adopting by reference the 2025 Edition of the California Green Building Standards Code, published by The International Code Council.

SCHEDULED MATTERS

16. Authorization to Purchase Veterans Park Playground

Re: Council direction on the purchase of a playground for Veterans Park; consideration of authorization for the Deputy City Manager to negotiate and execute all necessary documents for the playground purchase, in an amount not to exceed \$385,000 using budgeted Measure I funds; and consideration of authorizing the distribution of a Request for Qualifications (RFQ) for the ADA connectivity path portion of the project, with a cost not to exceed \$15,000.

17. City Hall American Flag Distribution Program

Re: Consideration to implement a quarterly flag replacement program beginning January 2026 and to allocate \$2,000 annually from the Community Promotion Budget for replacement flags and presentation materials.

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Downtown Porterville Committee Meeting - November 20, 2025
2. Porterville Area Development Authority (PADA) - November 21, 2025

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of December 16, 2025, at 5:30 p.m.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, requesting electronic participation as an accommodation, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 N. Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Approval of Draft Minutes of November 18, 2025

SOURCE: Administrative Services

COMMENT: Presented for Council's approval are the draft Minutes of November 18, 2025.

RECOMMENDATION: That the Council approve the draft Minutes of November 18, 2025.

ATTACHMENTS: 1. Draft Minutes of November 18, 2025

Appropriated/Funded:

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 18, 2025, 5:30 PM**

Call to Order at 5:30 p.m.

Roll Call: Council Member AJ Rivas, Council Member Stan Green,
Council Member Raymond Beltran, Vice Mayor Edward L. McKervey,
Mayor Greg Meister

ORAL COMMUNICATIONS

- Brian Ennis, Porterville, addressed longstanding Lombardi traffic issues, noted past efforts and recent positive discussions with city officials, and expressed willingness to help find a solution.
- Jason Callison, Porterville, opposed reopening Castle, citing high costs, the long process, and negative impacts on property owners, and urged the city to prioritize road repairs instead.
- Don Weyhrauch, Porterville, expressed concern over closed session discussions on Lombardi properties, urged support of existing developer partnerships, and recommended reviewing all facts before decisions.
- Pam Coons, Porterville, opposed the proposed road, noting it would harm her property, and asked the Council to consider alternatives and spend funds wisely.

CITY COUNCIL CLOSED SESSION:

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- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 243-330-022. Agency Negotiator: Richard Tree. Negotiating Parties: City of Porterville and Michael L McElhany & M Cherry (TRS). Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 245-010-091. Agency Negotiator: Richard Tree. Negotiating Parties: City of Porterville and Ben Ennis. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 245-010-049. Agency Negotiator: Richard Tree. Negotiating Parties: City of Porterville and Pam Coons. Under Negotiation: Terms and Price.
- 4 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 253-018-001. Agency Negotiator: Richard Tree. Negotiating Parties: City of Porterville and Dr. Wilson Park. Under Negotiation: Terms and Price.
- 5 - Government Code Section 54956.95 – Liability Claim: Claimant: Sarai Robles. Agency Claimed Against: City of Porterville.
- 6 - Government Code Section 54956.9(d) (2) – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation: Six (6) cases: 1) Five cases in which facts are not

yet known to potential Plaintiffs, and 2) Letter from Attorney Brent Mcmanigal dated 10/02/2025.

7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two (2) cases.

6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-5, as follows:

A-5. On a MOTION made by Council Member Beltran, and SECONDED by Vice Mayor McKerverey the City Council unanimously denied the claim filed by Sarai Robles.

Documentation: M.O. 01-111825

Disposition: Claim denied.

The Pledge of Allegiance Led by Council Member Rivas

Invocation – a member of the public came forward and gave an invocation.

PRESENTATIONS

Recognition of St. Anne’s School 100th Anniversary

Recognition of SCCA and Porterville College Students – Fire Hydrant Art

ORAL COMMUNICATIONS

- Darrin Garrett, Porterville, recognized city staff for exceptional service and expressed frustration with delays in plan review and property splits to his future business, urging timely city processes and accountability.
- Leticia Hinojosa, King Tulare Homeless Alliance, requested continued funding for two Porterville projects housing twenty-three (23) previously homeless individuals, noting federal funding limitations that could jeopardize these programs.
- Mary Culver, Central Valley Family Crisis Center, emphasized the potential loss of supportive housing funding for twenty-three (23) clients with disabilities due to new federal Notice of Funding Opportunity requirements.
- Neil Johnson, requested code flexibility for his church’s residential trash bin enclosure, noting minimal trash generation and the site’s location on the city outskirts.
- Brian Ennis, Porterville, supported the adoption of the 2025 California Building Code and urged collaboration with builders for smooth implementation.
- Jennifer Canela, Springville, urged the Council to address Lombardi/Castle traffic with the least disruptive solution, citing a petition from Pathways parents.
- Jean Vafeades, Porterville, raised concerns about two flags on Main Street, questioning funding, approval, and duration, and noted their modern use by extremist groups.
- Brock Neeley, Porterville, criticized the political use of Veterans Day and inflammatory communications from Vice Mayor McKerverey, urging the Vice Mayor to resign.

- Luis Gonzalez, Porterville, advocated for support of vulnerable populations, including the disabled, elderly, veterans, and low-income residents, emphasizing their voice and inclusion.
- John Coffee, Porterville, condemned the use of a veteran's salute for campaign purposes and requested an apology and resignation from the responsible council member.
- Ted Bastion, Porterville, requested city action to address a squirrel infestation originating from airport fields affecting his property.
- Pamela Thompson, Porterville, requested transparency, fairness, and accountability regarding actions toward Police Chief Jake Castellow while on protected leave.
- Ador Cardenas, Porterville Chamber of Commerce, provided updates on upcoming Chamber events, including ribbon cuttings, the Children's Christmas Parade, and Coffee with the CEO/City events.
- Paul Flores, Porterville, criticized the historical justification of city flags, citing modern extremist use, and raised concerns about Porterville Area Coordinating Council operations and associated officials.
- Greg Shelton, Porterville, opposed the proposed \$2.1 million road in relation to the Lombardi/Castle area, citing prior abandonment of Castle, a free driveway for a property owner, and urged a practical route solution.
- Ryan Coons, Porterville, opposed the proposed road in relation to the Lombardi/Castle area, noting it would disrupt homes and his trucking business, and urged using the field instead.
- Jennifer Sills, Porterville, opposed the favored road route in relation to the Lombardi/Castle area, citing cost, personal vendettas, and the irreplaceable nature of her property and family legacy.
- Taha Saleh, Porterville, thanked the Council and police, requested reactivation of the Charter Review Committee, and suggested improved communication with constituents at council meetings.
- Crystal Barteau, Porterville, addressed the emotional toll on her husband, Assistant Police Chief Dominic Barteau, a police officer on protected leave, urging the Council to act with transparency, dignity, and respect.

REPORTS

- I. City Commission and Committee Meetings
 1. Animal Control Commission - November 13, 2025
 2. Youth Commission - November 12, 2025
- II. Staff Informational Reports
 1. Fall 2025 Community Clean-Up And Disposal Event Results

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Beltran, SECONDED by Council Member Rivas that the City Council approve Items Nos. 1-8. The motion carried unanimously.

1. AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS FOR THE COUNCIL CHAMBERS RENOVATION PROJECT

Recommendation: That the City Council:

1. Authorize staff to advertise Request for Proposals for the Council Chambers Renovation Project; and
2. Authorize the City Manager, or designee, to take such actions as necessary to implement the RFP process and return to the City Council with a recommendation for award.

Documentation: M.O. 02-111825

Disposition: Approved.

2. AWARD OF PERMANENT LOCAL HOUSING ALLOCATION (PLHA) YEAR 3 UNSUBSCRIBED FUNDS

Recommendation: That the City Council:

1. Award CCFCC in the amount of \$31,813.45 for Emergency Shelter & Bridge Housing Operations and \$8,101.57 for Permanent Supportive Housing (PSH) Operations;
2. Award FSTC in the amount of \$7,710.00 for PSH Operations; and
3. Award Kings View in the amount of \$31,813.46 for Emergency Shelter & Bridge Housing.

Documentation: M.O. 03-111825

Disposition: Approved.

3. AUTHORIZATION TO AWARD CONTRACT – FIRE STATION 72 ADDITION AND REMODEL PROJECT

Recommendation: That the City Council:

1. Award the Fire Station 72 Addition and Remodel Project to 4C Global, Inc (dba 4Creeks Build) in the amount of \$2,695,000;
2. Authorize progress payments up to one hundred percent (100%) of the contract amount;
3. Authorize a ten percent (10%) contingency to cover unforeseen circumstances; and
4. Authorize an additional ten percent (10%) for construction management, surveying, quality control and inspection services.

Documentation: M.O. 04-111825

Disposition: Approved.

4. ACCEPTANCE OF PROJECT - HENRAHAN STREET RECONSTRUCTION PROJECT

Recommendation: That the City Council:

1. Accept the Henrahan Street Reconstruction Project as complete;
2. Authorize the filing of the Notice of Completion by the City Clerk; and
3. Authorize the return of \$425,614.81 in unused Measure I funds to the Measure I fund balance for future eligible improvement projects.

Documentation: M.O. 05-111825

Disposition: Approved.

5. AUTHORIZATION OF ADDITIONAL PROJECT FUNDS FOR THE CHARGING STATION REPLACEMENT PROJECT

Recommendation: That the City Council authorize an increase of \$126,000 in project funds for the Charging Station Replacement Project to cover additional expenses for sales tax, freight, performance bond, and engineering services, with costs to be funded by existing project-specific grant funds.

Documentation: M.O. 06-111825

Disposition: Approved.

6. APPROVAL OF A 90-DAY EXTENSION OF THE OPTION TO PURCHASE AND SALE AGREEMENT WITH SELF-HELP ENTERPRISES

Recommendation: That the City Council:

1. Approve a 90-day extension of the Option to Purchase – Purchase and Sale Agreement with Self-Help Enterprises for the City-owned property located at Springville Avenue and Jaye Street (APN 260-300-034); and
2. Authorize the City Manager, or designee, to execute the Option to Purchase – 90-Day Extension Agreement and any related documents necessary to complete the extension.

Documentation: M.O. 07-111825

Disposition: Approved.

7. CONSIDERATION OF APPOINTMENT OF CALTIP BOARD MEMBER AND ALTERNATES

Recommendation: That the City Council:

1. Approve the draft resolution designating Administrative Services Director Yuliana Andrade as the City's CalTIP Board Member, and Transportation

- Director Russell Isom and Chief Deputy City Clerk Fernando Gabriel-Moraga as the Alternate Members; and
2. Authorize the Mayor to execute said Resolution for submission to CalTIP.

Documentation: Resolution No. 104-2025

Disposition: Approved.

8. STATUS AND REVIEW OF DECLARATION OF LOCAL FLOOD EMERGENCY

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

Documentation: M.O. 08-111825

Disposition: Approved.

PUBLIC HEARINGS

9. ADOPTION OF THE 2025 CALIFORNIA BUILDING CODES

Recommendation: That City Council:

1. Conduct a Public Hearing to receive input regarding the adoption of the 2025 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building Standards, Historical Buildings, Existing Buildings, Referenced Standards, and Wildland Urban Interface Codes;
2. Approve for first reading the draft Ordinances adopting the 2025 Editions of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building Standards, Historical Buildings, Existing Buildings, Referenced Standards, and Wildland Urban Interface Codes; and
3. Waive further reading and order the Ordinances to print.

City Manager Tree introduced the item and Engineering and Project Management Director Javier Sanchez presented the staff report.

Mayor Meister opened the public hearing at 7:44 p.m.

- Brian Ennis, representing the board of directors for the Building Industry Association of Tulare and Kings County, spoke in favor of its adoption and requested that the city work with builders for a smooth implementation of the new codes, as they had done during previous changes.

Mayor Meister closed the public hearing at 7:44 p.m. when no one else came forward to speak.

Council Member Beltran inquired about the possibility of providing a grace period for builders submitting plans, referencing the January 1, 2026 effective date, to which staff indicated that they intend to continue to work with builders and developers to allow projects to proceed under existing code during a brief grace period.

Council Member Rivas raised concerns regarding the applicability of state code provisions to intermodal shipping containers used solely for storage. He noted that the code does not expressly address containers used for basic storage purposes. Staff clarified that once a container is placed for fixed storage use under an S-1 or S-2 occupancy, it is considered a structure and therefore subject to the building code, even if no modifications have been made to the container.

Council Member Rivas further noted that a letter, requested approximately five months prior to the California Building Standards Commission, seeking an increase in permit-exempt accessory structure size from 120 square feet to 210 square feet had not yet been sent.

Mayor Meister recommended proceeding with the adoption of the building codes as presented, noting that they will become effective statewide on January 1, 2026, regardless of local action. He suggested that the requested amendment related to cargo containers be addressed separately through a formal request and letter to be sent to the California Building Standards Commission.

COUNCIL ACTION:

MOVED by Mayor Meister, SECONDED by Council Member Rivas that the City Council approve the first reading of ordinances, being,
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2025 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA BUILDING CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA RESIDENTIAL CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDINGS CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA REFERENCED STANDARDS CODE, AND THE WILDLAND-URBAN INTERFACE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL,

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS,

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF THE CITY OF

PORTERVILLE ADOPTING BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA PLUMBING CODE PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS,

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY BNi PUBLICATIONS, INC., and

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE IV OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, waive further readings, and order the ordinances to print., and directed that a letter be sent to the California Building Standards Commission with regard to an amendment to the square footage of storage containers to 210 feet.

AYES: Rivas, Green, McKervey, Meister

NOES: Beltran

ABSTAIN: None

ABSENT: None

Documentation: Ordinance No. 1921 (Admin, Building, Residential, Energy, Historical, etc.)
Ordinance No. 1922 (Mechanical)
Ordinance No. 1923 (Plumbing)
Ordinance No. 1924 (Electrical)
Ordinance No. 1925 (Green Building Standards)

Disposition: Approved.

10. CONSIDERATION OF REVOCATION OF BUSINESS LICENSE FOR A HOME OCCUPATION PERMIT

Recommendation: That the City Council:

1. Hold a public hearing to consider whether the business license associated with a Home Occupation Permit for 1910 W. Putnam Avenue should be revoked; and
2. Based on the evidence presented during the public hearing, take action to revoke the business license for the Home Occupation Permit if the City Council finds that continued violations have occurred and compliance has not been achieved.

City Manager Tree introduced the item, and Finance Director Janie Rodriguez presented the staff report.

Mayor Meister opened the public hearing at 7:59 p.m.

- Elida Suarez, the business owner, objected to the proposed revocation, stating she had not been properly notified of the hearing or provided with a list of allegations. She asserted that these issues constituted a violation of her due process rights. Ms. Suarez also requested that Council Member Beltran and the City Attorney recuse themselves, alleging potential conflicts of interest and inadequate legal guidance. She further stated that the matter originated from a single neighbor complaint, that she had corrected the issues, and that she felt she continued to be unfairly targeted.
- Unknown Name, Daughter of the complainant, spoke on behalf of her father, Francisco, stating that the issues involving the business have been ongoing since 2022. She described continual noise, increased vehicle traffic, and frequent customer visits, noting that one to six or more cars arrive daily. She reported that customers often block the family's driveway, mailbox, and garbage bins, resulting in missed mail and trash service, and stated that one customer had struck their fence. She requested the Council's assistance in restoring peace and safety to her parents' home and the neighborhood.

Mayor Meister closed the public hearing at 8:06 p.m. when no one else came forward to speak.

Council Member Beltran expressed support for revocation. He stated he had been contacted about the issues shortly after being elected and noted reports that the business had been advertising on social media, which had been confirmed by Code Enforcement at the time. He referenced staff findings indicating repeated noncompliance with conditions of approval over several years. He also acknowledged that a family member had previously purchased items from the residence. He stated that while revocations are rare, he supported the staff recommendation based on ongoing impacts to neighbors and the owner's failure to responsibly manage the business license.

Council Member Rivas stated he did not support revocation. He reviewed the timeline, noting four reports filed between March and October 2022, but also that a 2023 inspection showed no violations. He believed the city should exhaust corrective measures before removing the license and expressed concern that Ms. Suarez's due process rights may have been violated, citing the lack of certified-mail notice. He recommended implementing a Compliance and Improvement Plan with reasonable timelines (30–60 days) rather than revoking the license. He requested more detailed documentation of violations, observing that the record appeared to consist primarily of letters sent to the owner.

Council Member Green also opposed revocation. While he acknowledged the neighbor's concerns about traffic, he stated it was difficult to conclude that one to six vehicles per day over a full workday constituted a neighborhood disruption.

Mayor Meister sought clarification regarding the source of the complaints, asking whether they came from multiple parties or a single individual. Finance Director Janie Rodriguez reported that several complaints had been anonymous.

Vice Mayor McKervey stated he was not in favor of revocation. He described the reports as vague and inconsistent and expressed concern about the use of anonymous complaints, noting that such mechanisms can be misused in neighbor disputes. He emphasized reluctance to revoke someone's livelihood based on the evidence provided and supported a remedial or "second look" approach, consistent with Council Member Rivas's recommendation.

Mayor Meister asked Ms. Suarez to comply with the ordinance by refraining from allowing customers to pick up goods at her home, especially if the Council opted to support her business.

Ms. Suarez responded that she delivers items and asserted that she continues to experience harassment from neighbors.

COUNCIL ACTION: MOVED by Council Member Rivas, SECONDED by Council Member Green that the City Council decline to revoke the business license and allow Ms. Elida Suarez to retain her license, with direction to staff to provide Ms. Suarez with clear, detailed guidance on required compliance measures and applicable ordinance provisions, and to ensure ongoing adherence to all laws governing the operation of her business.

AYES: Rivas, Green, McKervey, Meister
NOES: Beltran
ABSTAIN: None
ABSENT: None

Documentation: M.O. 09-111825
Disposition: Approved.

SECOND READINGS

11. SECOND READING - ORDINANCE NO. 1920, AMENDING CHAPTER 12, ARTICLE 1 OF THE CODE OF THE CITY OF PORTERVILLE, ADOPTING BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA FIRE CODE

Recommendation: That the City Council give Second Reading to Ordinance No. 1920, waive further reading, and adopt said Ordinance.

City Manager Tree introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Beltran, SECONDED by Council Member Rivas that the City Council give second reading to Ordinance No. 1920, being an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE

AMENDING CHAPTER 12, ARTICLE 1 OF THE CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE 2025 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, waive further reading, and adopt said ordinance. The motion carried unanimously.

Documentation: Ordinance No. 1920

Disposition: Approved.

Council took a recess at 8:30 p.m. and reconvened at 8:40 p.m.

SCHEDULED MATTERS

12. CONSIDERATION TO PARTICIPATE IN COMMUNITY WATER CENTER FEASIBILITY STUDY

Recommendation: That the City Council:

1. Authorize the City of Porterville to participate in the Community Water Center Feasibility Study; and
2. Authorize the City Manager to execute a Letter of Interest with the Community Water Center supporting inclusion in the feasibility study.

City Manager Tree introduced the item and Public Works Director Robert Alvarez presented the staff report.

Council Member Beltran expressed support for proceeding with the study but noted that the State focuses solely on drinking-water contamination while neglecting related wastewater issues. He stated that the State invests heavily in providing clean drinking water but does not address underlying contamination tied to wastewater systems such as septic tanks. He suggested the State should approach both issues together to create a more comprehensive solution.

Council Member Green questioned the extent to which the City should commit to supplying water to external communities, asking where the City should draw the line and whether it could reasonably continue expanding service. He referenced nearby areas, including Terra Bella, Strathmore, Lindsay, Poplar, and Cotton Center, and stated he could not support the item at this time.

Council Member Rivas echoed Council Member Green's concerns. He stated that, as he is not a water expert, he would require additional information and factual analysis before offering a position on the matter.

Vice Mayor McKerverey agreed with Council Member Beltran's remarks regarding shortcomings in State policy. He expressed concern that while the State may offer up to 100% funding, it could later alter the terms, referencing the Atkins Well project in which the City was

ultimately required to connect additional properties to justify full reimbursement. He cautioned that undertaking the study could result in future State mandates that impose added responsibilities and financial burdens on the City.

Staff clarified that the State did modify the terms of the Atkins Well agreement by requiring additional service connections due to the well's higher-than-anticipated production capacity. Staff noted the project remains ongoing and also includes a 70-foot communication tower funded by the State.

Mayor Meister highlighted potential benefits of completing the study, noting that the city currently recharges more water into the ground than it uses. He stated that the study could identify long-term opportunities to connect additional users, decommission private wells, and support future growth and development. He emphasized that the study would be fully funded and noted that private builders are already active in the corridor under discussion.

COUNCIL ACTION: MOVED by Council Member Beltran, SECONDED by Mayor Meister that the City Council approve the city to participate in the Community Water Center Feasibility Study.

AYES: Beltran, McKervey, Meister

NOES: Green

ABSTAIN: Rivas

ABSENT: None

Documentation: M.O. 10-111825

Disposition: Approved.

13. CONSIDERATION OF AMENDMENTS TO THE CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council:

1. Adopt the attached Draft Resolution revising the Order of Business and rescinding Resolution No. 08-2023;
2. Approve the updated Appendix F (Social Media Policy) as reviewed and recommended by the City Attorney; and
3. Approve the updated City Council Procedural Handbook incorporating the redline amendments, including the clarification to Section F.

City Manager Tree introduced the item and presented the staff report.

Vice Mayor McKervey noted that changing the sequence of the meeting would improve productivity for both the public and the Council. He acknowledged that the final proposal was an improvement over his original suggestion. He opposed recommendations #2 and #3, stating that the

procedural handbook and Section F were acceptable as currently written and that his intent was not to make policy changes.

Council Member Rivas concurred with Vice Mayor McKervey, supporting recommendation #1 as a means to streamline communication. He opposed recommendations #2 and #3, indicating that he found the procedural handbook adequate and did not see a need for redlines or additional changes.

City Attorney Lew explained that some redlined changes were necessary to update references to old case law. The revisions were intended to simplify and clarify the guidelines by consolidating Supreme Court references, which establish a clearer standard for council members' use of social media. She noted that the current law governing council members' social media use is less restrictive than previous interpretations.

Council Member Beltran indicated that the sequence change itself was not significant, but he expressed concern that adding a council comment section at the beginning of the meeting (per the Mayor's request) could lengthen the meeting.

Mayor Meister explained that the early comment section would allow elected officials to report on their duties, committee work, and public events sooner, while the section at the end would remain for meeting-specific comments.

Council Member Beltran sought confirmation that, if the handbook was not amended regarding meetings, he could continue using discretionary funds for district meetings. City Attorney Lew confirmed that this was consistent with existing rules.

Council Member Beltran requested a list of authorized conference rooms for constituent meetings, to which City Manager Tree listed Centennial Plaza, the Coleman conference room, the McCracken conference room, and the Council Chambers, confirming that constituent meetings must occur at City Hall sites.

City Attorney Lew reminded the Council that if Recommendation #1 (Revision of the Order of Business) was approved but Recommendation #2 (social media) was rejected, a modified version of Recommendation #3 would still need to be passed to formally adopt the handbook with the approved changes.

COUNCIL ACTION: MOVED by Vice Mayor McKervey, SECONDED by Mayor Meister that the City Council approve recommendation #1 (revising the order of business via a draft resolution) and to modify Recommendation #3 (adopting the procedural handbook) to incorporate the order changes while removing the old case law references, consistent with the City Attorneys modified suggestion. The motion carried unanimously.

Documentation: Resolution No. 105, M.O. 11-111825
Disposition: Approved.

AB 1234 REPORTS

1. Local Initiatives Navigation Center Committee (LINC) - November 5, 2025

Council Member Beltran noted the navigation center has served 2,910 individuals since July 2023, with 1,162 sheltered, and is currently full. He highlighted the winter coat drive, food pantry info, the committee's January transition to the PIT Planning Committee, the need for a pet services volunteer, and upcoming meetings.

2. Mighty 190 Committee Meeting - November 10, 2025

Community Development Director Claudia Calderon highlighted social media engagement, the marketing schedule, a March 9 partner event, budget approval, upcoming events including the Children's Christmas Parade and State of the City, and the new commemorative city logo.

ORAL COMMUNICATIONS

- John Coffee, Porterville, raised concerns about a council member's comment on trust in government and reported semi-truck parking hazards near Les Schwab Tire Center and Walmart.
- Brock Neeley, Porterville, emphasized that anonymous reporting is valid but urged the Council to implement proactive code enforcement rather than rely on citizen complaints.
- Paul Flores, Porterville, criticized past Porterville Area Coordinating Council management by Korey Wells, including a costly relocation and unnecessary purchases, and highlighted broader concerns about misuse of city authority and political influence.
- Jean Vafeades, Porterville, asked whether the Vice Mayor's prior request to modify oral communications in the Procedural Handbook had been implemented.
- Luis Gonzalez, Porterville, urged Council decisions on homelessness and funding to protect vulnerable populations and ensure proper oversight of shelters.
- Greg Shelton, Porterville, opposed the water feasibility study and the \$2.1 million Castle/Lombardi Road project, citing mismanagement, unfair benefits to property owners, and longstanding traffic concerns.
- Don Weyhrauch, Porterville, commented on meeting tone, praised staff improvements on Lombardi and Westwood, urged addressing road hazards, and requested reconsideration of call-in options for meetings.
- Taha Saleh, Porterville, thanked the Council for a calm meeting, praised honest abstentions by Council Member Rivas, and raised concerns regarding a recent local tragedy and city chase policies.

OTHER MATTERS

- Council Member Beltran addressed concerns about Main Street flags, the Temple of Praise trash enclosure, Porterville Area Coordinating Council leadership, and the Police Chief situation, urged the council to maintain compassion, praised Veterans Day events, condemned offensive email language, and extended Thanksgiving wishes.
- Council Member Rivas praised Veterans Day events, offered condolences and prayers for recent tragedy victims, reminded residents to exercise caution in fog and rain, and wished the community a safe Thanksgiving.

- Vice Mayor McKervey highlighted the success of Veterans Day events and run/walk, commended the flyover, provided historical context for the Main Street flags and Thanksgiving, and encouraged community gratitude and civil discourse.
- Mayor Meister expressed disappointment over the Lombardi/Castle traffic issue, committed to resolving it, directed staff to follow up on complaints (trash bins, squirrels), praised community beautification efforts, recognized employee dedication, celebrated Veterans Day events, and addressed the recent tragic chase while urging support for law enforcement.
- City Manager Tree thanked staff for Veterans Day efforts, commended handling of illegal vendors, highlighted the “Stuff the Bus” event, recognized Public Works sandbag preparation, and announced upcoming recognition of promotions and new employees.

Council reconvened into Closed Session at 9:55 p.m.

CLOSED SESSION

None.

ADJOURNMENT

The Council adjourned at 11:19 p.m. to the meeting of December 2, 2025, at 5:30 p.m.

Fernando Gabriel-Moraga,
Chief Deputy City Clerk

SEAL

Greg Meister, Mayor



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Authorization of Emergency SCADA System Repairs at Rocky Hill and Martin Hill Reservoir

SOURCE: Public Works

COMMENT:

The Supervisory Control and Data Acquisition (SCADA) system that monitors and controls the Rocky Hill and Martin Hill Reservoirs is experiencing ongoing communication failures. The SCADA system, originally installed in 1994 and built on a proprietary Siemens platform, is essential for daily operations, including monitoring water levels, operating wells and booster pumps, managing pressure zones, and supporting sewer lift stations and storm drain pump stations throughout the City.

Due to system failures, staff have been required to manually operate several facilities, resulting in increased overtime and reduced operational reliability. Immediate corrective action is necessary to stabilize operations and prevent further disruption to the City's water and wastewater systems.

Because of the age, design, and proprietary configuration of the existing SCADA system, Primex Company is the only qualified integrator capable of diagnosing and repairing communication failures. Primex has provided a detailed cost proposal that includes all necessary labor, travel, materials, and engineering services. The estimated cost for the repairs is \$19,130, as shown in the attached quote.

To account for unforeseen field conditions and the complexity of the decades-old system, staff recommends including a 10 percent contingency. This results in a total authorization not to exceed \$21,043. Funding is available from the Water Operating Fund.

Emergency authorization will allow the City to proceed immediately with the necessary repairs and restore reliable automated control of the reservoir system.

RECOMMENDATION:

That the City Council:

1. Authorize Primex Company to complete emergency repairs to the Supervisory Control and Data Acquisition (SCADA) communication system serving the Rocky Hill and Martin Hill Reservoir at a cost not to exceed \$21,043, inclusive of all parts, taxes, labor, and a 10 percent contingency.
2. Direct the Finance Director to initiate a Purchase Order to Primex Company in the amount not to exceed \$21,043.
3. Direct the Finance Director to make payment to Primex Company upon receipt of an invoice approved by the Public Works Director.

ATTACHMENTS:

1. Primex Quote

Appropriated/Funded:

Review By:

Department Director:
Robert Alvarez, Acting Public Works Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



www.primexcontrols.com

Quoted To: City of Porterville, CA

Attn: John Pruitt

Quote Valid: 60 Days

Service Quotation

Job Name: Porterville, CA

Quote No.:

Date: November 6, 2025

Quote By: Nick Skramstad

Phone: 763-231-3935

Email: nick.skramstad@sjeinc.com

Quote Type: Demand Field Service

Reference: Jon Pruitt

Field service (SU/Training/service/etc.)	Qty/Hrs	(per day)	Total
Airfare	1	\$780	\$780
Lodging; number of NIGHTS:	4	\$200	\$800
Meals/expenses; number of days:	5	\$178	\$890
Rental car; number of days:	1	\$450	\$450
TOTAL TRAVEL EXPENSE ITEMS:			\$3,650
Company car mileage; ENTER MILES HERE:	0	\$0.80	\$0
Travel time; HOURS:	8	\$110	\$880
Jobsite time; HOURS: Remote Engineering	40	\$225	\$9,000
Jobsite time; HOURS: Field Service	32	\$175	\$5,600
			\$ -
<u>GRAND TOTAL:</u>			<u>\$19,130</u>

We are pleased to submit this quote based on your requirements:

Tasks:

Materials:

The estimate for the requested field services includes travel time and all expenses. I estimate we will need one half (1/2) days of on-site time. Your total **ESTIMATED** net cost would be: **\$19,130.00**
Field services will be billed based on actual time and materials.

We require two (2) weeks advance notice for scheduling. Less advance notice will adversely affect costs

Please Note: **Quote is not to exceed amount**

This quotation is based on information available at the time of the quote. Any additional information may require a new or revised quotation. Please contact us for complete Terms and Conditions.



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Authorization to Repair Airport Fuel Island Concrete

SOURCE: Transportation

COMMENT: The concrete pad at the Porterville Municipal Airport fuel island has deteriorated due to age, fuel exposure, weather conditions, and aircraft and service-vehicle activity. The fuel island pad functions as secondary containment for the facility's fueling infrastructure and is required to remain intact to maintain operational, safety, and environmental compliance standards.

Cracking, settlement, and worn concrete around the fuel piping and related components now prevent the pad from providing effective secondary containment. Repairs are necessary to restore the pad's structural integrity and ensure continued compliance. Work will include rebuilding the concrete berm, sealing concrete joints and miscellaneous cracking, and sealing around fuel system fixtures. Leak detection testing is not required, as noted on the contractor's bid form.

Staff requested bids from the following vendors, and the responses were as follows:

Vendor	Quote
Austin Enterprise	\$12,578.40
Fuel-Tek	Non-Responsive
Denny McCowan General Engineering	Non-Responsive
Franzen Hill Corporation	Non-Responsive
Wester Pump	Non-Responsive

Austin Enterprise submitted the lowest responsive quote. The total project cost, including the contractor's quote and a 10 percent contingency, is \$13,836.24. Funding is available in the Airport Replacement Fund and no General Fund impact is anticipated.

RECOMMENDATION: That the City Council:

1. Authorize the repair of the Airport fuel island concrete at a cost not to exceed \$13,836.24 (inclusive of all parts, taxes, freight, and a 10% contingency); and
2. Authorize payment upon completion of the repair.

ATTACHMENTS:

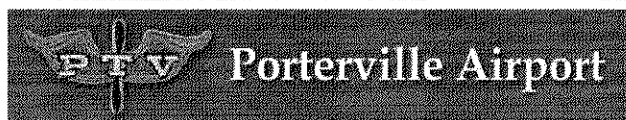
1. Austin Enterprise Quote

Appropriated/Funded:

Review By:

Department Director:
Russell Isom, Director of Transportation

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



Porterville Airport

City of
Porterville

Request For Proposal No.1

Porterville Municipal Airport

Fuel Facility Upgrade Project: Concrete

Revision Date: 11/4/2025

Bid Submittal:

Contractor to fill in all blanks on the Bid Schedule, sign and date the form, scan, and e-mail to both addresses below before 3:00 pm, Friday, November 7th, 2025:

Michael@tartaglia-engineering.com

Abarragan@ci.porterville.ca.us

Questions should be directed to Michael Arms at Tartaglia Engineering. michael@tartaglia-engineering.com (805)466-5660

Compensation:

Compensation to the contractor for Lump Sum items will be at the lump sum price for acceptably performing the work. Compensation to the contractor for Unit Price items shall be at the identified unit price times the accepted quantity of work constructed or installed, as measured in the field by the inspector.

Award of Contract:

The City of Porterville reserves the right to award all the work of the bid schedule or to selectively award individual items of the bid schedule based on pricing and available funding. Each individual item shall carry the mobilization and overhead burden for the work of each item.

Selection of Contractor:

The contractor selected for the work will be the lowest responsive contractor based on comparison of the sum total of the bid schedule.

Contractor Response:

Leak detection testing not required

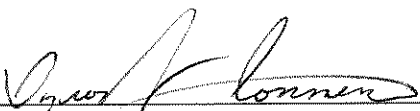
In the Bid Schedule below, identify the amount for each work item:

Item No.	Description	Unit	Quantity	Unit Price	Total Price
1	REPAIR SECTION OF CONCRETE BERM INCLUDING LEAK DETECTION TESTING	LS	1	\$ 1500.00	\$ 1500.00
2	CRACK FILL CONCRETE EXPANSION JOINTS AND MISCELLANEOUS CRACKING	LF	320	\$ 34.62	\$ 11,078.40

The selected contractor agrees to perform the work described herein and in the attached documents, within the five allowable working days, for the proposed lump sum amount of:

Compensation Total:

\$ 12,578.40


(Authorized Contractor Signature)

November 5, 2025
(Date)

Authorized By: TYRONNE F. WARNER



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Authorization of CivicPlus Contract Renewal

SOURCE: Administrative Services

COMMENT:

In September 2019, the City Council approved an agreement with CivicPlus, previously known as CivicClerk, to implement a web-based agenda and meeting management system. The system has significantly improved agenda preparation, internal routing, public accessibility, and legislative transparency. In 2024, the City Council approved the annual renewal of this agreement, which includes a five percent annual increase and automatic one-year extensions.

The City's current agreement expired on October 31, 2025, and the renewal payment is now due. The cost for the renewal period of November 1, 2025, through October 31, 2026, is \$12,552.97, as identified in the attached invoice. Funding for this subscription is included in the Administrative Services General Fund operating budget.

Renewal of the contract will ensure uninterrupted access to the agenda and meeting management platform and continued support for the City's legislative processes.

RECOMMENDATION: That the City Council approve the renewal of the CivicPlus contract for agenda and meeting management services in the amount of \$12,552.97.

ATTACHMENTS: 1. CivicPlus Invoice

Appropriated/Funded:

Review By:

Department Director:

Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



Invoice

Updated Remittance Address:
(FOR PAYMENTS ONLY)
CivicPlus LLC
PO Box 737311
Dallas TX 75373-7311

#349514

11/1/2025

Bill To

Fernando Gabriel-Moraga
City of Porterville, CA
291 North Main Street
Porterville CA 93257

TOTAL DUE

\$12,552.97

Due Date: 12/1/2025

Terms	Customer	Approving Authority
Net 30	City of Porterville, CA	

Qty	Item	Start Date	End Date
1	Agenda and Meeting Management Annual Fee Renewal	11/1/2025	10/31/2026

Total \$12,552.97

Due **\$12,552.97**

Please submit payment via ACH using the details below. Please send notification of ACH transmission via email to remittance@civicplus.com. That address is not monitored for other inquiries or notifications. For any other invoice questions or information, please contact us at accounting@civicplus.com.

Bank Name	Account Name	Account Number	Routing Number
JPMorgan Chase	CivicPlus LLC	910320636	021000021



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Authorization to Enter into Memorandum of Understanding (MOU) with Valley Adult Day Services for Coordinated Transportation Services

SOURCE: Transportation

COMMENT: Staff have collaborated with Valley Adult Day Services (VADS) to prepare a Memorandum of Understanding (MOU) that establishes responsibilities for coordinated transportation services for eligible VADS program participants. The MOU outlines the use of Porterville Transit's existing paratransit demand-response service to provide transportation to and from the VADS facility within the Porterville Transit service area. This agreement does not create a new service but utilizes and schedules trips within the existing operational framework.

Under the MOU, Porterville Transit will provide eligible demand-response trips, and the City's contracted operator, SM Transit, will provide monthly reporting that includes trip counts, dates, times, pickup and drop-off locations, and any service-related issues. The City will then issue monthly invoices to VADS based on reported activity.

VADS will ensure that all riders meet eligibility requirements under Transit program rules, schedule transportation using mutually agreed methods, and compensate the City for services provided. The MOU includes a one-year term, with the option for extension upon mutual agreement.

This agreement operates as a cost-recovery model using existing transit resources. All services will continue to be provided within Porterville Transit's established service area and performance standards.

RECOMMENDATION: That the City Council:

1. Approve the Memorandum of Understanding (MOU) between the City of Porterville and Valley Adult Day Services (VADS) for coordinated transportation services within the Porterville Urbanized Area; and
2. Authorize the Mayor to execute the MOU and any subsequent amendments necessary to implement these services.

ATTACHMENTS: 1. MOU with Valley Adult Day Services

Appropriated/Funded:

Review By:

Department Director:
Russell Isom, Director of Transportation

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

MEMORANDUM OF UNDERSTANDING

**Between
Valley Adult Day Services (VADS)
and
The City of Porterville – Porterville Transit System**

This Memorandum of Understanding ("MOU") is made and entered into on this ____ day of _____, 2025, by and between **Valley Adult Day Services (VADS)**, a nonprofit adult day services provider, and the **City of Porterville**, through its Porterville Transit System ("City" or "Transit").

1. Purpose

The purpose of this MOU is to establish the terms and responsibilities under which the City's Transit System will provide transportation services for eligible VADS program participants and outline billing and reporting expectations.

2. Scope of Services

The City, through Porterville Transit, agrees to provide transportation services for participants traveling to and from Valley Adult Day Services within the Porterville Transit service area, according to the following:

- Transportation shall be scheduled through existing Transit paratransit demand-response service or other mutually agreed scheduling methods.
 - VADS shall ensure that all riders meet eligibility requirements pursuant to Transit program rules and ADA guidelines.
-

3. Monthly Reporting

Porterville Transit's contracted operator, **SM Transit**, shall provide monthly reporting to VADS and the City, including at minimum:

- Number of passenger trips provided
- Trip dates and times
- Pickup and drop-off locations
- Any no-show, cancellation, or service-related issues

Reports are expected to be provided on or before the **10th business day** of each month for the preceding month's activity.

4. Invoicing and Payment

The City of Porterville shall prepare and issue monthly invoices to VADS based on reported trip activity. Invoices will include:

- Total trip count and cost per trip
- Any administrative fees, if applicable
- Applicable taxes or surcharges, if any

Payment shall be due within **thirty (30) days** of invoice receipt unless otherwise agreed.

5. Term and Termination

This MOU shall remain in effect from _____, 2025, through _____, 2026, and may be extended upon mutual written agreement.

Either party may terminate this MOU with **thirty (30) days written notice**.

6. Indemnification

Each party shall be responsible for the acts and omissions of its officers, employees, agents, and contractors. Nothing in this MOU shall be construed as a waiver of any legal protections or immunities afforded to public agencies under California law.

7. Insurance

VADS shall maintain appropriate liability insurance coverage for its program operations. The City shall maintain insurance or self-insurance coverage for Transit operations.

8. Amendments

Any modification or amendment to this MOU must be in writing and signed by authorized representatives of both parties.

9. Notices

Official notices shall be delivered to:

Valley Adult Day Services

Attn: _____

Address: _____

Phone: _____

Email: _____

City of Porterville – Porterville Transit System

Attn: Transit Manager

291 N. Main Street

Porterville, CA 93257

Phone: (559) 782-7448

Email: _____

10. Signatures

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding as of the date first written above.

Valley Adult Day Services

Name/Title: _____

Date: _____

City of Porterville

Name/Title: _____

Date: _____



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Status and Review of Declaration of Local Flood Emergency

SOURCE: City Manager's Office

COMMENT: On March 13, 2023, former Mayor Martha A. Flores, in conjunction with Acting City Manager Patrice Hildreth, declared the existence of a local emergency within the City of Porterville. This declaration was made pursuant to Chapter 9 of the Porterville Municipal Code and in response to a series of storm systems impacting the Porterville area, increasing flows in the Tule River and posing a significant threat to life and property. The City Council ratified the declaration at its Special Meeting on March 17, 2023, in accordance with the California Emergency Services Act (Government Code § 8558 et seq.). Per State requirements, the declaration must be renewed every sixty (60) days to remain in effect. At its most recent meeting on November 18, 2025, the Council renewed the emergency declaration.

Staff continues to work with FEMA to resolve outstanding claims and identify a timeline and path forward. In an effort to reduce the size of the agenda binder while still keeping the Council informed, staff is including only the most current Armory Census as an attachment to this report. Once the declaration of local flood emergency is officially concluded, and in coordination with FEMA guidance, staff will prepare a final close-out report that includes all supporting documentation and attachments currently on file.

Chronology of Emergency Response Actions:

- March 10–19, 2023: Tulare County Sheriff and City officials issued a series of evacuation warnings and mandatory orders due to rising water levels and flood threats, including areas near Success Lake, River Springs Drive, and Rio Vista Avenue.
- March 13, 2023: The City declared a Local Emergency.
- March 15–25, 2023: City Public Works performed extraordinary flood mitigation efforts. Evacuation orders were adjusted based on river activity.
- March 17, 2023: The City Council ratified the emergency declaration.
- April 11, 2023: The Temporary Evacuation Point (TEP) and Emergency Shelter relocated from Porterville College to the Porterville Armory.

- April 14–May 5, 2023: The City and County executed an MOU to continue Armory TEP operations without Cal OES funding.
- May 5, 2023: The City assumed full operational and financial responsibility for the Armory site.
- May 16, 2023: The Council approved a one-year no-cost license agreement for exclusive use of the Armory.
- April–July 2023:
 - Council approved emergency expenditures including water rescue equipment, mobile ADA-compliant restrooms, and flood mitigation services.
 - Due to contract violations, TopKnotch Security was terminated and replaced by Good Guard Security for ongoing Armory safety services.
- State and Federal Declarations:
 - Governor Newsom issued Executive Orders N-6-23, N-7-23, and N-10-23 to support flood response and recovery.
 - President Biden’s Major Disaster Declaration (April 3, 2023) activated federal recovery funding; FEMA formally closed the incident period on July 10, 2023.

RECOMMENDATION: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS: 1. Armory Census

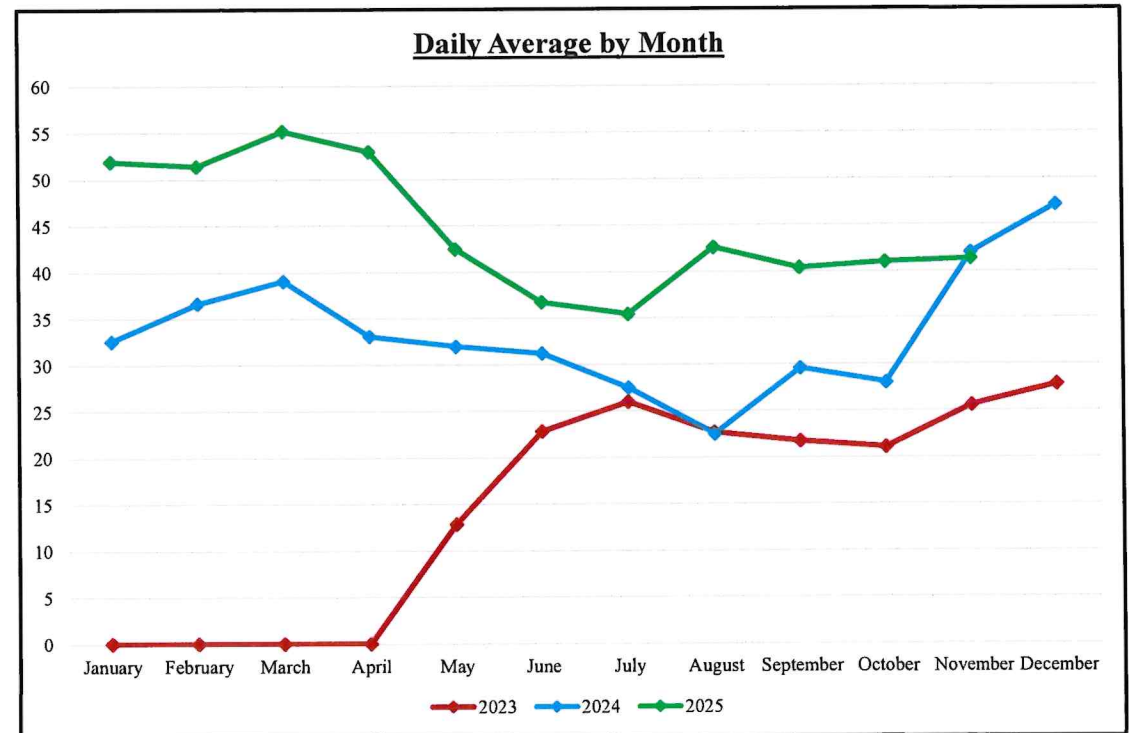
Appropriated/Funded:

Review By:

Department Director:
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

Daily Average by Month (Adults Only)			
	2023	2024	2025
January	-	32.55	51.87
February	-	36.59	51.36
March	-	39.00	55.13
April	-	33.03	52.93
May	12.85	31.97	42.45
June	22.80	31.20	36.70
July	25.97	27.48	35.42
August	22.68	22.48	42.55
September	21.70	29.53	40.33
October	21.03	28.00	40.97
November	25.53	41.97	41.30
December	27.77	47.06	-





CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Villas at Winding Creek Tentative Subdivision Map and Conditional Use Permit

SOURCE: Community Development

COMMENT: The City of Porterville received an application for a proposed land division for the Villas at Winding Creek Residential development project (Project) on February 12, 2025. Staff met with the applicant during the Project Review Committee (PRC), where the assessment of the Project (PRC 2025-006) commenced. During the PRC meeting, staff provided comments pertaining to the proposed project, which outlined the entitlement process and the department's development standards.

The Project consists of a tentative subdivision map for future residential development of APN 268-100-008, on an 8.76-acre parcel located along the Poplar Ditch between Wisconsin Street and Indiana Street. The Porterville 2030 General Plan Land Use Element designates the Project Site as Low Density Residential and is currently zoned RS-2 (Low Density Residential). Development would generally include the subdivision of the Project Site into 32 lots for residential development, with construction of interior local streets and necessary onsite infrastructure, and improvements within abutting major street right-of-way. Additionally, the Project proposes 9,241 square feet of open space, including a 10-foot-wide trail and a 12-foot-wide service road along the north side of the Poplar Ditch.

The Project is subject to the findings outlined in Series 600 of the Porterville Development Ordinance (PDO) for each respective entitlement: Article 604, Conditional Use Permit; Article 611, Environmental Review. The Project will also be required to meet the standards contained within Article 400, General Provisions, and Article 402, Tentative Subdivisions.

City staff initiated tribal consultation on August 5, 2025, pursuant to Government Code Section 65352.3 (codification of SB 18) and Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14). The consultation period ran from August 5, 2025, to September 4, 2025. One response was received from the Table Mountain Rancheria dated August 14, 2025, stating that the Project site is beyond their area of interest. No other responses were received.

The proposed tentative subdivision map would provide new residential housing on lots ranging from 5,046± SF to 8,242± SF. The minimum lot size permitted in the RS-2 Zone District is 6,000 square feet. However, pursuant to Porterville Development Ordinance Section 201.04(C), the City Council may approve a Conditional Use Permit authorizing lots of reduced size. The proposed tentative subdivision map is consistent with the Porterville Development Code, Series 400: Land Division regulations.

Circulation is provided through the planned internal streets, which include parkway strips, streetlights, and sidewalks. The subdivision provides two points of ingress and egress on Wisconsin Street and one point of ingress and egress on South Indiana Street, with improvements to sections of Wisconsin Street and Indiana Street that include a parkway strip and pedestrian sidewalk adjacent to the Project Site. The subdivision consists of short blocks, which tend to slow traffic and enhance pedestrian connectivity within the proposed development.

The Project's gross density is 3.65 units per acre, which falls below the maximum of 6.0 units per acre allowed in the Low Density Residential Land Use designation. The Project Site is surrounded by rural residences to the north, south, and west and a single-family subdivision to the east. Adjacent to the north of the Project Site is the storm basin, and adjacent to the south is the Poplar Ditch. The Project's development pattern is compatible with the area and falls well within the prescribed density mandated by the City's General Plan.

The RS-2 Zone has a minimum lot size of 6,000 square feet. To allow for the smaller lot sizes proposed, the Project would need a Conditional Use Permit (CUP). Conditional Use Permits must meet the following findings from PDO Section 604.04.

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.
 1. The General Plan Land Use of Low-Density Residential satisfies this requirement. There are no other applicable plans that would apply to this project.
 2. Applicable General Plan Policies Met
 1. LU-G-8: allow and encourage efficient infill development in existing neighborhoods.
 2. LU-G-9: Provide sufficient land with appropriate parcel sizes to support a full range of housing types and prices.
 3. LU-I-10: Sustainable design standards that will achieve compact, walkable neighborhoods and provide an interconnected network of local streets.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance, and with any other applicable plan adopted by the City Council.
3. The Project meets the allowed densities in the RS-2 Zone District and complies with all other requirements of the Porterville Development Ordinance except for lot size, width, and depth. The zone also allows for small lot subdivisions. It will be conditioned to comply with Section 201.04(C), Reduced Minimum Lot Size, Depth and Width, allowing for variation from lot size, width, and depth, which will satisfy this requirement.

The California Subdivision Map Act (Government Code Section 66410, et seq.) establishes most of the procedures for subdivision of land. Other components are contained within the PDO, Series 400: Land Division. Generally, a tentative and final map is required in order to subdivide land into five or more parcels. Pursuant to both the Subdivision Map Act and PDO Series 400, tentative maps are valid for twenty-four (24) months following approval, with various mechanisms available to extend the life of the tentative map. The Project would be responsible for the dedication and improvement of the abutting major streets, along with payment of specified fair-share costs for other capital improvements, payment of development impact fees as applicable, and installation of sidewalk on the east side of Wisconsin St. and on the west side of Indiana Street to enhance pedestrian access.

Pursuant to PDO Section 400.04, the City Council must deny a tentative map if it makes any of the following findings:

1. The proposed map is not consistent with applicable general and specific plans.
 - The tentative map proposes 32 residential lots on 8.76± acres for a density of 3.65 units per gross acre and therefore is consistent with the General Plan as proposed. There is no applicable specific plan.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - The design and improvement of the project are in accordance with the Circulation Element of the General Plan as well as with the development standards contained within the Development Ordinance, which is itself the primary tool for implementation of the General Plan. There is no applicable specific plan.
3. That the site is not physically suitable for the type of development.
 - The site is generally flat and level, making it physically optimal for the development as proposed.

4. That the site is not physically suitable for the proposed density of development.
 - The Project proposes 3.65 units per gross acre, which is under the maximum requirement of 6 units per gross acre in the RS-2 (Low Density Residential) Zone District.
5. That the design of the subdivisions or the proposed improvements is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
 - An Initial Study - Mitigated Negative Declaration was prepared for the Project. With the inclusion of mitigation measures, the Project will not result in any significant effects on the environment, fish, wildlife, or their habitats.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - An Initial Study-Mitigated Negative Declaration was prepared for the Project. With the inclusion of mitigation, the Project will not result in any serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
 - With the possible exception of easements dedicated to major street right-of-way, which will be further dedicated and improved for the benefit of the public at large, there are no easements for access through or use of the property.

Based on a fair reading of the record, including the Initial Study and Mitigated Negative Declaration (described in further detail below), there is no indication that any of the findings requiring denial of the Tentative Map can be made.

The proposed land division and subsequent development of the site into a residential subdivision will provide much-needed housing in conformance with the City's General Plan Land Use and Housing Elements, as well as to help meet the City of Porterville's Regional Housing Needs Allocation quota. Staff and the applicants' agents have worked through the design details to ensure adherence to the City's General Plan and the Development Ordinance, as well as verify compliance with the California Subdivision Map Act and other applicable codes.

In addition to enhanced notification provided related to CEQA, which was completed (see below), public notice of this hearing was provided in accordance with Government Code Sections 65090 and 65091 and PDO Section 609.06. The procedures prescribed therein are the standard for hearings involving Conditional Use Permits and Tentative Maps. Additionally, as described in the Background section above, this project was discussed during the Project Review Committee meeting on February 12, 2025.

Information regarding PRC is readily available on the City's website. PRC meetings are held regularly, are agendaized, and are accessible to the public.

ENVIRONMENTAL REVIEW: During review of the Project, the City contracted with the environmental consultant, Precision Civil Engineering, to prepare an Initial Study (IS) to analyze the potential for environmental effects that could result from the Project. Based on the results of technical studies prepared in conjunction with the IS, the City made the preliminary determination that, with mitigation included, the Project would not have a significant effect on the environment, and that adoption of a Mitigated Negative Declaration would be appropriate. Mitigation was identified for Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources; incorporation of that mitigation would reduce all potentially significant effects to a less than significant level.

Upon completion of the Draft Initial Study – Mitigated Negative Declaration (IS/MND), the Notice of Availability and Intent, and Notice of Completion were filed in accordance with CEQA. The IS/MND was sent to the State Clearinghouse (SCH No. 2025101555) and circulated for a period of 30 days starting on October 31, 2025, through November 30, 2025. The City received a comment letter from the Department of Toxic Substances Control, dated November 5, 2025. The letter provided information on the requirements of further analysis for agricultural land uses proposed or rezoned for residential use in regard to contaminants of concern.

RECOMMENDATION:

That the City Council:

1. Hold the public hearing to receive comments on the Villas at Winding Creek Residential Development Project;
2. Adopt the Draft Resolution, adopting the IS/MND and Mitigation Monitoring and Reporting Program;
3. Adopt the Draft Resolution approving the Conditional Use Permit; and
4. Adopt Draft Resolution approving the Tentative Subdivision Map with Conditions.

ATTACHMENTS:

1. Locator Map
2. Zoning Map
3. General Plan Land Use Map
4. Initial Study Mitigated Negative Declaration - Public Review Draft
5. Mitigation Monitoring and Reporting Program
6. Draft Resolution - Mitigated Negative Declaration
7. Draft Resolution - Conditional Use Permit

8. Draft Resolution - Tentative Subdivision Map

Appropriated/Funded:

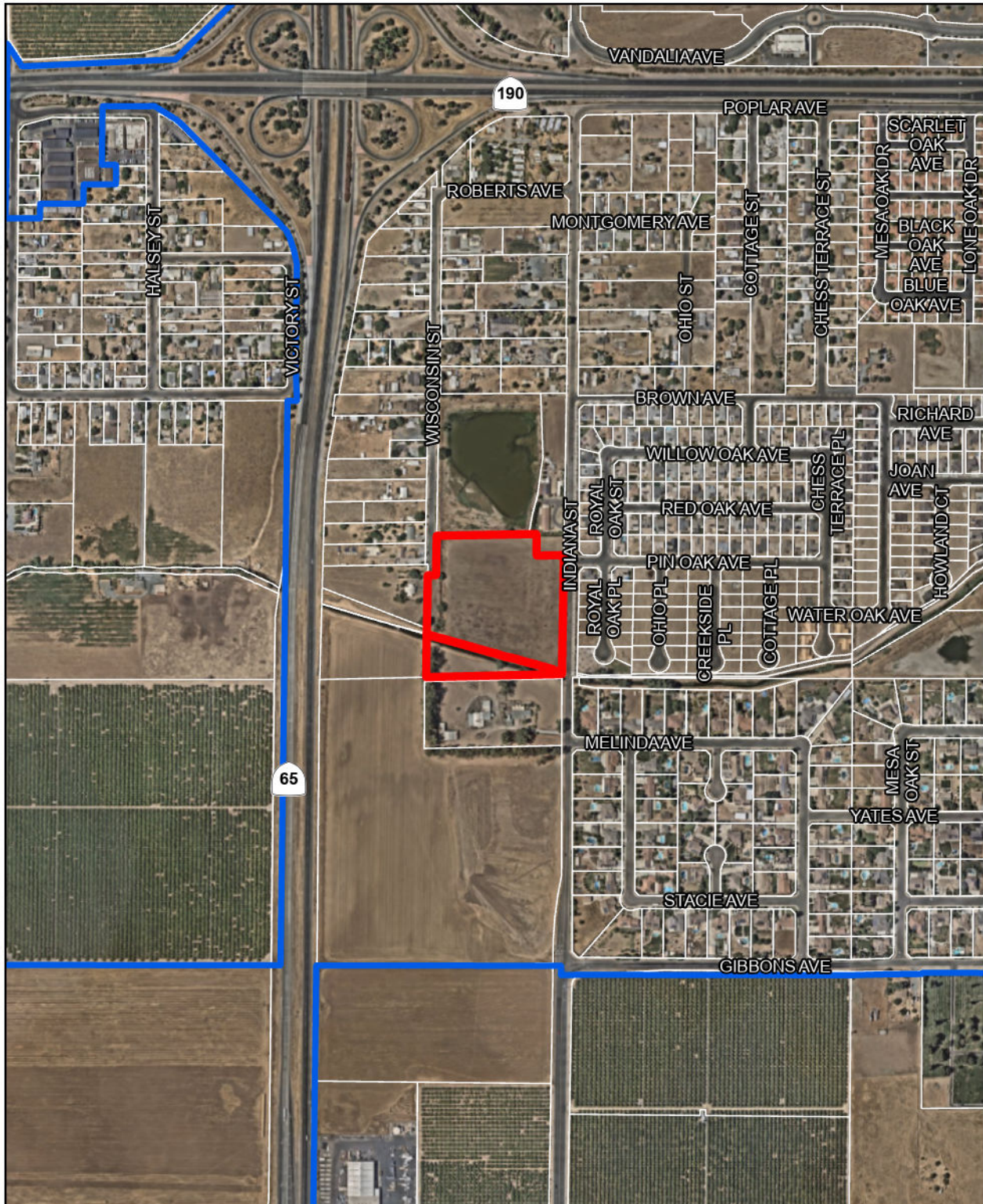
Review By:

Department Director:

Claudia Calderon, Community Development Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

Locator Map PRC 2025-006



**Villas at Winding Creek
@ NW Corner Indiana
& Poplar Ditch**

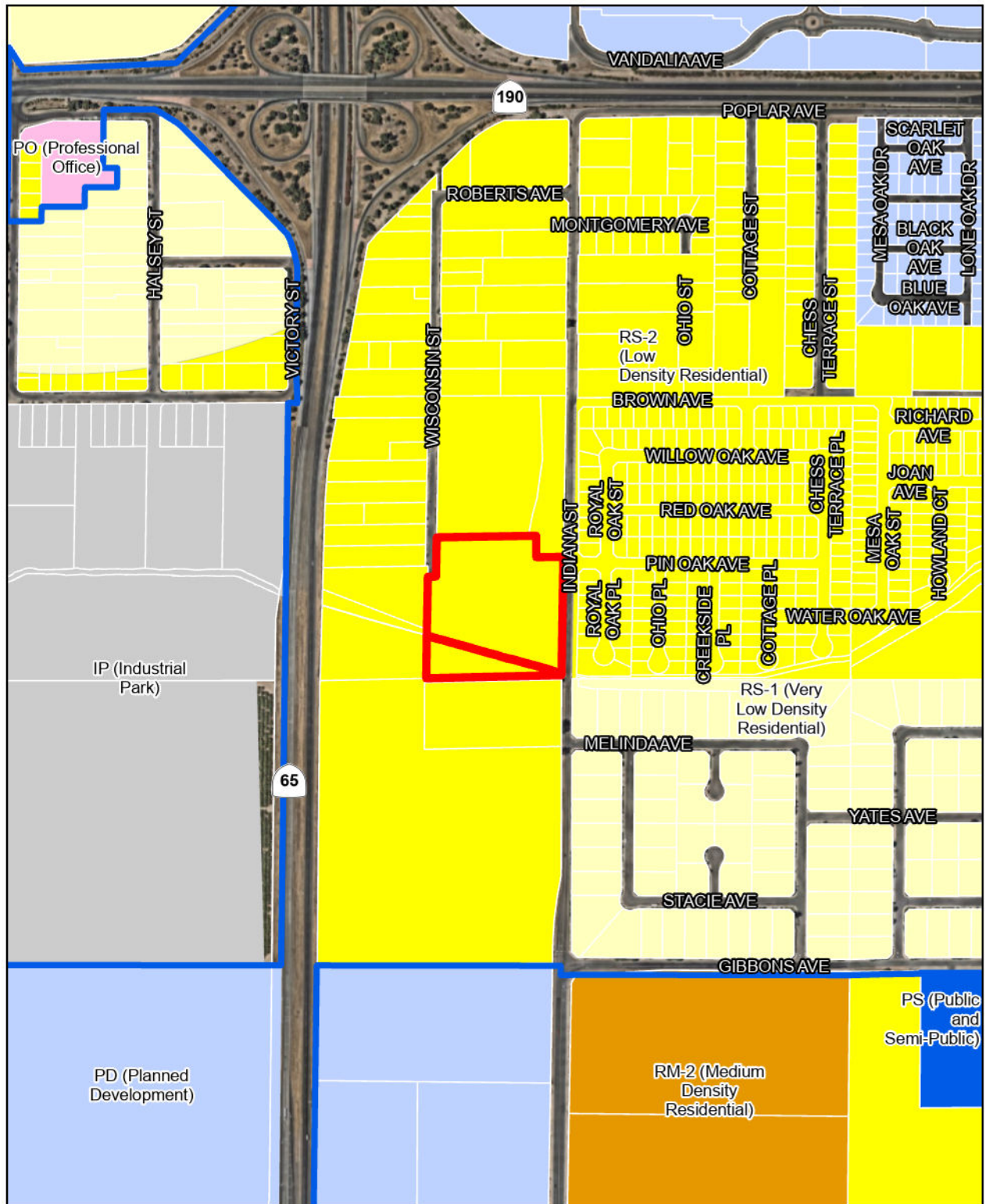
 Project Location
 City Limits

1 in = 700 feet



Date Printed: 2/6/2025 by the Community Development Department

Zoning PRC 2025-006



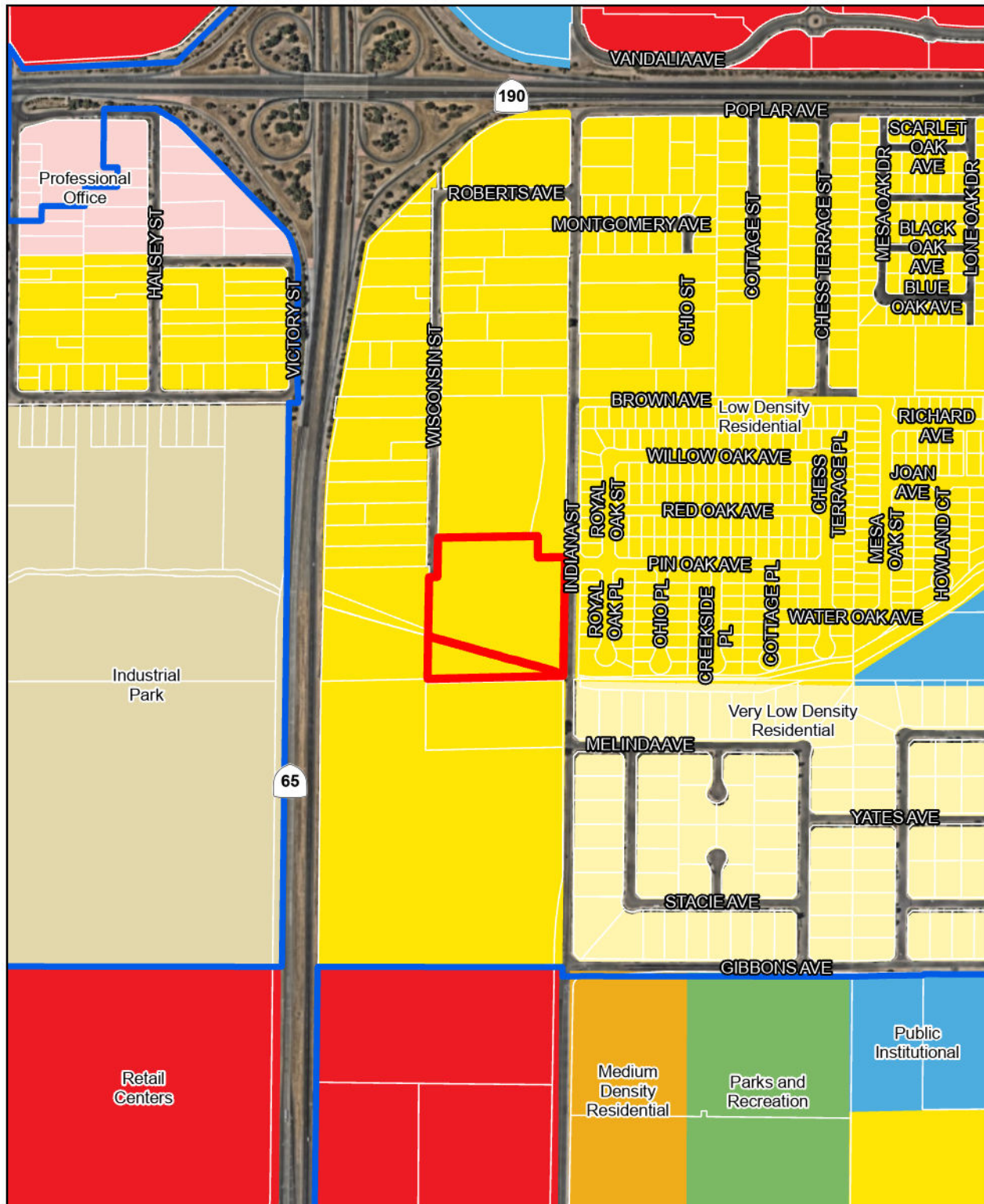
**Villas at Winding Creek
@ NW Corner Indiana
& Poplar Ditch**

 Project Location
 City Limits

1 in = 700 feet



GPLU
PRC 2025-006



**Villas at Winding Creek
@ NW Corner Indiana
& Poplar Ditch**

 Project Location
 City Limits

1 in = 700 feet



Villas at Winding Creek (City of Porterville, CA)

(PRC 2025-006-S, PRC 2025-006-C)

INITIAL STUDY – MITIGATED NEGATIVE DECLARATION

PUBLIC REVIEW DRAFT

October 2025

Prepared for:

City of Porterville
291 N Main Street
Porterville, CA 93257

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1 INTRODUCTION

Precision Civil Engineering, Inc. (PCE) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City of Porterville (City) to address the environmental effects of the proposed Villas at Winding Creek Subdivision (“Project” or “proposed Project”). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et. seq.* The City of Porterville is the Lead Agency for this proposed Project. The site and the proposed Project are described in detail in **SECTION 2 ENVIRONMENTAL CHECKLIST FORM**.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14, Chapter 3, Section 15000, *et seq.*, also known as the CEQA Guidelines, Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels.

A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or mitigated ND shall be prepared for a project subject to CEQA when either:

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

1.2 Document Format

This IS/MND contains five (5) sections plus appendices. **SECTION 1 INTRODUCTION** provides the basis of the IS/MND’s regulatory information and an overview of the Project. **SECTION 2 ENVIRONMENTAL CHECKLIST FORM** provides a detailed description of Project components. **SECTION 3 DETERMINATION** concludes that based on the Initial Study, a mitigated negative declaration will be prepared, identifies the environmental factors potentially affected based on the analyses contained in this IS, and includes with the Lead Agency’s determination based upon those analyses. **SECTION 4 EVALUATION OF ENVIRONMENTAL IMPACTS** presents the CEQA checklist and environmental analyses for all impact areas and the mandatory findings of significance. A brief discussion of the reasons why the Project impact is anticipated to be potentially significant, less than significant with mitigation incorporated, less than significant, or why no impacts are expected is included. **SECTION 5 MITIGATION**

MONITORING AND REPORTING PROGRAM presents the mitigation measures recommended in the IS/MND for the Project. The CalEEMod Results (**Appendix A**), IPaC and CNDDB Occurrence Report (**Appendix B**), CHRIS Search Record and NAHC Correspondence (**Appendix C**) are provided at the end of this document.

2 ENVIRONMENTAL CHECKLIST FORM

This section describes the components of the proposed Project in more detail, including Project location, Project objectives, and required Project approvals.

2.1 Project Title

Villas at Winding Creek Subdivision (Conditional Use Permit (CUP) 2025-006-C, Tentative Subdivision Map (TSM) 2025-006-C)

2.2 Lead Agency Name and Address

City of Porterville
291 N. Main Street
Porterville, CA 93257

2.3 Contact Person and Phone Number

Lead Agency

City of Porterville
Community Development Department
Claudia Calderon, Director
(559) 782-7460

Applicant

Smee Homes, Inc.
444 N. Prospect Street, Suite A
Porterville, CA 93257
(559) 788-0525

2.4 Study Prepared By

Precision Civil Engineering
1234 O Street
Fresno, CA 93721
(559) 449-4500

2.5 Project Location

The Project Site is located in the City of Porterville, Tulare County, California. The site is located on the northwest corner of the Poplar Ditch and South Indiana Street (Figure 2-1), consisting of one (1) parcel that totals approximately 8.78 acres (Figure 2-2). The area is identified by the Tulare County Assessor as Assessor’s Parcel Numbers (APNs) 268-100-008. The site is a portion of Section 03, Township 22 South, Range 27 East, Mount Diablo Base and Meridian.

2.6 Latitude and Longitude

The centroid of the Project Area is 36.045168, -119.036313.



Figure 2-1 Villa at Winding Creek Project Location

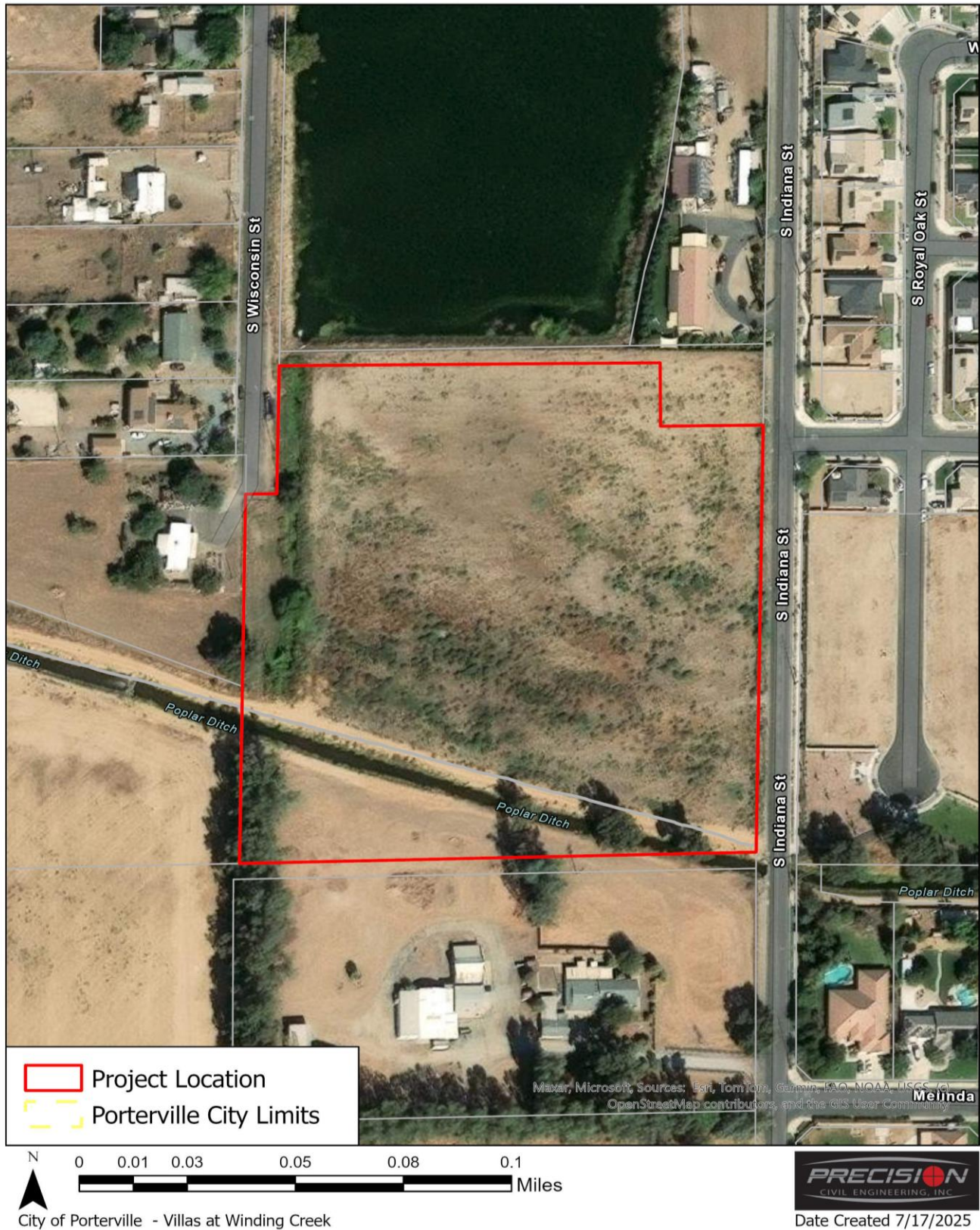


Figure 2-2 Villas at Winding Creek Project Aerial

2.7 General Plan Designation

The City of Porterville 2030 General Plan Land Use Diagram identifies the Project Site as having a land use designation of Low Density Residential (**Figure 2-3**). According to the General Plan, Low Density Residential “represents typical single-family subdivisions. The maximum residential density is 6.0 units per gross acre.”

2.8 Zoning

The Project Site is within the RS-2 Low Density Residential zoning district (**Figure 2-4**). The Porterville Development Ordinance (PDO; Chapter 21 of the Porterville Municipal Code, or PMC) identifies the purpose of the RS-2 district to “provide areas for attached or detached single family homes with a maximum residential density of 7.5 units per net acre. This district also allows for limited uses such as day care homes, parks, and religious facilities that are appropriate in a low-density residential environment.”

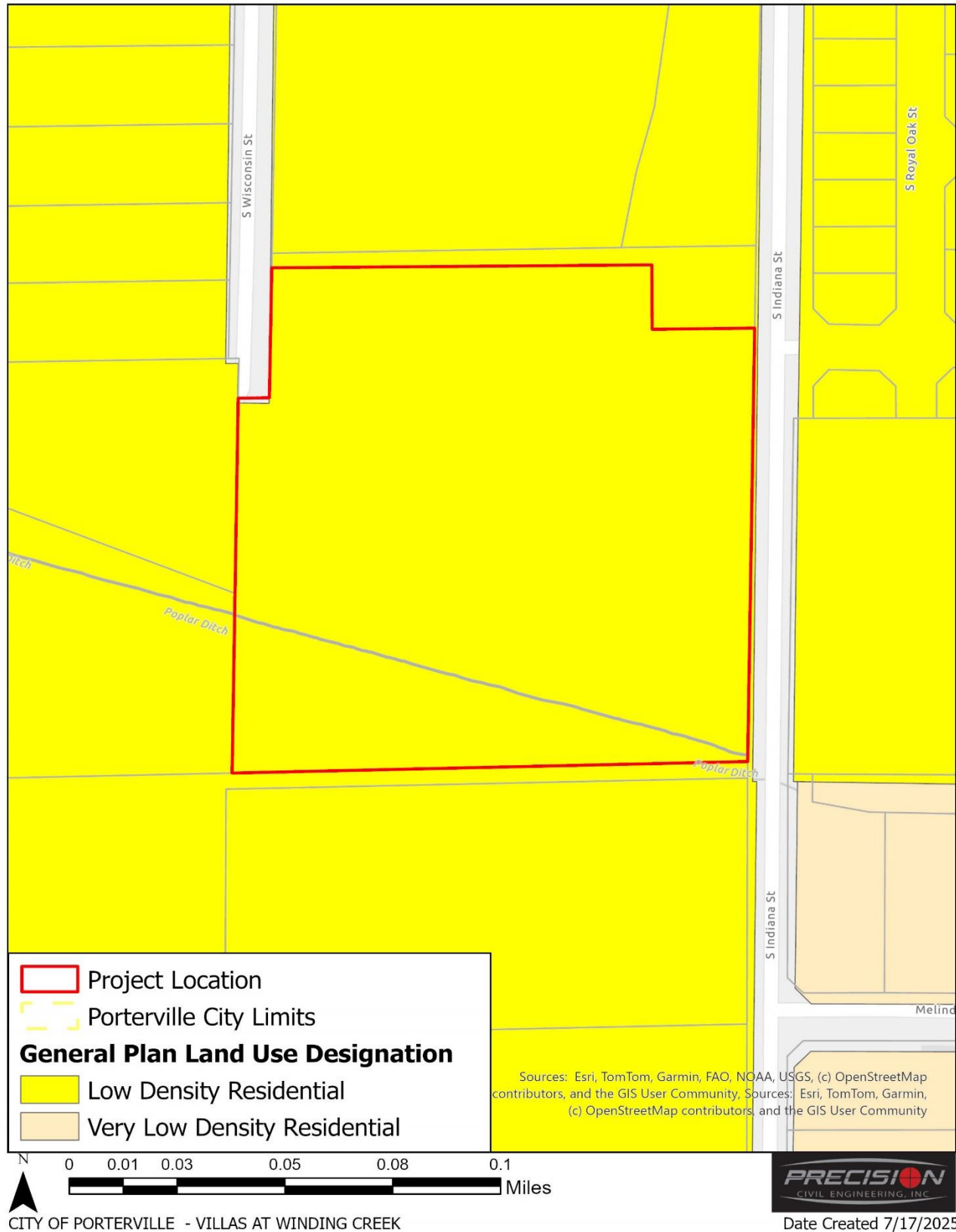


Figure 2-3 General Plan Land Use Designation Map

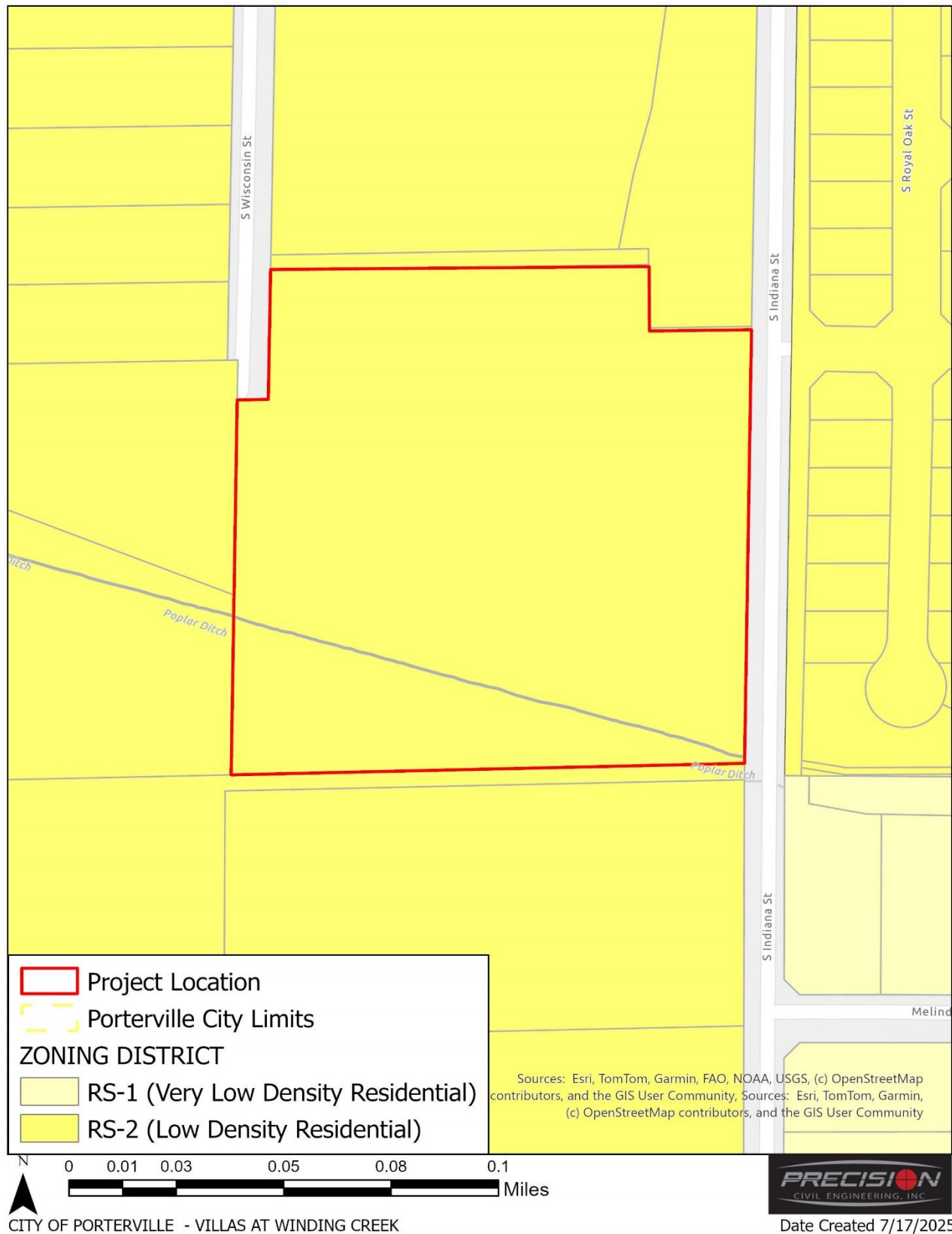


Figure 2-4 Zoning District Map

2.9 Description of Project

To facilitate the future development of the Project Site, the Applicant, Smee Homes, Inc., has requested a Tentative Subdivision Map (TSM No. 2025-006-S) and Conditional Use Permit (CUP No. 2025-006-C). These entitlements pertain to one (1) approximately 8.76-acre parcel located north of the Poplar Ditch between Wisconsin Street and South Indiana Street in Porterville, CA (APN 268-100-008).

The TSM proposes to subdivide the Project Site into 32 single-family lots (Lots 1 to 32), ranging from 5,046 square feet (sf.) to 8,242 sf., with an average lot size of 5,903 sf. (**Figure 2-5**). Each lot is proposed to be developed with one unit (3.21 du/ac). The Project also includes a Remainder Parcel of approximately 2.31 acres. The Project proposes an internal network of local streets with two (2) points of ingress/egress on Wisconsin Street and one (1) point of ingress/egress on South Indiana Street. All roadways within the proposed subdivision would be designed in accordance with City standards and would have curb, gutter, and sidewalk. In addition, Indiana Street and Wisconsin Street in proximity to the Project site would be improved to their ultimate rights-of-way, with curb, gutter, and sidewalk, in addition to landscaping. The Project also proposes approximately 9,241 square feet of open space including a 10-foot-wide trail, and a 12-foot-wide service road along the north side of Poplar Ditch.

The CUP would allow for reduced lot sizes. According to the PMC, the RS-2 Zoning District requires a minimum lot size of 6,000 sf., a minimum lot width of 60 feet (ft.), and a minimum lot depth of 75 ft. However, smaller lots with a minimum area of 3,000 sf., a minimum lot width of 35 ft., and a minimum lot depth of 60 ft. may be approved with a CUP when the City Council finds that the lot size and configuration are consistent with the General Plan and will not adversely affect adjoining uses.

Though no physical development is proposed at this time, any future development would be built in accordance with all mandatory water use requirements as outlined in the 2022 California Green Building Standards Code, Title 24, Part 11 and verified through the building permit process. As a residential development that would contain plumbing fixtures and fittings, the Project would be required to comply with water-conserving measures for water closets, urinals, showerheads, and faucets. Additionally, as a residential development that would contain landscaping including trees, shrubs, groundcover/annual plants, and lawn, the Project would be required to comply with the updated Model Water Efficient Landscape Ordinance (MWELO) (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the building permit process.

The Project is within City limits and thus, future development would be required to connect to water, wastewater, and stormwater services. Domestic water service would be provided to the site through proposed water mains located throughout the site and would connect to the City system. Sanitary sewer service would be provided through sewer mains located throughout the site and would connect to the City system. Natural gas, electricity, and telecommunications are provided by private companies. In addition, the Project would be subject to fees for the construction, acquisition, and improvements for public services including, but not limited to, fire protection services, police protection services, and schools.

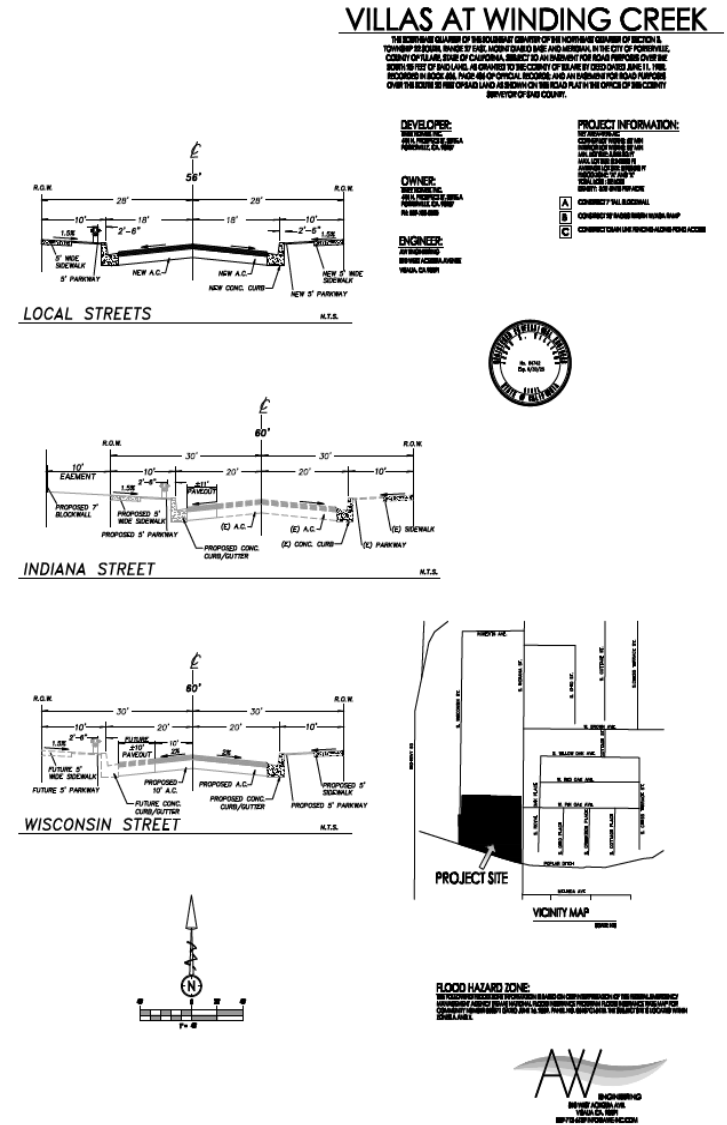
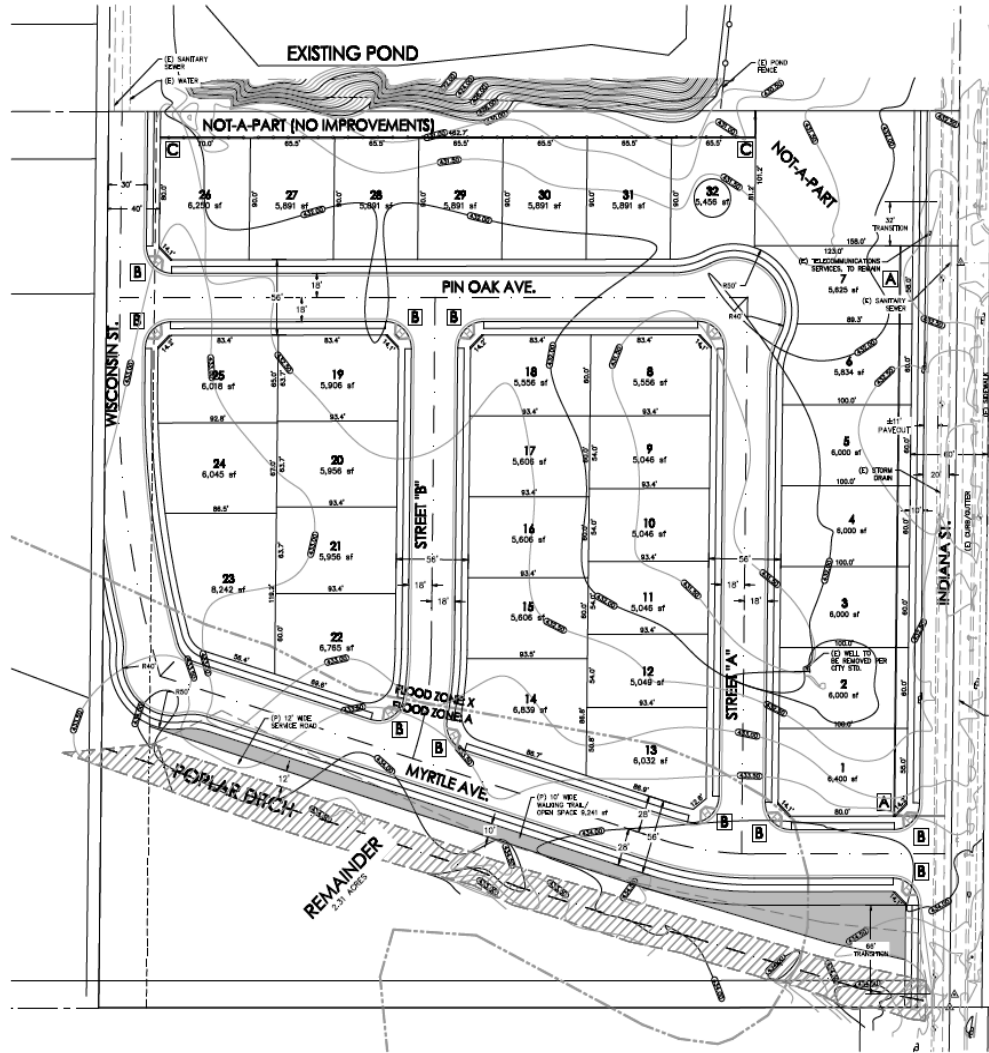


Figure 2-5 Tentative Subdivision Map

2.10 Project Setting and Surrounding Land Uses

Project Setting

The Project site is currently vacant but has historically been utilized for agricultural purposes. The existing biotic site conditions and resources of these parcels can be defined primarily as ruderal and are highly disturbed due to annual disking.

Surrounding Land Uses

As referenced in **Table 2-1**, the Project Site is surrounded by vacant land and single-family residences to the north, single-family residences to the south, single-family residences and a church to the east, and single-family residences to the west. The vacant property to the north is planned and zoned for residential uses within the City of Porterville.

Table 2-1 Existing Uses, General Plan Designations, and Zoning Districts of Surrounding Properties

Direction from the Project Site	Existing Land Use	Planned Land Use	Zoning District
North	Rural residence / Storm Basin	Low Density Residential	RS-2 Low Density Residential
South	Rural Residences	Low Density Residential	RS-2 Low Density Residential
East	Single-family residence	Low Density Residential	RS-2 Low Density Residential
West	Rural residences	Low Density Residential	RS-2 Low Density Residential

2.11 Site Preparation

Site preparation would include typical grading activities and minor excavation for installation of utility infrastructure for conveyance of water, sewer, stormwater, and irrigation. Demolition, site preparation, building, grading, encroachment, and site utilities permits would be subject to review and approval by the appropriate agency and/or department to ensure compliance with applicable codes and regulations. Compliance would be verified through the building permit and inspection process.

2.12 Project Construction and Phasing

No physical development is proposed at this time; however, this IS has been prepared with the assumption that full buildout will occur in one phase over a twenty four-month period.

2.13 Required Project Approvals

The City of Porterville requires the following review, permits, and/or approvals for the proposed Project. Other approvals not listed below may be required as identified through the entitlement process.

- Conditional Use Permit
- Tentative Subdivision Map

In addition, other agencies may have the authority to issue permits prior to implementation of the Project including but not limited to: San Joaquin Valley Air Pollution Control District, Southern California Edison, and Regional Water Quality Control Board.

2.14 Consultation with California Native American Tribes

CEQA requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources. Pursuant to PRC Section 21080.3.1, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC Section 21074(a)(1-2)). According to the most recent census data, California is home to 109 currently federally recognized Indian tribes.

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC Section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality.

A consultation list of tribes with traditional lands or cultural places located within Tulare County was requested and received from the California Native American Heritage Commission (NAHC) on June 16, 2025. The listed tribes include Kitanemuk & Yowlumne Tejon Indians, Table Mountain Rancheria, Tule River Indian Tribe, and Wuksachi Indian Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SLF) search which was negative.

The City of Porterville sent formal tribal consultation notices for the proposed Project pursuant to AB 52 (Chapter 532, Statutes 2014) on August 5, 2025. Letters were sent to the tribes identified above. The request for consultation period for AB 52 ended on September 4, 2025. One response was received from Table Mountain Rancheria dated August 14, 2025, stating that the Project site is beyond their area of interest. No other responses were received.

3 DETERMINATION

3.1 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, as indicated by the checklist on the following pages.

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

For purposes of this Initial Study, the following answers have the corresponding meanings:

“No Impact” means the specific impact category does not apply to the Project, or that the record sufficiently demonstrates that Project specific factors or general standards applicable to the Project will result in no impact for the threshold under consideration.

“Less Than Significant Impact” means there is an impact related to the threshold under consideration, but that impact is less than significant.

“Less Than Significant with Mitigation Incorporation” means there is a potentially significant impact related to the threshold under consideration, however, with the mitigation incorporated into the Project, the impact is less than significant. For purposes of this Initial Study “mitigation incorporated into the Project” means mitigation originally described in the GP PEIR and applied to an individual Project, as well as mitigation developed specifically for an individual Project.

“Potentially Significant Impact” means there is substantial evidence that an effect may be significant related to the threshold under consideration.

3.2 Determination

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

- ☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- ☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- ☐ I find that the proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Approved By:

Claudia Calderon, Director
City of Porterville, Community Development Department

Date

4 EVALUATION OF ENVIRONMENTAL IMPACTS

4.1 AESTHETICS

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

4.1.1 Environmental Setting

Generally, aesthetic resources may include scenic vistas and scenic resources (e.g. trees, rock outcroppings, historic buildings, highways). Porterville's visual features predominately include urbanized and agricultural land uses. The City of Porterville is nestled at the base of the Sierra Nevada Mountains and foothills, which are located to the east of the City. Depending on conditions, the Sierra Nevada's are prominent and visible from just about anywhere within the City.

The Project Site is approximately 8.76 acres located along the Poplar Ditch between Wisconsin Street and South Indiana Street. The Project Site is currently vacant and has no on-site structures or improvements (i.e., streets, curb, gutter, sidewalks). The Project site is surrounded by rural residences to the north, south, and west and the Royal Oaks single-family subdivision to the east.

Porterville 2030 General Plan

According to the Porterville 2030 General Plan, the City identifies its agricultural foundation, topography, landscape, as well as parkland, as a contribution to community identity, aesthetic value, environmental quality, habitat

protection, and recreational activities. However, the General Plan does not identify any specific scenic corridors or scenic vistas within the City's Planning Area.

The City Code of Porterville, California

The City Code of Porterville, California, also known as the Porterville Municipal Code (PMC), outlines enforceable requirements for all new developments to prevent lighting and glare impacts, as listed below:

Section 306.07 - Lighting and Glare

B. Lighting. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public streetlights, no light or combination of lights, or activity shall cast light on a public street exceeding one (1) foot-candle as measured from the centerline of the street. No light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one half foot-candle. Refer to Section 300.07 Lighting and Illumination and Section 304.10(g) Parking Lot Lighting for additional lighting standards required by this code.

Section 300.07 - Lighting and Illumination

E. Shielding. All lighting fixtures shall be shielded in accordance with Table 300.07(B) so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for "Cut Off" or "Full Cut Off" luminaries, as illustrated in Figure 300.07.

California Scenic Highway Program

The California Scenic Highway Program was established in 1963 with the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no officially designated State Scenic Highways in the City of Porterville, however, State Route (SR) 190, east of SR 65, is categorized as an eligible State Scenic Highway. SR 190 is located approximately 0.4 miles north of the Project Site.¹

4.1.2 Impact Assessment

Except as provided in PRC Section 21099, would the Project:

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The Project Site is currently vacant and has no on-site structures or improvements (i.e., streets, curb, gutter, sidewalks). The Project site is surrounded by rural residences to the north, south, and west and the Royal Oaks single-family subdivision to the east. Mountain ranges and foothills can be seen to the east

¹ Caltrans. California State Scenic Highway System Map. Accessed on June 26, 2025, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

of the Project site; however, most of this long-range view is blocked by existing development on properties east of the site. While views of the mountain ranges would be further obstructed by the development of the Project Site, impacts would be less than significant due to view obstruction by existing development. Additionally, the General Plan does not identify or designate scenic vistas or corridors within the general vicinity of the Project Site. As a result, a less than significant impact would occur.

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

No Impact. According to the California State Scenic Highway Program, there are no officially designated State Scenic Highways in the City of Porterville, inclusive of the Project Site. SR 190 is an eligible State Scenic Highway but is located approximately 0.4 miles north of the Project Site and would not be impacted by the Project due to its distance. Accordingly, the proposed Project would not damage scenic resources, including trees, rock outcroppings, and historic buildings within a state scenic highway and no impact would occur.

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

Less than Significant Impact. The Project Site is in an urbanized area surrounded by residential uses. Once developed, the Project Site will not have a substantially different character from the surrounding area. Further, the proposed use is subject to compliance with applicable zoning and other regulations governing scenic quality, which will ensure the minimization of any visual impact by upholding the visual character or quality of public views of the site and its surroundings. The Project would be subject to compliance with applicable policies and regulations that govern scenic quality including but not limited to the General Plan, Porterville Municipal Code (PMC), and California Building Code (CBC). Compliance would ensure that development of the site would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, the Project would result in a less than significant impact.

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

Less than Significant Impact. Generally, lighting impacts are associated with artificial lighting in evening hours either through interior lighting from windows or exterior lighting (e.g., street lighting, parking lot lighting, landscape lighting, adjacent vehicle traffic). Development of the Project Site would incrementally increase the amount of light from streetlights, exterior lighting, and vehicular headlights. Such sources could create adverse effects on day or nighttime views in the area.

Project construction would also introduce light and glare resulting from construction activities such as construction equipment traversing the site that could adversely affect day or nighttime views. Although construction activities are anticipated to occur primarily during daylight hours, it is possible that some activities could occur during dusk or early evening hours (PMC Section 18-90.6 permits construction work to take place between 6:00 am and 9:00 pm on any day except Saturday and Sunday, or between 7:00 am and 5:00 pm on Saturday or Sunday). Construction during these time periods could result in light and glare from construction vehicles or equipment. However,

construction would occur primarily during daylight hours and would be temporary in nature. Once construction is completed, any light and glare from these activities would cease to occur.

Once developed, the Project would be required to comply with the applicable General Plan policies and the enforceable requirements and restrictions contained in the PMC intended to prevent light and glare impacts (See **Environmental Setting**). Further, compliance with Title 24 lighting requirements as verified through the Building Permit process would reduce impacts related to nighttime light. The lighting requirements cover outdoor spaces including regulations for mounted luminaires (i.e., high efficacy, motion sensor controlled, time clocks, energy management control systems, etc.). As such, conditions imposed on the Project by the City pursuant to the General Plan, PMC, and Title 24 would result in a less than significant impact.

4.1.3 Mitigation Measures

None required.

4.2 AGRICULTURE AND FORESTRY RESOURCES

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

4.2.1 Environmental Setting

The Project site is located within the City of Porterville and is planned and zoned for residential use. The Project site is currently vacant but has historically been used for agricultural purposes. There are no existing structures or improvements on site (i.e., roads, curb, gutter, sidewalk). The existing biotic conditions and resources of the site can be defined primarily as ruderal and are highly disturbed due to annual disking. There are four (4) total trees on site, three (3) of which are located on the southern bank of the Poplar Ditch. The Poplar Ditch runs through the southern portion of the property. No development is proposed south of the ditch. A drainage ditch runs along the western edge of the property, along South Wisconsin Street, that allows the basin to the north of the Project site to drain into the Poplar Ditch. The Project site does not contain any forestry resources (e.g., forest land or timberland).

Farmland Monitoring and Mapping Program

The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) that provides maps and data for analyzing land use impacts on farmland. The FMMP produces the Important Farmland Finder as a resource map that shows quality (soils) and land use information. Agricultural land is rated according to soil quality and irrigation status, in addition to many other physical and chemical characteristics. The highest quality land is called “Prime Farmland” which is defined by the FMMP as *“farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.”*² Maps are updated every two years. According to the FMMP, California Important Farmland Finder, the Project Site is classified as “Vacant or Disturbed Land” as defined below.³ **Figure 4-1** shows the farmland type classification within the Project vicinity.

Vacant or Disturbed Land (V): Open field areas that do not qualify for an agricultural category, mineral or oil extraction areas, and rural freeway interchanges.

California Land Conservation Act

The California Land Conservation Act of 1965 (i.e., the Williamson Act) allows local governments to enter contracts with private landowners to restrict parcels of land for agricultural or open space uses. In return, property tax assessments of the restricted parcels are lower than full market value since the restricted parcels are assessed according to their restricted use rather than their development potential free of such restriction. The minimum length of a Williamson Act contract is 10 years and automatically renews annually upon its anniversary date; as such, the contract length is essentially indefinite unless appropriately cancelled. The Project Site is not subject to the Williamson Act.

² California Department of Conservation. Important Farmland Categories. Accessed on June 26, 2025, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>

³ California Department of Conservation. (2020). California Important Farmland Finder. Accessed on June 26, 2025, <https://maps.conservation.ca.gov/DLRP/CIFF/>

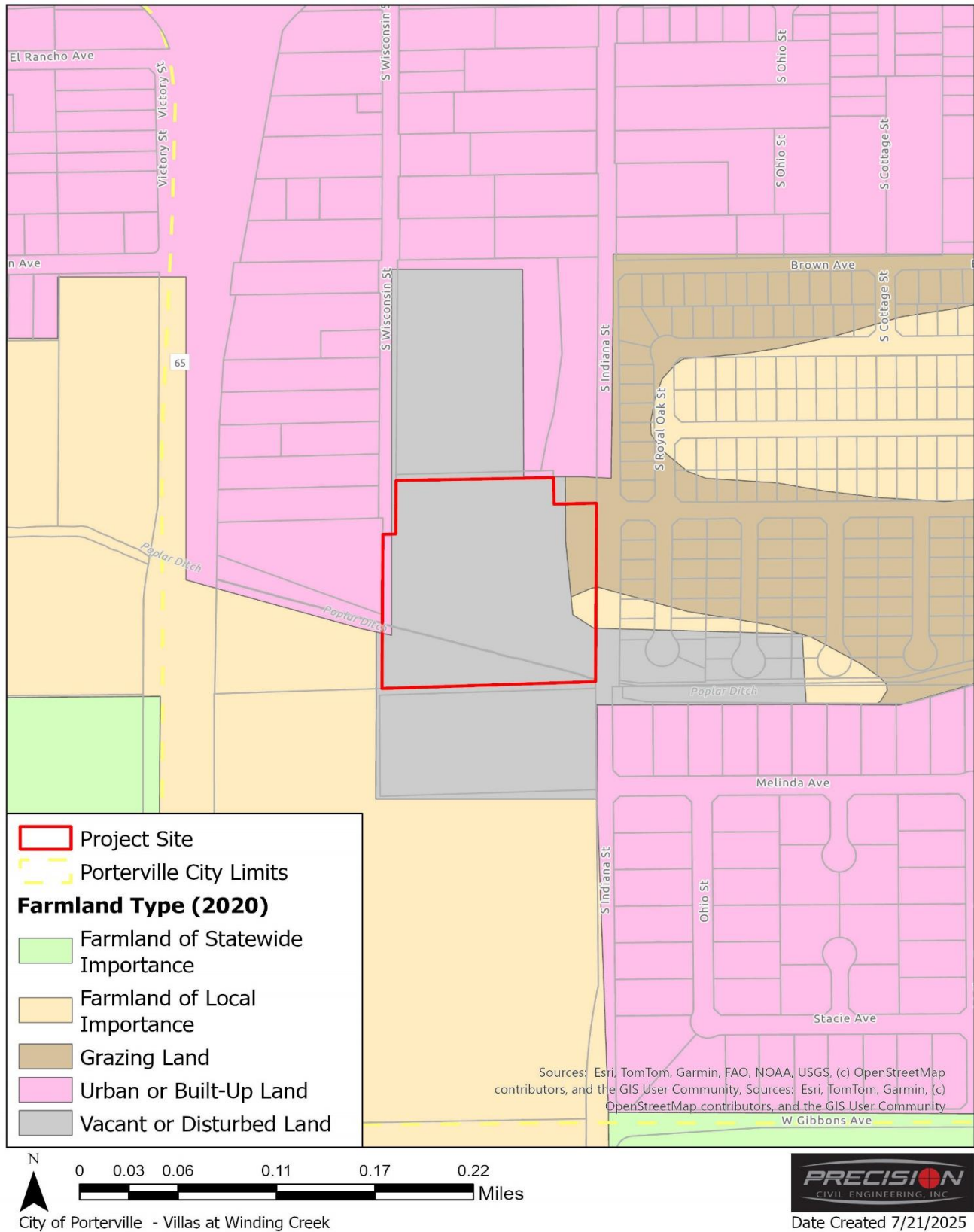


Figure 4-1 Farmland Type

4.2.2 Impact Assessment

Would the Project:

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Less than Significant Impact. The Project site is not located on or adjacent to any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. According to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), California Important Farmland Finder, the Project Site is classified as "Vacant or Disturbed Land." Surrounding properties are classified as Vacant or Disturbed Land, Urban and Built-Up Land, or Farmland of Local Importance. The nearest Prime Farmland is approximately 0.5 miles west (west of SR-65), and the nearest Farmland of Statewide Importance is about 0.18 miles to the south and west (west of SR-65). No Unique Farmland exists within a two (2)-mile radius of the site. Therefore, the Project would not convert any designated farmland to non-agricultural use and impacts would be less than significant.

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

No Impact. The Project site and surrounding properties are not zoned for agricultural use and are not under Williamson Act contracts. Therefore, the Project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.

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

No Impact. The Project site is not located on land zoned for forest land, timberland, or Timberland Production, as defined by the relevant sections of the Public Resources Code and Government Code. Therefore, the Project would not conflict with existing zoning for these land uses or require any rezoning, and no impacts would occur.

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

No Impact. The Project site does not contain forest land, nor is it designated or zoned for forest uses. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use, and no impacts would occur.

- e) *Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

Less than Significant Impact. The Project site is not located on or adjacent to any lands designated as Farmland or forest land, nor is the site and surrounding properties zoned for agricultural, or forestry uses. The Project would not require the extension of infrastructure, such as new roads or utilities, into areas containing Farmland or forest land that could result in future conversion of Farmland or forest land to non-agricultural or non-forest use. The Project is consistent with the existing residential land use patterns in the surrounding area. This consistency minimizes the potential for the Project to result in future conversion of Farmland or forest land to non-agricultural or non-forest use. In addition, the Project does not have any components that would affect the continued agricultural or forestry uses on nearby lands. Therefore, impacts would be less than significant.

4.2.3 *Mitigation Measures*

None required.

4.3 AIR QUALITY

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

4.3.1 Environmental Setting

The City of Porterville lies within the central portion of the San Joaquin Valley Air Basin (SJVAB) that is bounded by the Sierra Nevada Mountain range to the east, Coastal Ranges to the west, and Tehachapi mountains to the south. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulates air quality in eight (8) counties including: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The SJVAPCD oversees the SJVAB.

Impacts on air quality result from emissions generated during short-term activities (construction) and long-term activities (operations). Construction-related emissions consist mainly of exhaust emissions (NO_x, PM₁₀, and PM_{2.5}) from construction equipment and other mobile sources, and fugitive dust (PM₁₀ and PM_{2.5}) emissions from earth moving activities. Operational emissions are source specific and consist of permitted equipment and activities and non-permitted equipment and activities.

Air pollution in the SJVAB can be attributed to both human-related (anthropogenic) and natural (non-anthropogenic) activities that produce emissions. Air pollution from significant anthropogenic activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. Four (4) main sources of air pollutant emissions in the SJVAB are motor vehicles, industrial plants, agricultural activities, and construction activities. All four (4) of the major pollutant sources affect ambient air quality throughout the SJVAB. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air. Air pollutants can remain in the atmosphere for long periods and can build to unhealthful levels when stagnant conditions that are common in the San Joaquin Valley occur. Pollutants are transported downwind from urban areas with many emission sources which are also recirculated back to the urban areas.

Further, the SJVAB is in non-attainment for ozone, PM₁₀, and PM_{2.5}, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. Air quality standards have been set to protect

public health, particularly the health of vulnerable people. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects.

San Joaquin Valley Air Pollution Control District

The SJVAPCD is the agency primarily responsible for ensuring that National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are not exceeded and that air quality conditions are maintained in the SJVAB, within which the Project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the federal Clean Air Act and the California Clean Air Act .

The SJVAPCD rules and regulations that may apply to projects that will occur during buildout of the Project include but are not limited to the following:

Rule 2010 – Permits Required. *The purpose of this rule is to require any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate. This rule also explains the posting requirements for a Permit to Operate and the illegality of a person willfully altering, defacing, forging, counterfeiting or falsifying any Permit to Operate.*

Rule 2201 – New and Modified Stationary Source Review Rule. *The purpose of this rule is to provide for the following:*

The review of new and modified Stationary Sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards; and

No net increase in emissions above specified thresholds from new and modified Stationary Sources of all nonattainment pollutants and their precursors.

Rule 4001 – New Source Performance Standards. *This rule incorporates the New Source Performance Standards from Part 60, Chapter 1, Title 40, Code of Federal Regulations (CFR).*

Rule 4002 – National Emission Standards for Hazardous Air Pollutants. *This rule incorporates the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR) and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR).*

Rule 4102 – Nuisance. *The purpose of this rule is to protect the health and safety of the public and applies to any source operation that emits or may emit air contaminants or other materials.*

Rule 4601 – Architectural Coatings. *The purpose of this rule is to limit VOC emissions from architectural coatings. This rule specifies architectural coatings storage, cleanup, and labeling requirements.*

Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. *The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.*

Regulation VIII – Fugitive PM₁₀ Prohibitions. *The purpose of Regulation VIII (Fugitive PM₁₀ Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM₁₀) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions.*

Rule 9510 – Indirect Source Review. *The purposes of this rule are to:*

- 1. Fulfill the District's emission reduction commitments in the PM₁₀ and Ozone Attainment Plans.*
- 2. Achieve emission reductions from the construction and use of development projects through design features and on-site measures.*
- 3. Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.*

Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). SJVAPCD recommends a three (3)-tiered approach to air quality analysis based on Project size to allow quick screening for CEQA impacts:

- 1. Small Project Analysis Level (SPAL):** based on the District's New Source Review, the District pre-quantified emissions and determined values as thresholds of significance for criteria pollutants. Residential, commercial, retail, industrial, educational, and recreational land uses are eligible to use this for screening. The SPAL was published on November 13, 2020, by the SJVAPCD to determine potential impacts in GAMAQI. ⁴ SPAL is based on a CalEEMod version 2016.3.2.
- 2. Cursory Analysis Level (CAL):** CAL is used to determine significance on Projects that exceed the SPAL criteria. Analysis includes using CalEEMod to estimate emissions and air pollutants.
- 3. Full Analysis Level (FAL):** this level of analysis is usually required for an EIR. It requires a full air quality report that describes impacts on the public.

GAMAQI also includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the proposed Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact on human health and welfare. The thresholds of significance are summarized, as follows:

⁴ San Joaquin Valley Air Pollution Control District. (2020). "Small Project Analysis Levels (SPAL)". Accessed on July 24, 2025, <https://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.PDF>

Criteria Air Pollutants

SJVAPCD adopted thresholds of significance for criteria air pollutants, as shown in **Table 4-1**. The thresholds of significance are based on a calendar year basis. For construction emissions, the annual emissions are evaluated on a rolling 12-month period. The following summarizes these thresholds:

Short-Term Emissions of Particulate Matter (PM₁₀): Construction impacts associated with the proposed Project would be considered significant if the feasible control measures for construction in compliance with Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if Project-generated emissions would exceed 15 tons per year (TPY).

Short-Term Emissions of Ozone Precursors (ROG and NO_x): Construction impacts associated with the proposed Project would be considered significant if the Project generates emissions of Reactive Organic Gases (ROG) or NO_x that exceeds 10 TPY.

Long-Term Emissions of Particulate Matter (PM₁₀): Operational impacts associated with the proposed Project would be considered significant if the Project generates emissions of PM₁₀ that exceed 15 TPY.

Long-Term Emissions of Ozone Precursors (ROG and NO_x): Operational impacts associated with the proposed Project would be considered significant if the Project generates emissions of ROG or NO_x that exceeds 10 TPY.

Table 4-1 SJVAPCD Recommended Air Quality Thresholds of Significance.⁵

Pollutant	Significance Threshold	
	Construction Emissions (tons/year)	Operational Emission (tons/year)
CO	100	100
NO _x	10	10
ROG	10	10
SO _x	27	27
PM ₁₀	15	15
PM _{2.5}	15	15

Conflict with or Obstruct Implementation of Applicable Air Quality Plan

Air Quality Plans (AQPs) are plans for reaching the attainment of air quality standards. The applicable AQP for the SJVAB is the GAMAQI. Due to the region's nonattainment status for ozone, PM_{2.5}, and PM₁₀, if the Project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM₁₀ would exceed the SJVAPCD's significance thresholds, then the Project would be considered to be conflicting with the AQP. In addition, if the Project would result in a change in land use and corresponding increases in vehicle miles traveled, the Project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans. Vehicle Miles Traveled is analyzed in **Section 4.17**.

⁵ SJVAPCD. (2015). Guidance for Assessing and Mitigating Air Quality Impacts. Accessed on July 24, 2025, <https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF>

Local Mobile-Source CO Concentrations

Local mobile source impacts associated with the proposed Project would be considered significant if the Project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e., 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Toxic Air Contaminants

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than one (1).

As recommended by the SJVAPCD, the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology was utilized as the TAC screening methodology. According to the CAPCOA Guidance Document titled "Health Risk Assessments for Proposed Land Use Projects," there are two types of land use projects that have the potential to cause long-term public health risk impacts. These project types are as follows:

- Type A: Land use Projects with toxic emissions that impact receptors, and
- Type B: Land use Project that will place receptors in the vicinity of existing toxics sources.

In this Guidance document, Type A projects examples are (project impacts receptors):

- combustion related power plants,
- gasoline dispensing facilities,
- asphalt batch plants,
- warehouse distribution centers,
- quarry operations, and
- other stationary sources that emit toxic substances.

Odor

The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Specific land uses that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants, and rendering plants. The SJVAPCD has identified these common types of facilities that have been known to produce odors in the SJVAB and has prepared screening levels for potential odor sources ranging from one to two miles of distance from the odor-producing facility to sensitive receptors. Odor impacts would be considered significant if the Project has the potential to frequently expose members of the public to objectionable odors.

Ambient Air Quality

The SJVAPCD applies the following guidance in determining whether an ambient air quality analysis should be performed: when assessing the significance of Project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstances, the SJVAPCD recommends that an ambient air quality analysis be performed.

Small Project Analysis Level

The SPAL identifies pre-quantified emissions and determined values related to project type, size, and number of vehicle trips. According to the SPAL, projects that fit specified descriptions are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. The SPAL threshold criteria for residential projects is shown in **Table 4-2**.

Table 4-2 SPAL Thresholds for Residential Projects

Land Use Type	Size and Unit	Average Daily One-Way Trips for all fleet types (Except HHDT)	Average Daily One-way for HHDT Trips only (50-mile trip length)
Single Family	155 dwelling unit	800	15
Apartment, Low Rise	224 dwelling unit	800	15
Apartment, Mid Rise	225 dwelling unit	800	15
Apartment, High Rise	340 dwelling unit	800	15
Condominiums/Townhouse	352 dwelling unit	800	15

Porterville 2030 General Plan

The Porterville 2030 General Plan Open Space and Conservation Element established policies and actions related to air quality, as listed below.

Guiding Policy OSC-G-9 *Improve and protect Porterville’s air quality by making air quality a priority in land use and transportation planning and in development review.*

Implementation Policy OSC-I-58 *Continue to assess air quality impacts through environmental review and require developers to implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.*

The City will use the San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidelines for Assessing and Mitigating Air Quality Impacts for determining and mitigating project air quality impacts and related thresholds of significance for use in environmental documents. The City shall cooperate with the SJVAPCD in the review of development proposals.

Implementation Policy OSC-I-59 *Require preparation of a Health Risk Assessment for any development subject to the Air Toxics “Hot Spots” Act.*

Implementation Policy OSC-I-60 *Require dust control measures as a condition of approval for subdivision maps, site plans, and all grading permits.*

Implementation Policy OSC-I-65 *When asbestos has been identified in the preliminary soils report, require all new development and public works projects to comply with all provisions of State and regional ATCM regulations for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.*

4.3.2 Impact Assessment

Would the Project:

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Less than Significant Impact. Air Quality Plans (AQP) are designed to achieve and maintain compliance with ambient air quality standards. These plans involve a detailed analysis of factors influencing air quality within a specific air basin, including growth projections, emission sources, pollutant formation processes, and existing and

planned emission controls. The goal of an AQP is to demonstrate how, through a combination of regulations, programs, and other measures, the air basin will attain and maintain the air quality standards.

The applicable AQP for the San Joaquin Valley Air Basin (SJVAB) is the San Joaquin Valley Air Pollution Control District's (SJVAPCD) *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI indicates that projects that do not exceed SJVAPCD regional criteria pollutant emissions quantitative thresholds identified in the GAMAQI would not conflict with or obstruct the applicable AQP.

The GAMAQI contains the Small Project Analysis Level (SPAL) screening tool that pre-quantifies emissions and significance thresholds below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Projects below these SPAL thresholds are presumed to have a less than significant impact on air quality and are considered consistent with the AQP. As demonstrated below, the proposed Project would not have any significant effects relating to air quality pursuant to SPAL. The Project is below all thresholds and therefore, the Project is assumed to result in air quality impacts that are below the identified thresholds of significance. Therefore, the proposed Project would not be considered to obstruct implementation of the applicable AQP or be in conflict with the applicable AQP and a less than significant impact would occur.

Table 4-3 SPAL Significance Thresholds

	SPAL Threshold	Proposed Project	Below Threshold?
Size/Unit	155 dwelling units	32 dwelling units	<u>Yes</u>
Average Daily One-way Trips for All Fleet Types (Except Heavy-Heavy Duty Trucks (HHDT))	800	301.76	<u>Yes</u>
Average Daily One-way for HHDT trips only (50-mile trip length)	15	0	<u>Yes</u>
Note: Trip generation and VMT are further described in Section 4.17 .			

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

Less than Significant Impact. The San Joaquin Valley Air Basin (SJVAB) is currently designated as non-attainment for ozone, PM₁₀, and PM_{2.5} under both federal and state ambient air quality standards. This means that existing concentrations of these pollutants frequently exceed established health-based standards, posing a risk to public health, especially for sensitive populations. Because the Project's emissions are below the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Small Project Analysis Level (SPAL) thresholds (criterion a)), the emissions are presumed to have a less than significant impact on air quality and are excluded from further quantification for CEQA purposes. The SPAL thresholds are designed to identify projects that, individually or cumulatively, would not contribute significantly to existing air quality violations. Therefore, the Project's contribution to cumulative increases in these non-attainment pollutants would be considered less than significant and would not result in a cumulatively considerable net increase. Impacts would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors, such as schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units are more susceptible to the adverse effects of air pollution. The

nearest sensitive receptors to the Project site are single-family residences located adjacent to the site, to the east and west. As discussed previously, Project emissions are below the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Small Project Analysis Level (SPAL) thresholds for both construction and operation. Projects below these thresholds are presumed to have a less than significant impact on air quality and are not required to perform further analysis. Therefore, the Project's potential to expose nearby sensitive receptors to substantial pollutant concentrations would be considered less than significant.

Furthermore, the Project proposes residential development. Residential development typically does not generate substantial toxic emissions (e.g., Type A uses defined by the California Air Pollution Control Officers Association (CAPCOA) guidelines). While construction activities would generate temporary emissions, primarily from diesel equipment exhaust, these emissions would be limited to the construction period. Moreover, construction activities would be required to comply with all applicable SJVAPCD rules and regulations, including but not limited to Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4402 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Compliance with these regulations will further minimize potential impacts to sensitive receptors. Therefore, impacts related to exposure of sensitive receptors to substantial pollutant concentrations are considered less than significant.

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

Less than Significant Impact. Certain land uses, such as landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants, and rendering plants, are known to generate objectionable odors. This Project, which facilitates residential development, does not involve any of these odor-generating uses. Therefore, it is unlikely to produce odors that would adversely affect a substantial number of people. Furthermore, a review of the surrounding area indicates no major odor-generating sources (e.g., sanitary landfill, transfer station, composting facility, food processing facility) in proximity to the Project site. While temporary odors associated with diesel fuel and equipment exhaust may be present during construction activities, these odors will be short-lived and limited to the construction phase. For these reasons, potential odor impacts associated with the Project would be less than significant.

4.3.3 Mitigation Measures

None required.

4.4 BIOLOGICAL RESOURCES

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.		X		

4.4.1 Environmental Setting

The Project site is currently vacant with no structures or improvements. The existing biotic conditions and resources of the Project site can be defined primarily as ruderal and are highly disturbed due to annual disking. There are multiple trees on the Project site: two (2) are located along the western edge of the property along the drainage ditch running from the basin to the Poplar Ditch and three (3) located along the Poplar Ditch.

U.S. Fish and Wildlife – Special-Status Species Database

The U.S. Fish and Wildlife Service (USFWS) operates an “Information for Planning and Consultation” (IPaC) database, which is a Project planning tool for the environmental review process that provides general information on the location of special-status species that are “known” or “expected” to occur (note: the database does not provide occurrences; refer to the California Department of Fish and Wildlife – Natural Diversity Database below).⁶ Specifically, the database identifies 9 endangered species, 1 bald & golden eagle, and 14 migratory birds that are potentially affected by activities on the Project Site. The list of species is provided in **Appendix B**.

U.S. Fish and Wildlife – Critical Habitat Report

Once a species is listed under the federal Endangered Species Act, NOAA Fisheries is required to determine whether there are areas that meet the definition of Critical Habitat. Per NOAA Fisheries, Critical Habitat is defined as:

- Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and
- Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.⁷

The process of Critical Habitat designation is complex and involves the consideration of scientific data, public and peer review, economic, national security, and other relevant impacts. According to the Critical Habitat for Threatened & Endangered Species Report updated February 25, 2025, the Project Site and its immediate vicinity (0.5-mile radius from the site) are not located within a federally designated Critical Habitat.⁸ The closest federally designated Critical Habitat is located approximately 3.9 miles northeast of the Project Site for California condor (*Gymnogyps californianus*).

U.S. Fish & Wildlife Service – National Wetlands Inventory

The USFWS provides a National Wetlands Inventory (NWI) with detailed information on the abundance, characteristics, and distribution of U.S. wetlands. A search of the NWI shows one wetland feature, the Poplar Ditch,

⁶ U.S. Fish and Wildlife Service. Information and Planning Consultation Online System. Accessed on July 18, 2025, <https://ecos.fws.gov/ipac/>

⁷ National Oceanic and Atmospheric Administration (NOAA). Critical Habitat. Accessed on July 18, 2025, <https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat#definition-of-critical-habitat>

⁸ U.S. Fish & Wildlife. (2024). ECOS Environmental Conservation Online System - USFWS Threatened & Endangered Species Active Critical Habitat Report (updated February 25, 2025). Accessed on July 18, 2025, <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>

run through the Project Site.⁹ According to the NWI, the Poplar Ditch is classified as an R4SBCx riverine system (R), with an intermittent subsystem which contains flowing water only part of the year (4), that is within the Streambed (SB) class, is seasonally flooded (C), and was excavated by humans (x).

Environmental Protection Agency – WATERS Geoviewer

The U.S. Environmental Protection Agency (EPA) WATERS GeoViewer provides a GeoPlatform based web mapping application of water features by location. According to the WATERS GeoViewer, there are no water features located within the Project site.¹⁰

California Department of Fish and Wildlife – Natural Diversity Database

The California Department of Fish and Wildlife (CDFW) operates the California Natural Diversity Database (CNDDDB), which is an inventory of the status and locations of rare plants and animals in California along with reported occurrences of such species.¹¹ The Project Site is located within the United States Geological Survey (USGS) Porterville 7.5-minute quadrangle map (Quad). A five (5)-mile radius from the Project site extends into the Success Dam, Ducor, and Fountain Springs Quads. According to the CNDDDB, there are 28 special-status species that have been observed and reported in the Porterville, Success Dam, Ducor, and Fountain Springs Quads. A list of occurrences within these Quads is provided in **Appendix B**.

The CNDDDB identifies no special status species located within the Project site. **Figure 4-2** shows the CNDDDB-identified occurrences of animal and plant species within the five (5)-mile radius of the Project site. **Table 4-4** lists all federally or state-listed special-status species CNDDDB-known occurrences within the five (5)-mile radius of the Project Site, organized by distance to the site. Vernal pool fairy shrimp occurrences, which are some of the closest, occur along State Route 65 to the south of the Project site. Several occurrences are listed as extirpated or possibly extirpated, meaning that the habitat has been destroyed or that the element has been searched but not seen for many years. **Table 4-5** provides an analysis of essential habitats and the potential for the existence of the special-status species to exist on the Project site.

⁹ U.S. Fish & Wildlife Service. National Wetlands Inventory. Accessed July 18, 2025, <https://www.fws.gov/wetlands/data/Mapper.html>

¹⁰ U.S. Environmental Protection Agency. WATERS GeoViewer 2.0. Accessed July 18, 2025, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=074cfede236341b6a1e03779c2bd0692>

¹¹ California Department of Fish and Wildlife. California Natural Diversity Database. Accessed July 18, 2025, <https://wildlife.ca.gov/Data/CNDDDB>

Table 4-4 Special-Status Species Occurrences within 5-mile radius of Project Site

Species (Common Name)	Date	Federal Status	State Status	Distance to site
Vernal pool fairy shrimp	2002/07/22	Threatened	None	0.41 miles south
Morrison's blister beetle	1939/05/01	None	None	0.58 miles east
Northern California legless lizard	1940/04/02	None	None	1.02 miles northeast
American Badger	XXXX/XX/XX	None	None	1.24 miles southwest
Vernal pool fairy shrimp	2002/07/22	Threatened	None	1.49 miles south
San Joaquin Kit Fox	1975/07/XX	Endangered	Threatened	1.51 miles south
Crotch's bumblebee	1963/06/13	None	Candidate Endangered	1.57 northeast
Striped adobe-lily	1927/03/13	None	Threatened	1.57 miles northeast
Valley elderberry longhorn beetle	1991/04/21	Threatened	None	2.31 miles east
San Joaquin Kit Fox	1989/04/09	Endangered	Threatened	2.36 miles southwest
San Joaquin Kit Fox	1975/07/XX	Endangered	Threatened	2.54 miles southeast
San Joaquin Kit Fox	1973/XX/XX	Endangered	Threatened	2.58 miles northeast
Northern claypan vernal pool	1980/04/26	None	None	3.22 miles southeast
San Joaquin Kit Fox	1975/07/XX	Endangered	Threatened	3.26 miles southwest
Northern California legless lizard	2017/04/23	None	None	3.35 miles east
San Joaquin Kit Fox	1975/07/XX	Endangered	Threatened	3.44 miles west
Swainson's Hawk	2017/07/09	None	Threatened	3.58 miles northwest
San Joaquin Woollythreads	1881/03/XX	Endangered	None	3.68 miles south
San Joaquin Kit Fox	1992/04/21	Endangered	Threatened	3.78 miles southwest
San Joaquin Kit Fox	1990/03/22	Endangered	Threatened	3.87 miles northeast
Townsend's big-eared bat	1988/07/27	None	None	3.96 miles northeast
San Joaquin Kit Fox	1975/07/XX	Endangered	Threatened	3.91 miles south
California Condor	1976/09/17	Endangered	Endangered	3.99 miles northeast
San Joaquin Adobe sunburst	1990/04/152	Threatened	Endangered	4.04 miles northeast
San Joaquin Adobe sunburst	1990/04/08	Threatened	Endangered	4.08 miles east
Madera leptosiphon	1935/03/28	None	None	4.08 miles east
Vernal pool fairy shrimp	2002/02/07	Threatened	None	4.27 miles south
San Joaquin Adobe sunburst	2016/03/18	Threatened	Endangered	4.36 miles north
Striped adobe lily	2007/03/01	None	Threatened	4.43 miles north
Springville Clarkia	2002/04/16	Threatened	Endangered	4.51 miles north
Northern California legless lizard	2002/04/27	None	None	4.51 miles east
San Joaquin Adobe sunburst	1988/04/09	Threatened	Endangered	4.82 miles north
San Joaquin Kit Fox	1975/07/XX	Endangered	Threatened	4.99 miles southwest

Extirpated or possible extirpated occurrences are not shown on the table.

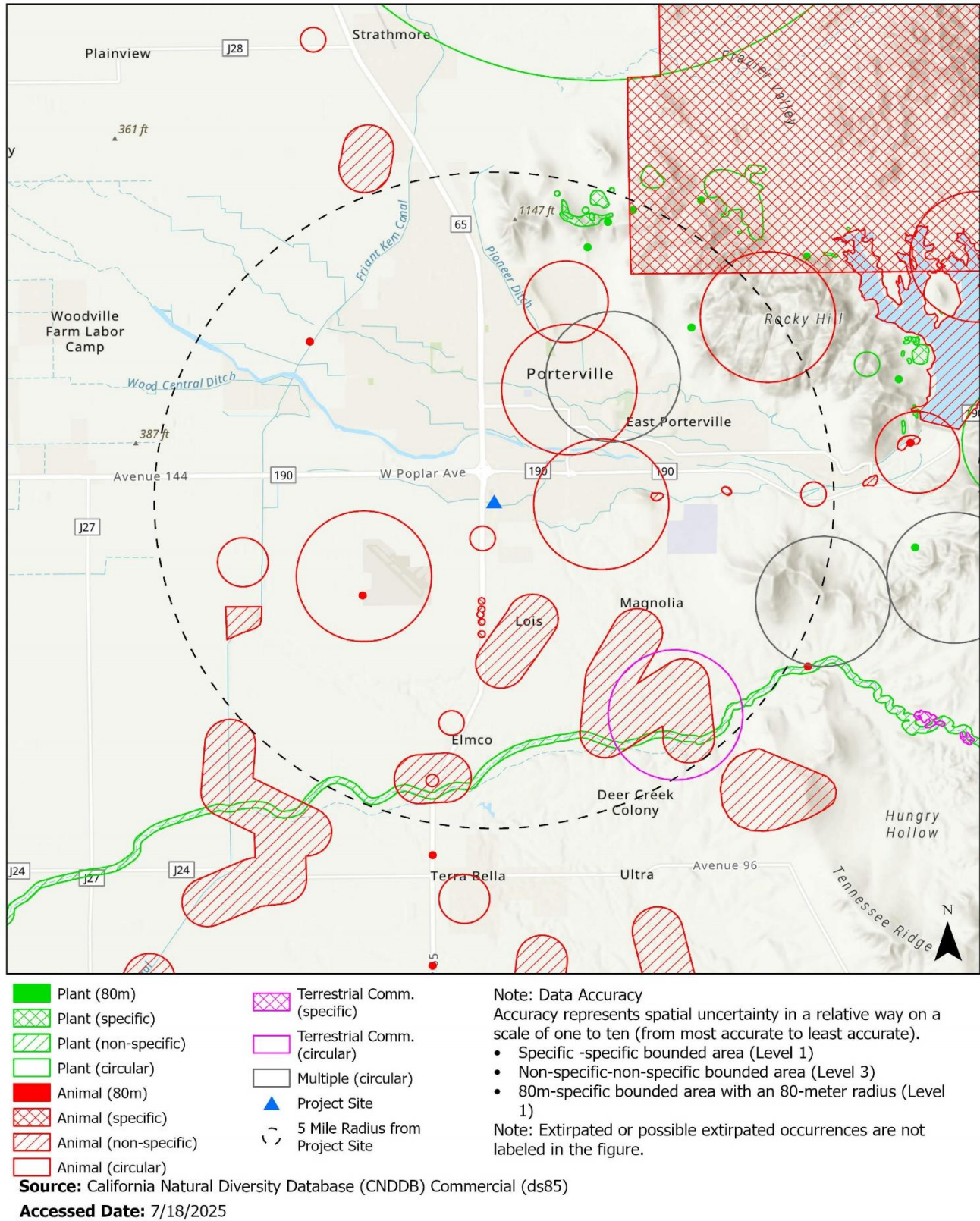


Figure 4-2 CNDDDB Occurrences within 5-miles of the Project Site

Table 4-5 Essential Habitats and Potential Existence of Special-Status Species on Site

Common Name/Type	Habitat	Potential Occurrence in the Project Site
American Badger	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.	Potentially Present. Project site is vacant, with herbaceous habitat and friable soils. Active denning may be limited by annual disking and site disturbance.
California Condor	Require vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude.	Absent. Found in mountain ranges and large, undisturbed natural areas. The Project site is in an urbanized area and does not contain suitable mountain or expansive foraging habitat for condors.
Swainsons hawk	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees.	Potentially Present. Nests in mature trees and forages in open grasslands and agricultural fields. There are mature trees within and adjacent to the Project site (along the ditches).
Crotch's bumblebee	Coastal California east to the Sierra-cascade crest and south into Mexico.	Potentially Present. Project site is vacant, with ruderal herbaceous vegetation that may provide suitable foraging resources; nesting is less likely in disked areas.
Madera leptosiphon	Cismontane woodland, lower montane coniferous forest.	Likely Absent. Commonly located in woodland areas within the Sierra Nevada mountains. The Project site is not located within a woodland area.
Morrison's blister beetle	Inhabitant of the southern central valley of California.	Likely Absent. Prefers sand dune/desert scrub habitat. The Project site does not provide any suitable sand dune or desert scrub habitat.
Northern California legless lizard	Sandy or loose loamy soils under sparse vegetation.	Potentially Present. The Project site comprises sandy/loose loamy soils with sparse vegetation, particularly in less disturbed areas along the drainage ditches where some leaf litter or debris may accumulate.
San Joaquin Adobe sunburst	Valley and foothill grassland, cismontane woodland.	Likely Absent. Present in grassland and oak woodland habitat, with preference for heavy adobe soils. The Project site does not contain any heavy adobe soils. Additionally, the Project site is disked annually.
San Joaquin Kit Fox	Annual grasslands or grassy open stages with scattered shrubby vegetation. Need loose-textured sandy soils for burrowing, and suitable prey base.	Potentially Present. The Project site comprises vacant grassland with shrubby vegetation and loose, sandy soils which would provide suitable habitat.
San Joaquin Wollythreads	Chenopod scrub, valley and foothill grassland.	Likely Absent The Project site is a vacant, grassland; however, the Project site is disked annually for vegetation control which would preclude the establishment and persistence of this species.
Springville Clarkia	Chaparral, cismontane woodland, valley and foothill grassland.	Likely Absent The Project site is a vacant, grassland; however, the Project site is disked annually for vegetation control

		which would preclude the establishment and persistence of this species.
Striped adobe-lily	Cismontane woodland, valley and foothill grassland.	Likely Absent The Project site is a vacant, grassland; however, the Project site is disced annually for vegetation control which would preclude the establishment and persistence of this species.
Townsend's big eared bat	Throughout California in a wide variety of habitats. Most common in mesic sites.	Likely Absent. The Project site is a vacant, grassland that provides little potential roosting sites (e.g., caves, mines, large buildings).
Valley elderberry longhorn beetle	Occurs only in the central valley of California, in association with blue elderberry (<i>sambucus mexicana</i>).	Potentially Present. Often found near riparian habitat with host plant. The Project site includes some riparian habitat (Poplar Ditch and western ditch) with the potential to host Blue Elderberry plants.
Vernal pool fairy shrimp	Endemic to the grasslands of the central valley, central coast mountains, and south coast mountains, in astatic rain-filled pools.	Potentially Present. The Project site is a vacant grassland, with an adjacent agricultural ditch, with the potential for rain to accumulate in scattered pools.

California Fish and Game Code

Sections 3503, 3503.5, and 3513 of the California Fish and Game Code specifically protect native birds and raptors. Mitigation for avoidance of impacts to nesting birds is typically necessary to comply with these Sections of the Fish and Game Code in CEQA.¹²

Section 3503: *It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.*

Section 3503.5: *It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*

Section 3513: *It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.*

Porterville 2030 General Plan

According to the Porterville 2030 General Plan, the Project Site is within an area with known or high potential habitat for the striped adobe lily. The General Plan established goals and policies related to biological resources in the Open Space & Conservation Element, as listed below:¹³

Goal OSC-G-7 *Protect habitat for special status species, designated under State and federal law.*

Implementing Policy OSC-I-27 *Protect and enhance the natural habitat features of the Tule River and open space corridors within the Planning Area.*

Implementing Policy OSC-I-28 *Require protection of sensitive habitat areas and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation, 3) offsite mitigation, and 4) purchase of mitigation credits.*

Implementing Policy OSC-I-29 *Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.*

The term “special status” species includes species classified as rare and endangered. These priorities are consistent with the California Department of Fish and Game guidelines. When habitat preservation on-site is not feasible (i.e., preserved parcels would be too small to be of any value), then off-site mitigation should occur.

Implementing Policy OSC-I-32 *Identify and protect wildlife movement corridors that serve critical habitats to minimize wildlife-urban conflicts.*

¹² The California Biologist's Handbook. California Fish and Game Code. Accessed on July 24, 2025, <https://biologists handbook.com/regulations/state-regulations/state-fish-and-game-code/#:~:text=Section%203503,any%20regulation%20made%20pursuant%20thereto.%E2%80%9D>

¹³ City of Porterville. City of Porterville 2030 General Plan: Open Space & Conservation. Accessed July 24, 2025, https://cms9files.revize.com/PortervilleCA/Document_Center/Department/Community%20Development/General%20Plan%20Update/Chapter6OpenSpaceandConservation_000.pdf

Implementing Policy OSC-I-34 Continue to require street tree planting in new development and support the City's tree planting fund.

Implementing Policy OSC-I-35 Consult with all responsible agencies about wetland and vernal pool habitat potentially affected by development.

This consultation will occur as part of the environmental review process.

Implementing Policy OSC-I-36 Establish a "no net loss" policy for wetlands and vernal pools, including credits for land banking and off-site mitigation, and maintain a protection zone around wetlands, riparian corridors, and identified habit areas where development shall not occur, except as part of a parkway enhancement program (e.g., trails and bikeways).

Protection zones will be determined on case-by-case based on biological studies and field assessment.

The City Code of Porterville, California

The Porterville Municipal Code (PMC) establishes regulations for the removal of trees, plants, and shrubs, as described below.

Section 7-48: REMOVAL OF TREES; NOTICE REQUIRED: *In the event that the moving of any building for which a permit shall have been granted pursuant to this article makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the city, the person to whom such permit has been granted, or his authorized representative, shall notify the director of parks and leisure services at least forty eight (48) hours prior to the time that the moving of such building will necessitate the removal of such obstructions.*

Section 7-49: REMOVAL OF TREES; AUTHORIZATION: *The person to whom such permit is granted as required in this article for the removal of buildings shall not, at the expiration of such time of notice or at any time, trim, move, remove, replant or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the city unless otherwise approved and so ordered by the director of parks and leisure services.*

Section 7-50: REMOVAL OF TREES; PAYMENT OF COSTS: *The person to whom such permit is granted as required in this article for the removal of buildings shall pay to the city any and all costs or expense for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.*

4.4.2 Impact Assessment

Would the Project:

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

Less than Significant Impact with Mitigation Incorporated. To assess the potential presence of special-status species, queries were conducted using the CDFW CNDDDB and the USFWS IPaC databases. These databases provide information on the status and locations of rare plants and animals. As identified in the **Environmental Setting**, the queries identified potential special-status species within or near the Project site. No critical habitat exists within or directly adjacent to the site, as designated by federal agencies. The CNDDDB Bios mapping (**Figure 4-2**), along with **Table 4-5**, summarize the query results and characterize the site's habitat.

The analysis in **Table 4-5** identified several special-status wildlife species with the potential to occur on the site, primarily due to the presence of suitable habitat. These include Swainsons Hawk and other protected birds, American Badger, Northern California Legless Lizard, San Joaquin Kit Fox, Crotch's Bumble Bee, Valley Elderberry Longhorn Beetle, and Vernal Pool Fairy Shrimp. To ensure that the Project does not have a substantial adverse effect on these identified species, either directly or through habitat modifications, the Project shall incorporate **Mitigation Measures BIO-1** through **BIO-7**. These measures address potential impacts through a combination of pre-construction surveys, avoidance, minimization, and other measures to avoid take.

Through incorporation of mitigation measures, potential impacts would be reduced to less than significant with mitigation incorporated and the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Mitigation Measure BIO-1 (Protected Birds including Swainson's Hawk): To mitigate potential impacts on protected birds, including Swainsons Hawk, and to avoid "take" as defined by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, the following measures will be implemented.

- 1) Avoidance of Nesting Season: If feasible, all ground-disturbing activities (including grading, grubbing, or mobilization of construction equipment and materials) and vegetation removal will occur outside the typical nesting season for migratory birds in the San Joaquin Valley (generally February 1 through August 31).
- 2) Pre-Construction Survey (If Work During Nesting Season): If ground disturbance or vegetation removal must be initiated or continue during the nesting season (February 1 through August 31), a qualified biologist will conduct a pre-construction survey for nesting birds, including special-status species such as Swainson's Hawk, within the Project footprint and a suitable buffer (e.g., 500 feet for raptors like Swainson's Hawk, 250 feet for other protected birds, or as determined by the biologist based on species and site conditions). The survey will be conducted no more than 14 days prior to the start of any ground disturbance or vegetation removal within the Project footprint. The survey results will be reported by the biologist to the Project proponent, who will then report to the City of Porterville Community Development Department for mitigation monitoring compliance. If no active nests are detected, no further species-specific mitigation for nesting birds is required.
- 3) Minimize Impacts (If Active Nests Found): If active nests are found in or near the construction zone/area, the qualified biologist will establish and implement an appropriate species-specific non-disturbance buffer (as recommended by CDFW). This buffer will be clearly delineated, and no construction activities will occur within this buffer until the qualified biologist determines that the nesting effort has concluded (e.g., young have fledged and are no longer reliant on the nest) and the nest is no longer active. The biologist will prepare a plan detailing the avoidance, monitoring, and minimization actions, and the results of these efforts will be reported by the biologist to the California Department of Fish and Wildlife (CDFW), Project proponent, and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-2 (American Badger): To mitigate potential impacts on the American badger and avoid "take" under state law, the following measures will be implemented.

- 1) Avoidance of Denning Season: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable and identified American badger habitat (e.g., grasslands, shrublands with friable soils, or areas with known burrow complexes) will be scheduled outside their primary

denning season (typically February through July) when young may be present. Construction activities will avoid filling or altering known or potential badger dens.

- 2) Pre-Construction Survey (If Work During Denning Season): A qualified biologist will conduct a pre-construction survey for American badgers and their dens within the Project footprint and a suitable buffer (e.g., 50 feet) at least 30 days prior to ground disturbance. The survey results will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no badgers or active dens are detected, no further species-specific mitigation is required.
- 3) Minimize Impacts (If Badgers/Dens Found): If American badgers or their active dens are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffer zones around active dens (e.g., 50-foot non-disturbance buffer), installing exclusion fencing, passively relocating to suitable, protected habitat, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-3 (Northern California Legless Lizard): To mitigate potential impacts on the Northern California legless lizard and avoid "take" under state law, the following measures will be implemented:

- 1) Pre-Construction Survey: A qualified biologist will conduct a pre-construction survey at least 30 days prior to ground disturbance in suitable legless lizard habitat (e.g., areas with loose sandy soils, leaf litter, or dense vegetation cover) to identify the presence/absence of legless lizards. The survey may involve hand-raking through loose soil and leaf litter. The results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no legless lizards are detected, no further species-specific mitigation is required.
- 2) Avoidance: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable legless lizard habitat will be minimized. Construction activities will avoid filling or altering known or potential legless lizard habitat where feasible.
- 3) Minimize Impacts (If Legless Lizards Found): If legless lizards are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing exclusion fencing, salvaging and relocating to suitable, protected habitat, monitoring, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-4 (San Joaquin Kit Fox): To mitigate potential impacts on the San Joaquin kit fox and avoid "take" under the Federal Endangered Species Act (ESA) and California Endangered Species Act (CESA), the following measures will be implemented:

- 1) Pre-Construction Survey: Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey for San Joaquin kit fox and their dens within the Project footprint and a suitable buffer (e.g., 200-500 feet, as per agency guidelines) at least 30 days prior to ground disturbance. This survey will strictly follow current U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) protocols. The survey results will be reported by the biologist to the Project proponent, CDFW, USFWS, and the City of Porterville

Community Development Department for mitigation monitoring compliance. If presence is not detected, no further species-specific mitigation is required, but adherence to standard avoidance measures (e.g., pre-activity surveys, speed limits) may still be required by agencies.

- 2) Avoidance of Pupping Season: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable San Joaquin kit fox habitat (e.g., arid grasslands, scrublands, and areas with potential dens) will be scheduled outside their primary pupping season (typically February through May) to avoid impacts to vulnerable young. Construction activities will avoid filling or altering known or potential kit fox dens.
- 3) Minimize Impacts (If Kit Foxes/Dens Found): If San Joaquin kit foxes or their dens (natal, pupping, or known active dens) are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and mitigation actions, including compensatory mitigation, to reduce impacts to a less than significant level and avoid "take." This plan will be developed in consultation with and approved by USFWS and CDFW. The plan and results of efforts will be reported by the biologist to the USFWS, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance.
- 4) Worker Environmental Awareness Program (WEAP): Prior to any ground disturbance, all construction personnel will attend a WEAP conducted by a qualified biologist. The program will include a detailed description of the San Joaquin kit fox and its habitat, legal protection, and the critical importance of avoiding "take." It will also outline specific measures to be implemented during construction, such as speed limits, trash management, and reporting procedures for observations of kit foxes or dens.
- 5) Designated Biologist: A qualified biologist will be available during all ground-disturbing activities to ensure compliance with mitigation measures and agency conditions, and to monitor for the presence of San Joaquin kit fox.
- 6) Compensatory Mitigation: If impacts to San Joaquin kit fox habitat cannot be avoided and are authorized by USFWS and CDFW, compensatory mitigation (e.g., purchase of conservation easements or credits at an approved conservation bank) will be required to offset habitat loss. The amount of compensatory mitigation will be determined in consultation with the agencies.

Mitigation Measure BIO-5 (Crotch's Bumble Bee): To mitigate potential impacts on the Crotch's bumble bee and avoid "take" under CESA, the following measures will be implemented:

- 1) Pre-Construction Survey: Prior to ground disturbance, a qualified biologist or entomologist shall conduct a pre-construction survey no more than 30 days prior to ground disturbance to identify sensitive bumble bee species and potential foraging or nesting habitat. If presence is not detected, no further species-specific mitigation is required.
- 2) Avoidance of Peak Activity Periods: To the extent feasible, large-scale vegetation removal or heavy ground disturbance in areas identified as existing or potential bumble bee foraging or nesting habitat will be scheduled outside of peak bumble bee foraging and nesting periods (typically spring through fall) to avoid direct harm to active bees and nests.
- 3) Minimize Impacts (If Bumble Bees/Habitat Found): If sensitive bumble bee species or active nests are found, or if complete avoidance of foraging or nesting habitat is not feasible, the qualified biologist or entomologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffers,

enhancing landscaping with native, pollinator-friendly flowering plants that provide continuous bloom throughout the year, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist and submitted to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-6 (Valley Elderberry Longhorn Beetle): To mitigate potential impacts on the Valley Elderberry Longhorn Beetle and avoid “take” under the federal ESA, the following measures will be implemented:

- 1) Pre-Construction Survey: Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey no more than 30 days prior to ground disturbance of elderberry shrubs within the Project area to identify potential VELB exit holes. If presence is not detected, no further species-specific mitigation is required.
- 2) Avoidance: Prior to any ground disturbance or vegetation removal, a qualified biologist will identify and map all elderberry shrubs within the Project area. All identified elderberry shrubs, especially those with potential VELB habitat (stems ≥ 1.0 inch in diameter at ground level), will be avoided to the maximum extent practicable. A non-disturbance buffer of at least 20 feet (or as otherwise specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all elderberry shrubs. This buffer will be clearly delineated with fencing and signage, and no ground disturbance, vehicle access, or material storage will occur within this zone. No pesticides or herbicides will be used within 100 feet of any elderberry shrub.
- 3) Minimize Impacts (If Avoidance Not Feasible): If complete avoidance of elderberry shrubs or their designated buffer is not feasible, impacts will be minimized, and compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid “take.” Measures may include transplantation, propagation, compensatory habitat acquisition/enhancement, etc. The plan will be implemented in consultation with the qualified biologist, USFWS, and the Project proponent in accordance with USFWS guidelines related to the species. The plan and results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-7 (Vernal Pool Fairy Shrimp): To mitigate potential impacts on the Vernal Pool Fairy Shrimp and avoid “take” under the federal ESA, the following measures will be implemented:

- 1) Pre-Construction Wet Season Surveys: Prior to any ground disturbance that could impact potential vernal pool habitat, a protocol-level wet season survey will be conducted by a qualified biologist during the appropriate inundation periods (typically December through April) to determine the presence or absence of vernal pool fairy shrimp. These surveys will follow current USFWS guidelines. If presence is not detected, no further mitigation is required.
- 2) Avoidance: Prior to any ground disturbance, a qualified biologist will identify and delineate all vernal pools and other suitable ephemeral wetland habitats within the Project area. All identified vernal pools and suitable ephemeral wetland habitats will be avoided to the maximum extent practicable. A non-disturbance buffer (e.g., 250 feet or as specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all such features. This buffer will be clearly delineated with fencing and signage, and no ground disturbance, vehicle access, or material storage will occur within this zone. No activities that could alter the hydrology of vernal pools (e.g., changes in drainage patterns, increased runoff, introduction of pollutants) will be permitted.
- 4) Minimize Impacts (If Avoidance Not Feasible): If impacts to vernal pool fairy shrimp habitat are unavoidable (and presence is confirmed or assumed based on surveys), minimization and/or compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid “take.” Measures may include reducing the footprint of impact, implementing erosion control measures, ensuring no pollutants enter the habitat,

compensatory mitigation etc. The results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance.

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

Less than Significant Impact with Mitigation Incorporated. According to the General Plan, California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service, there are no known riparian habitats or other sensitive natural communities formally identified on the Project site or within the immediate vicinity (i.e., within a 0.5-mile radius) of the Project. However, the site contains a portion of Poplar Ditch to the south and an additional drainage ditch that runs along the western edge of the property, along South Wisconsin Street, which allows the basin to the north of the Project site to drain into Poplar Ditch. There is the possibility that these ditches could function as a type of riparian habitat or a sensitive natural community if they contain riparian characteristics like vegetation (e.g., elderberry shrubs) or vernal pool-like habitat.

Incorporation of **Mitigation Measures BIO-6** (Valley Elderberry Longhorn Beetle) and **BIO-7** (Vernal Pool Fairy Shrimp), along with other applicable biological mitigation measures (**BIO-1** through **BIO-5**), would reduce potential impacts to riparian habitat or other sensitive natural communities to less than significant levels. These measures achieve this through pre-construction surveys to identify sensitive features, avoidance of identified habitats where feasible, and minimization or compensatory mitigation for unavoidable impacts. Therefore, impacts would be less than significant with mitigation incorporated.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Less than Significant Impact with Mitigation Incorporated. A search of the NWI shows one wetland feature, the Poplar Ditch, run through the Project Site.¹⁴ According to the NWI, the Poplar Ditch is classified as an R4SBCx riverine system (R), with an intermittent subsystem which contains flowing water only part of the year (4), that is within the Streambed (SB) class, is seasonally flooded (C), and was excavated by humans (x). Further, as discussed in the analysis for criteria a) and b), the site contains a portion of Poplar Ditch to the south and an additional drainage ditch along the western edge of the property. These features, particularly if they exhibit characteristics such as seasonal inundation and suitable soils, could potentially function as ephemeral wetland habitats, including vernal pool-like features. To ensure that the Project does not have a substantial adverse effect on any potential state or federally protected wetlands, particularly ephemeral features such as vernal pools, the Project shall incorporate **Mitigation Measure BIO-7 (Vernal Pool Fairy Shrimp)**. Impacts would be less than significant with mitigation incorporated.

- d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

¹⁴ U.S. Fish & Wildlife Service. National Wetlands Inventory. Accessed July 18, 2025, <https://www.fws.gov/wetlands/data/Mapper.html>

Less than Significant Impact with Mitigation Incorporated. Wildlife movement corridors are linear habitats that function to connect two (2) or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wild animals from one area of suitable habitat to another, to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat.

The Project Site, characterized primarily by non-native herbaceous land cover and subject to ongoing human disturbance (disking, agricultural operations, vehicular traffic), offers limited habitat value for large-scale wildlife movement. However, the site does contain a portion of Poplar Ditch to the south and an additional drainage ditch along the western edge of the property (along South Wisconsin Street), which allows drainage from a basin north of the Project site into Poplar Ditch. While these ditches are within a heavily impacted setting, linear features such as these, particularly if they support some vegetation, can potentially provide localized movement pathways or limited foraging opportunities for common wildlife species adapted to urbanized environments. Furthermore, these ditches could potentially function as a type of riparian habitat or a sensitive natural community if they contain riparian characteristics like elderberry shrubs or vernal pool-like habitat capable of supporting sensitive species.

Despite the overall low habitat value for extensive wildlife movement, the existing mature trees on-site and adjacent to the site, as well as vegetation within the ditches and ruderal areas, could provide suitable nesting habitat for native birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. Migratory birds common to the region could establish nests on or near the Project site during their breeding season (typically February 1 through August 31 in the San Joaquin Valley). Construction activities, including vegetation removal, grading, excavation, and heavy equipment operation, occurring during this sensitive period could result in the incidental loss of fertile eggs or nestlings, direct nest destruction, or disturbance leading to nest abandonment. Such actions constitute a 'take' under both the Migratory Bird Treaty Act and the California Fish and Game Code.

With the incorporation of **Mitigation Measure BIO-1** (Protected Birds), **Mitigation Measure BIO-6** (Valley Elderberry Longhorn Beetle), and **Mitigation Measure BIO-7** (Vernal Pool Fairy Shrimp), these potential impacts would be reduced to less than significant levels. **Mitigation Measure BIO-1** addresses potential impacts to nesting birds. **Mitigation Measure BIO-6** provides measures for identification, avoidance, and if necessary, minimization or compensation for impacts to elderberry shrubs, which are key components of riparian habitat and essential for the VELB. **Mitigation Measure BIO-7** addresses the potential for vernal pool fairy shrimp habitat within the ditches through pre-construction surveys, avoidance, and compensatory mitigation. Therefore, with these mitigation measures incorporated, the Project would not substantially interfere with wildlife movement or result in significant impacts to sensitive natural communities or nesting birds. Impacts would be less than significant with mitigation incorporated.

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

Less than Significant Impact. The General Plan Open Space and Conservation Element outlines policies related to the conservation of biological resources, as detailed in the **Environmental Setting**. As identified in the analysis for

criterion a), queries of databases identified the potential for special-status species and sensitive habitats (including potential riparian characteristics within Poplar Ditch and other drainage features) within or near the Project site.

To ensure the Project's consistency with local policies and ordinances protecting these biological resources, the Project shall incorporate **Mitigation Measures BIO-1** through **BIO-7**. These measures require pre-construction surveys, avoidance, and minimization/compensatory mitigation for potential impacts to protected birds, American badger, Northern California legless lizard, San Joaquin kit fox, Crotch's bumble bee, Valley Elderberry Longhorn Beetle, and Vernal Pool Fairy Shrimp. The implementation of these measures ensures that potential impacts to biological resources identified in local plans are appropriately addressed and mitigated.

Furthermore, the Porterville Municipal Code (PMC) sets forth provisions regarding the removal of trees, which constitute a local ordinance protecting biological resources. The Project would be subject to these standards, requiring adherence to any applicable permitting, replacement, or protection requirements for trees. Compliance with the tree preservation provisions, along with the implementation of **Mitigation Measures BIO-1** through **BIO-7**, would ensure that the Project does not conflict with any local policies or ordinances protecting biological resources. Therefore, impacts would be less than significant with mitigation incorporated.

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

Less than Significant Impact with Mitigation Incorporated. The City of Porterville is located within the geographic scope of certain habitat conservation plans and recovery efforts, including the Recovery Plan for Upland Species of the San Joaquin Valley and the Valley Elderberry Longhorn Beetle (VELB) Habitat Conservation Plan.

While the Project site is not identified within a specific conservation area or preserve designated for the long-term conservation of habitats or special-status species under these plans, the previous analysis above identified the potential for special-status species and their habitats to occur on or near the Project site, including species covered by these plans (e.g., VELB, San Joaquin Kit Fox, Vernal Pool Fairy Shrimp).

To ensure the Project's consistency with the provisions and conservation goals of these adopted plans and recovery efforts, the Project shall incorporate **Mitigation Measures BIO-4** (San Joaquin Kit Fox), **BIO-6** (Valley Elderberry Longhorn Beetle), and **BIO-7** (Vernal Pool Fairy Shrimp). By incorporation these mitigation measures, the Project would avoid substantial adverse effects on species and habitats that are the focus of these conservation plans. Therefore, the Project would not conflict or interfere with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts would be less than significant with mitigation incorporated.

4.4.3 Mitigation Measures

Mitigation Measure BIO-1 (Protected Birds including Swainson's Hawk): *To mitigate potential impacts on protected birds, including Swainsons Hawk, and to avoid "take" as defined by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, the following measures will be implemented.*

- 1) *Avoidance of Nesting Season:* *If feasible, all ground-disturbing activities (including grading, grubbing, or mobilization of construction equipment and materials) and vegetation removal will occur outside the typical nesting season for migratory birds in the San Joaquin Valley (generally February 1 through August 31).*

- 2) Pre-Construction Survey (If Work During Nesting Season): If ground disturbance or vegetation removal must be initiated or continue during the nesting season (February 1 through August 31), a qualified biologist will conduct a pre-construction survey for nesting birds, including special-status species such as Swainson's Hawk, within the Project footprint and a suitable buffer (e.g., 500 feet for raptors like Swainson's Hawk, 250 feet for other protected birds, or as determined by the biologist based on species and site conditions). The survey will be conducted no more than 14 days prior to the start of any ground disturbance or vegetation removal within the Project footprint. The survey results will be reported by the biologist to the Project proponent, who will then report to the City of Porterville Community Development Department for mitigation monitoring compliance. If no active nests are detected, no further species-specific mitigation for nesting birds is required.
- 3) Minimize Impacts (If Active Nests Found): If active nests are found in or near the construction zone/area, the qualified biologist will establish and implement an appropriate species-specific non-disturbance buffer (as recommended by CDFW). This buffer will be clearly delineated, and no construction activities will occur within this buffer until the qualified biologist determines that the nesting effort has concluded (e.g., young have fledged and are no longer reliant on the nest) and the nest is no longer active. The biologist will prepare a plan detailing the avoidance, monitoring, and minimization actions, and the results of these efforts will be reported by the biologist to the California Department of Fish and Wildlife (CDFW), Project proponent, and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-2 (American Badger): To mitigate potential impacts on the American badger and avoid "take" under state law, the following measures will be implemented.

- 1) Avoidance of Denning Season: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable and identified American badger habitat (e.g., grasslands, shrublands with friable soils, or areas with known burrow complexes) will be scheduled outside their primary denning season (typically February through July) when young may be present. Construction activities will avoid filling or altering known or potential badger dens.
- 2) Pre-Construction Survey (If Work During Denning Season): A qualified biologist will conduct a pre-construction survey for American badgers and their dens within the Project footprint and a suitable buffer (e.g., 50 feet) at least 30 days prior to ground disturbance. The survey results will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no badgers or active dens are detected, no further species-specific mitigation is required.
- 3) Minimize Impacts (If Badgers/Dens Found): If American badgers or their active dens are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffer zones around active dens (e.g., 50-foot non-disturbance buffer), installing exclusion fencing, passively relocating to suitable, protected habitat, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-3 (Northern California Legless Lizard): To mitigate potential impacts on the Northern California legless lizard and avoid "take" under state law, the following measures will be implemented:

- 1) Pre-Construction Survey: A qualified biologist will conduct a pre-construction survey at least 30 days prior to ground disturbance in suitable legless lizard habitat (e.g., areas with loose sandy soils, leaf litter, or dense vegetation cover) to identify the presence/absence of legless lizards. The survey may involve hand-raking through loose soil and leaf litter. The results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no legless lizards are detected, no further species-specific mitigation is required.
- 2) Avoidance: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable legless lizard habitat will be minimized. Construction activities will avoid filling or altering known or potential legless lizard habitat where feasible.
- 3) Minimize Impacts (If Legless Lizards Found): If legless lizards are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing exclusion fencing, salvaging and relocating to suitable, protected habitat, monitoring, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-4 (San Joaquin Kit Fox): To mitigate potential impacts on the San Joaquin kit fox and avoid "take" under the Federal Endangered Species Act (ESA) and California Endangered Species Act (CESA), the following measures will be implemented:

- 1) Pre-Construction Survey: Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey for San Joaquin kit fox and their dens within the Project footprint and a suitable buffer (e.g., 200-500 feet, as per agency guidelines) at least 30 days prior to ground disturbance. This survey will strictly follow current U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) protocols. The survey results will be reported by the biologist to the Project proponent, CDFW, USFWS, and the City of Porterville Community Development Department for mitigation monitoring compliance. If presence is not detected, no further species-specific mitigation is required, but adherence to standard avoidance measures (e.g., pre-activity surveys, speed limits) may still be required by agencies.
- 2) Avoidance of Pupping Season: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable San Joaquin kit fox habitat (e.g., arid grasslands, scrublands, and areas with potential dens) will be scheduled outside their primary pupping season (typically February through May) to avoid impacts to vulnerable young. Construction activities will avoid filling or altering known or potential kit fox dens.
- 3) Minimize Impacts (If Kit Foxes/Dens Found): If San Joaquin kit foxes or their dens (natal, pupping, or known active dens) are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and mitigation actions, including compensatory mitigation, to reduce impacts to a less than significant level and avoid "take." This plan will be developed in consultation with and approved by USFWS and CDFW. The plan and results of efforts will be reported by the biologist to the USFWS, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance.
- 4) Worker Environmental Awareness Program (WEAP): Prior to any ground disturbance, all construction personnel will attend a WEAP conducted by a qualified biologist. The program will include a detailed description of the San

Joaquin kit fox and its habitat, legal protection, and the critical importance of avoiding "take." It will also outline specific measures to be implemented during construction, such as speed limits, trash management, and reporting procedures for observations of kit foxes or dens.

- 5) Designated Biologist: A qualified biologist will be available during all ground-disturbing activities to ensure compliance with mitigation measures and agency conditions, and to monitor for the presence of San Joaquin kit fox.
- 6) Compensatory Mitigation: If impacts to San Joaquin kit fox habitat cannot be avoided and are authorized by USFWS and CDFW, compensatory mitigation (e.g., purchase of conservation easements or credits at an approved conservation bank) will be required to offset habitat loss. The amount of compensatory mitigation will be determined in consultation with the agencies.

Mitigation Measure BIO-5 (Crotch's Bumble Bee): To mitigate potential impacts on the Crotch's bumble bee and avoid "take" under CESA, the following measures will be implemented:

- 1) Pre-Construction Survey: Prior to ground disturbance, a qualified biologist or entomologist shall conduct a pre-construction survey no more than 30 days prior to ground disturbance to identify sensitive bumble bee species and potential foraging or nesting habitat. If presence is not detected, no further species-specific mitigation is required.
- 2) Avoidance of Peak Activity Periods: To the extent feasible, large-scale vegetation removal or heavy ground disturbance in areas identified as existing or potential bumble bee foraging or nesting habitat will be scheduled outside of peak bumble bee foraging and nesting periods (typically spring through fall) to avoid direct harm to active bees and nests.
- 3) Minimize Impacts (If Bumble Bees/Habitat Found): If sensitive bumble bee species or active nests are found, or if complete avoidance of foraging or nesting habitat is not feasible, the qualified biologist or entomologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffers, enhancing landscaping with native, pollinator-friendly flowering plants that provide continuous bloom throughout the year, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist and submitted to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-6 (Valley Elderberry Longhorn Beetle): To mitigate potential impacts on the Valley Elderberry Longhorn Beetle and avoid "take" under the federal ESA, the following measures will be implemented:

- 1) Pre-Construction Survey: Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey no more than 30 days prior to ground disturbance of elderberry shrubs within the Project area to identify potential VELB exit holes. If presence is not detected, no further species-specific mitigation is required.
- 2) Avoidance: Prior to any ground disturbance or vegetation removal, a qualified biologist will identify and map all elderberry shrubs within the Project area. All identified elderberry shrubs, especially those with potential VELB habitat (stems ≥ 1.0 inch in diameter at ground level), will be avoided to the maximum extent practicable. A non-disturbance buffer of at least 20 feet (or as otherwise specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all elderberry shrubs. This buffer will be clearly delineated with fencing and signage,

and no ground disturbance, vehicle access, or material storage will occur within this zone. No pesticides or herbicides will be used within 100 feet of any elderberry shrub.

- 3) Minimize Impacts (If Avoidance Not Feasible): If complete avoidance of elderberry shrubs or their designated buffer is not feasible, impacts will be minimized, and compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid "take." Measures may include transplantation, propagation, compensatory habitat acquisition/enhancement, etc. The plan will be implemented in consultation with the qualified biologist, USFWS, and the Project proponent in accordance with USFWS guidelines related to the species. The plan and results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance.

Mitigation Measure BIO-7 (Vernal Pool Fairy Shrimp): To mitigate potential impacts on the Vernal Pool Fairy Shrimp and avoid "take" under the federal ESA, the following measures will be implemented:

- 1) Pre-Construction Wet Season Surveys: Prior to any ground disturbance that could impact potential vernal pool habitat, a protocol-level wet season survey will be conducted by a qualified biologist during the appropriate inundation periods (typically December through April) to determine the presence or absence of vernal pool fairy shrimp. These surveys will follow current USFWS guidelines. If presence is not detected, no further mitigation is required.
- 2) Avoidance: Prior to any ground disturbance, a qualified biologist will identify and delineate all vernal pools and other suitable ephemeral wetland habitats within the Project area. All identified vernal pools and suitable ephemeral wetland habitats will be avoided to the maximum extent practicable. A non-disturbance buffer (e.g., 250 feet or as specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all such features. This buffer will be clearly delineated with fencing and signage, and no ground disturbance, vehicle access, or material storage will occur within this zone. No activities that could alter the hydrology of vernal pools (e.g., changes in drainage patterns, increased runoff, introduction of pollutants) will be permitted.
- 3) Minimize Impacts (If Avoidance Not Feasible): If impacts to vernal pool fairy shrimp habitat are unavoidable (and presence is confirmed or assumed based on surveys), minimization and/or compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid "take." Measures may include reducing the footprint of impact, implementing erosion control measures, ensuring no pollutants enter the habitat, compensatory mitigation etc. The results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance.

4.5 CULTURAL RESOURCES

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

4.5.1 Environmental Setting

Generally, the term ‘cultural resources’ describes property types such as prehistoric and historical archaeological sites, buildings, bridges, roadways, and tribal cultural resources. As defined by CEQA, cultural resources are considered “historical resources” that meet criteria in Section 15064.5(a) of the CEQA Guidelines. If a Lead Agency determines that a Project may have a significant effect on a historical resource, then the Project is determined to have a significant impact on the environment. No further environmental review is required if a cultural resource is not found to be a historical resource.

California Historical Resource Information System Record Search

The Southern San Joaquin Valley Information Center (SSJVIC) was requested to conduct a California Historical Resources Information System (CHRIS) Record Search for the Project Site and surrounding “Cultural Resource Project Area” (0.5-mile radius from perimeter of Project Site). Results of the CHRIS Record Search were provided on June 23, 2025 (Record Search File Number: 25-257). Full results are provided in [Appendix C](#).

The CHRIS Record Searches generally review file information based on results of Class III pedestrian reconnaissance surveys of project sites conducted by qualified individuals or consultant firms which are required to be submitted, along with official state forms properly completed for each identified resource, to the Regional Archaeological Information Center. Guidelines for the format and content of all types of archaeological reports have been developed by the California Office of Historic Preservation, and reports will be reviewed by the regional information centers to determine whether they meet those requirements.

The results of the SJVIC CHRIS Record Search indicate:

- a) There has been no previous cultural resource study completed within the Project Site.
- b) There have been six (6) cultural resource studies conducted within one-half mile radius of the Project Site.
- c) There is one (1) recorded cultural resource within the Project site, P-54-002208, the Poplar Ditch.
- d) There are no recorded cultural resources within one-half mile radius of the Project Site, and it is not known if any exist.

- e) There are no recorded cultural resources within the Project site or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Further, the SJVIC provided the following comments and recommendations:

- (1) Because there has not been a cultural resources study conducted within the Project site, it is not known if any cultural resources exist. As such, it is recommended that, prior to any ground disturbance activities, a qualified, professional consultant conduct a field survey to determine if cultural resources are present.
- (2) Contact the Native American Heritage Commission (NAHC) for a list of Native American individuals/organizations that can assist with information regarding traditional, cultural, and religious heritage values that may not be included in the CHRIS Inventory. Consult NAHC's "Sacred Lands Inventory" file to determine what sacred resources, if any, exist within this Project Site and the way in which these resources might be managed.

California Native American Heritage Commission (NAHC)

A consultation list of tribes with traditional lands or cultural places located within Tulare County was requested and received from the California Native American Heritage Commission (NAHC) on June 16, 2025. The listed tribes include Kitanemuk & Yowlumne Tejon Indians, Table Mountain Rancheria, Tule River Indian Tribe, and Wuksachi Indian Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SLF) check which received negative results. Correspondence is provided in [Appendix C](#).

AB 52 and SB 18 Tribal Consultation

The City of Porterville sent formal tribal consultation notices for the proposed Project pursuant to AB 52 (Chapter 532, Statutes 2014) on August 5, 2025. Letters were sent to the tribes identified above. The request for consultation period for AB 52 ended on September 4, 2025. One response was received from Table Mountain Rancheria dated August 14, 2025, stating that the Project site is beyond their area of interest. No other responses were received.

Porterville 2030 General Plan

According to the Porterville 2030 General Plan, there are three (3) National Historic Register resources, including Zalud House, U.S. Post Office - Porterville Main, and First Congregational Church, and two (2) State Historic Register resource, including Tule River Stage Station and First Tule River Reservation, within the city limits. None of the resources are within or adjacent to the Project Site.

The Porterville 2030 General Plan Open Space and Conservation Element identifies the following policies related to historic, archeological, and paleontological resources.

Guiding Policy OSC-G-11 *Identify and protect archaeological, paleontological, and historic resources.*

Implementation Policy OSC-I-71 *Update the City's inventory of historic resources to determine sites or buildings of federal, State, or local historic significance.*

Implementation Policy OSC-I-72 *Develop an agreement with Native American representatives for consultation in the cases where new development may result in disturbance to Native American sites.*

Implementation Policy OSC-I-73 *Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:*

- *Requiring a records review for development proposed in areas that are considered archaeologically sensitive, including hillsides and near the Tule River;*
- *Studying the potential effects of development and construction (as required by CEQA);*
- *Developing, where appropriate, mitigation measures to minimize potential impacts; and*
- *Implementing appropriate measures to avoid the identified impacts.*

In the event that historical or archaeological resources are accidentally discovered during construction, the City will require that grading activity in the immediate area cease. A qualified archaeologist will then be required to make an immediate evaluation and recommend avoidance measures or appropriate mitigation.

4.5.2 Impact Assessment

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Less than Significant with Mitigation Incorporated. Under CEQA Guidelines Section 15064.5, a historical resource is any building, structure, object, prehistoric or historic archaeological site, or district that is listed in, or eligible for listing in, the California Register of Historical Resources or listed in a local historical resources inventory. It can also be any other resource that the lead agency determines to be historically significant.

A review of the California Historical Resources Information System (CHRIS) records was conducted by the Southern San Joaquin Valley Information Center (SSJVIC) for the Project site and its immediate vicinity. The search, which included a review of Class III pedestrian reconnaissance surveys, archival data, and other records, identified one (1) recorded cultural resource within the Project site, P-54-002208, the Poplar Ditch. The search did not identify any recorded cultural resources within one-half mile radius of the site. Lastly, the search did not identify any recorded cultural resources within the Project site or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Tribal consultation notices pursuant to AB 52 were mailed to tribes identified by the NAHC as having traditional lands or cultural places within Tulare County, including Kitanemuk & Yowlumne Tejon Indians, Table Mountain Rancheria, Tule River Indian Tribe, and Wuksachi Indian Tribe/Eshom Valley Band. Notices to the listed tribes were sent on August 5, 2025. Consultation ended on September 4, 2025. No consultation was requested. In addition, the NAHC Sacred Lands File check was negative. A negative SLF check means that the NAHC did not find any records of Native American cultural resources, such as sacred sites, traditional cultural properties, or burial grounds, within the area requested for the search. While there are no records of Native American cultural resources on the Project site, it is possible that sites exist that have not been formally documented or reported to the NAHC.

As a new development involving ground-disturbing activities, there is potential for encountering unanticipated cultural resources, which may cause an adverse change in the significance of a historical resource pursuant to Section 15064.5 of the CEQA Guidelines. Therefore, the Project shall incorporate ***Mitigation Measure CUL-1***. This measure, which is designed to protect potential, unanticipated cultural resources, directly addresses the concerns raised in Section 15064.5 of the CEQA Guidelines regarding impacts to archaeological resources, including tribal cultural resources and human remains. Thus, if such resources were discovered, implementation of the required

mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

Mitigation Measure CUL-1: *In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:*

If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be provided to the City of Porterville Community Development Department.

The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City's policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Porterville Community Development Department.

If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Porterville Community Development Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the City of Porterville Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than Significant Impact with Mitigation Incorporated. Under the CEQA Guidelines, specifically Section 15064.5, an archaeological resource is defined as any material evidence of past human life or activities. This encompasses a broad range of physical remains including prehistoric archeological sites, historic archeological sites, and traditional cultural properties. A "substantial adverse change" generally means that the project would destroy, damage, or alter the resource in a way that diminishes its historical, cultural, or scientific value.

As discussed under criterion a), a CHRIS record search, tribal consultation, and a Sacred Lands File check were conducted for the Project site and surrounding area. The possibility of encountering previously unknown archaeological resources, as defined by CEQA Guidelines Section 15064.5, during ground-disturbing activities cannot be entirely discounted.

To address this possibility, the Project shall incorporate **Mitigation Measure CUL-1**. This measure, which is designed to protect potential, unanticipated cultural resources, directly addresses the concerns raised in Section 15064.5 of the CEQA Guidelines regarding impacts to archaeological resources, including tribal cultural resources and human

remains. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. While no evidence suggests the presence of human remains on the Project site, the possibility of encountering previously unknown burials during ground-disturbing activities cannot be entirely discounted. Should human remains be discovered during construction, all work in the immediate vicinity would be required to cease, and the County Coroner would be notified immediately, as required by California Health and Safety Code Section 7050.5. If the Coroner determines the remains are of Native American origin, the NAHC would be contacted pursuant to Public Resources Code Section 5097.98. In accordance with CCR Section 15064.5(e), consultation with the NAHC and any Most Likely Descendant (MLD) would be conducted to determine the appropriate treatment and disposition of the remains. Adherence to these regulations, which are designed to protect human remains, including those interred outside formal cemeteries, would ensure that any potential impacts are less than significant.

4.5.3 Mitigation Measures

Mitigation Measure CUL-1: *In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:*

If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be provided to the City of Porterville Community Development Department.

The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City's policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Porterville Community Development Department.

If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Porterville Community Development Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the City of Porterville Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

4.6 ENERGY

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

4.6.1 Environmental Setting

Appendix F of the CEQA Guidelines requires consideration of energy implications in project decisions, focusing on avoiding or reducing inefficient, wasteful, and unnecessary energy consumption (Public Resources Code Section 21100(b)(3)). A project is deemed inefficient, wasteful, or unnecessary if it:

- Violates existing energy standards.
- Negatively impacts local and regional energy supplies, requiring additional capacity.
- Negatively affects peak and base period electricity and other energy demands.
- Adversely affects energy resources.

To assess a project's energy impacts and determine significance, Appendix F outlines the following criteria:

1. **Energy Requirements and Efficiency:** Quantify the project's energy requirements and use efficiencies by amount and fuel type for each stage (construction, operation, maintenance, and removal). Consider the energy intensiveness of materials, where relevant.
2. **Impact on Energy Supplies and Capacity:** Analyze the project's effects on local and regional energy supplies and the need for additional capacity.
3. **Impact on Peak and Base Period Demands:** Evaluate the project's influence on peak and base period demands for electricity and other energy forms.
4. **Compliance with Energy Standards:** Determine the project's compliance with existing energy efficiency standards.
5. **Impact on Energy Resources:** Assess the project's effects on overall energy resources.
6. **Transportation Energy Use:** Analyze the project's projected transportation energy use requirements and its incorporation of efficient transportation alternatives.

Building Energy Efficiency Standards – Title 24

The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years as part of the California Code of Regulations. The standards were established in 1978 in an effort to reduce the state’s energy consumption. They apply for new construction of, and additions and alterations to, residential and nonresidential buildings and relate to various energy efficiencies including but not limited to ventilation, air conditioning, and lighting. The California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations, was developed in 2007 to meet the state goals for reducing Greenhouse Gas emissions pursuant to AB32. CALGreen covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.¹⁵ The 2022 Building Energy Efficiency Standards went into effect on January 1, 2023. Additionally, the California Air Resources Board (CARB) oversees air pollution control efforts, regulations, and programs that contribute to reduction of energy consumption. Compliance with these energy efficiency regulations and programs ensures that development will not result in wasteful, inefficient, or unnecessary consumption of energy sources.

California Energy Action Plan

The Energy Action Plan (EAP) for California was approved in 2003 and updated in 2008. The California Public Utilities Commission (PUC) approved the Energy Action Plan (EAP) for California in 2003, with an update in 2008. The 2008 EAP established goals and next steps to integrate and coordinate energy efficiency demand and response programs and actions.¹⁶

Methodology

CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions from land use projects. The model quantifies direct emissions from construction and operation (including vehicle use), as well as indirect emissions, such as emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model also identifies mitigation measures to reduce criteria pollutant and GHG emissions.

4.6.2 Impact Assessment

Would the Project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?***

Less than Significant Impact. The Project proposes 32 single-family lots. Energy would be consumed through Project construction and operations. Energy outputs for short-term construction and long-term operations were estimated using CalEEMod (**Appendix A**). Traffic impacts related to vehicle trips were considered through a Vehicle Miles Traveled (VMT) analysis contained in **Section 4.17**. Results are summarized in **Table 4-6**. Based on the data, the

¹⁵ California Department of General Services. (2020). 2019 California Green Building Standards Code. Accessed on July 25, 2025, <https://codes.iccsafe.org/content/CGBC2019P3>

¹⁶ State of California. (2008). Energy Action Plan 2008 Update. Accessed on July 25, 2025, https://docs.cpuc.ca.gov/word_pdf/REPORT/28715.pdf

energy demand associated with the proposed Project would be less than one (1) percent of Tulare County’s total demand (*Criterion 1*).

Table 4-6 Project Energy Consumption

Energy Type ¹	Project Annual Energy Consumption	Tulare County Annual Energy Consumption	Project Percentage of County Consumption
Electricity ²	0.284367 GWh	4,957.696254 GWh	0.0057361%
Natural Gas ²	1,168.352 MMBTu	16,462,910.9 MMBTu	0.0071090%

Notes:

1. Southern California Edison (SCE) would serve the site for electricity.
2. Southern California Gas Company (SoCalGas) would serve the site for natural gas.
3. Energy consumption data for Tulare County (2022) is provided by the California Energy Commission, “Electricity Consumption by County” accessed on July 24, 2025, <http://ecdms.energy.ca.gov/elecbycounty.aspx> and “Gas Consumption by County” accessed on July 24, 2025, <https://ecdms.energy.ca.gov/gasbycounty.aspx>

Construction

Construction would be short-term and temporary. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities. Construction activities would include removal/demolition of all on-site trees and existing structures/improvements, typical site preparation, grading, paving, architectural coating, and trenching – all of which would require the transportation of building materials and equipment. Therefore, the primary source of energy for construction activities would be diesel and gasoline (i.e., petroleum fuels). All construction equipment shall conform to current emissions standards and related fuel efficiencies including applicable CARB regulations (Airborne Toxic Control Measure), California Code of Regulations (Title 13, Motor Vehicles), and Title 24 standards. Compliance with existing regulations would ensure that the short-term, temporary construction activities would not result in wasteful, inefficient, or unnecessary consumption of energy resources consistent with *Criterion 4*.

Operations

Operations would involve heating, cooling, equipment, and vehicle trips. Energy consumption related to operations would be associated with natural gas, electricity, and fuel. As for new construction, the Project would also be required to meet all mandatory requirements for residential buildings as outlined in the 2022 Energy Code. Mandatory requirements apply to building envelopes, ventilation and indoor air quality, space conditioning systems, water heating systems, outdoor and indoor lighting, electric power distribution, covered process for pools, solar ready buildings, and electric ready buildings. Compliance would be verified through the building permit process. Therefore, the Project would meet mandatory state building energy codes, which are designed to reduce wasteful, inefficient, or unnecessary consumption of energy sources, consistent with *Criterion 4*.

Energy consumption and peak demand for the state are forecasted in *Volume IV – California Energy Demand Forecast* of the CEC’s Integrated Energy Policy Report. As shown in Figure 10 and Figure 4 of the Volume IV Report, the CEC forecasts a 1.3 to 2.3 percent annual average growth rate for electricity and a 0.1 to 0.9 percent annual average growth rate for natural gas between 2021 and 2030. The Project’s anticipated operational energy consumption for electricity and natural gas are shown in **Table 4-6**. The anticipated consumption of electricity and natural gas would represent 0.0057 percent and 0.0071 percent based on Countywide usage, which would be

significantly below CEC's forecast. Therefore, the Project would not require additional energy capacity or supplies in accordance with *Criterion 2*. In addition, as a residential development, energy consumption can be expected to peak in the day similar to other residential developments. Through compliance with energy conservation requirements under the 2022 Energy Code, the Project would not result in unique or more intensive peak or base period electricity demand in accordance with *Criterion 3*.

Furthermore, Southern California Edison, the city's electricity provider, is subject to the state's Renewable Portfolio Standard (RPS) which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable resources to 33 percent of total procurement by 2020 to 60 percent of total procurement by 2030. The increase in reliance of renewable resources further ensures that the Project would not result in wasteful, inefficient, or unnecessary consumption of energy sources, consistent with *Criterion 5*.

Development of the Project site would also result in fuel consumption through vehicle trips. The Project would generate an estimated 301 average daily trips, which is below significance thresholds for VMT. Therefore, energy usage associated with vehicle trips for the proposed Project would be minimal in comparison to the gasoline and diesel fuel consumption for the County. In addition, the Project does not propose any unusual features that would result in excessive long-term operational fuel consumption (*Criterion 2*). Further, annual energy use related to vehicles is expected to decrease over time as a result of vehicle fuel efficiency standards.

Therefore, the Project would not cause wasteful, inefficient, and unnecessary consumption of building energy during Project operation, or preempt future energy development or future energy conservation. A less than significant impact would occur.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. As discussed under criterion a), the construction and operations of the Project would be subject to compliance with applicable energy efficiency regulations including CALGreen, Title 24, and CARB. Additionally, the General Plan Open Space and Conservation Element established policies to reduce and conserve energy use in existing and new development, including adopting incentives for green building standards and ensuring City code allow for green building techniques. Since the General Plan energy conservation policies are implemented at the city level, the Project would not conflict with said policies. In addition, state law ensures construction vehicle idling will be limited. Therefore, through compliance, the Project would not conflict with or obstruct any state or local plan for energy efficiency and a less than significant impact would occur as a result of the Project.

4.6.3 Mitigation Measures

None required.

4.7 GEOLOGY AND SOILS

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or Indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?			X	
iv. Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

4.7.1 Environmental Setting

The City of Porterville is located along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada and within the southern portion of the Cascade Range. The City is within the Sierra Nevada geomorphic province, which is primarily composed of Cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcanic and sedimentary rocks. The City's Planning Area elevation ranges between 400 and 800 feet, with the eastern portion that is within the Sierra Nevada foothills reaching almost 1,800 feet. Geographically, the city, inclusive of the Project Site, has stable geological formation and is in a seismically inactive region.¹⁷ A brief discussion of the likelihood of seismic activities occurring in the City's Planning Area, inclusive of the Project Site, is provided below. The discussion is based on the 2023 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan (HMP) as well as the Porterville 2030 General Plan Draft Environmental Impact Report (EIR).¹⁸

Faulting

There are no known active faults in the City's Planning Area.¹⁹ No Alquist-Priolo Earthquake Fault zoning has been established for the City's Planning Area. The nearest active faults to the Planning Area are the Owens Valley fault group, 40 miles to the east, and White Wolf fault, 56 miles to the south.²⁰ Due to the distance from an active fault, there is low potential for ground rupture in the City.

Ground Shaking

The City of Porterville is in Seismic Risk Zone III, which is a zone expected to experience moderate effects from earthquakes. Major historical earthquakes, including the 1906 San Francisco, 1952 Kern County, and 1983 Coalinga, were felt by residents and caused minor to moderate property damage in the city. According to the HMP's hazards ranking, ground shaking is of low significance in the City.

Liquefaction

Liquefaction primarily occurs in areas of recently deposited sands and silts and in areas of high groundwater levels (where the water table is 30 feet below the surface). Susceptible areas include sloughs and marshes that have been filled in and developed over. In addition to necessary soil conditions, liquefaction is induced by intense and prolonged ground shaking, usually above a ground acceleration of 0.3g before liquefaction occurs within sandy soil with relative densities typical of the San Joaquin alluvial deposits. Based on historic aerial imagery and search of the National Wetlands Inventory ([Section 4.10](#)), the Project site does not include former or current waters (streams, drainages, wetlands) that have been drained, filled, and developed. The Project site does, however, contain two water features that are currently uncovered. Firstly, the Poplar Ditch runs through the southern portion of the

¹⁷ City of Porterville. (2007). Draft Environmental Impact Report 2023 General Plan (SCH No. 2006011033).

¹⁸ Tulare County Office of Emergency Services. (2023). Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan. Accessed on June 27, 2025, <https://tularecounty.ca.gov/rma/rma-documents/planning-documents/tulare-county-2023-multi-jurisdictional-local-hazard-mitigation-plan-mjlhmp/>

¹⁹ According to the California Department of Conservation, "An active fault, for the purposes of the Alquist-Priolo Act, is one that has ruptured in the last 11,000 years."

²⁰ California Department of Conservation. "CGS Seismic Hazard Program: Alquist-Priolo Fault Hazard Zones." Accessed on June 27, 2025, <https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=37.213952%2C-117.946341%2C7.19>

Property. No development is proposed within 20 feet of the ditch. Secondly, there is a drainage ditch along the western edge of the property that runs from the storm water basin located just north of the Project site to the Poplar Ditch. Additionally, the city is far from faults and consists of stable geological formation. As such, the city is in an area with low susceptibility to liquefaction.

Erosion

Wind and flowing water are the primary agents of erosion in the San Joaquin Valley. The primary types of erosion identified by the HMP are erosion and slumping of soils that can occur along bluffs along the Kaweah, Kern, and Tule Rivers.

Ground Subsidence

Ground subsidence is the settling or sinking of surface soil deposits with little or no horizontal motion. Soils with high silt or clay content are subject to subsidence. According to the HMP, the city is not exposed to earthquake-induced landslide risk.

Subsurface Soils

A search of the Web Soil Survey by the USDA Natural Resources Conservation Service indicates that the Project Site comprises the two (2) following soil types. **Figure 4-3** shows the location of these soils.²¹

153 - San Emigdia loam: slopes 0-2 percent, well drained. The depth to the water table is more than 80 inches with no flooding or ponding. The San Emigdio loam soil type accounts for 60.2% of the Project site.

164 - Tujunga sand: slopes 0-5 percent, somewhat excessively drained. The depth to the water table is more than 80 inches with no ponding or flooding. The Tujunga sand soil type accounts for 39.8% of the Project site.

California Building Code

The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the International Building Code with necessary California amendments. About one-third of the text within the California Building Standards Code has been tailored for California earthquake conditions. These standards are applicable to all new buildings and are required to provide the necessary safety from earthquake related effects emanating from fault activity.

Porterville 2030 General Plan

The Porterville 2030 General Plan includes policies relevant to natural hazards in the Public Health and Safety Element since minimizing risks from geologic and seismic hazards, as listed below.

Guiding Policy PHS-G-1 Minimize risks of property damage and personal injury posed by geologic and seismic hazards.

²¹ United States Department of Agriculture Natural Resources Conservation Service. "Web Soil Survey." Accessed on June 27, 2025, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Implementation Policy PHS-I-1 Amend the Zoning Ordinance to include provisions for a geologic hazards abatement district for hillside areas to ensure that geologic hazards are properly mitigated by developers or avoided prior to, or during, development.

Implementation Policy PHS-I-2 Maintain and enforce appropriate building standards and codes to avoid and/or reduce risks associated with geologic constraints and to ensure that all new construction is designed to meet current safety regulations.

Implementation Policy PHS-I-3 Provide information and incentives for property owners to rehabilitate existing buildings using construction techniques to protect against seismic hazards.

Implementation Policy PHS-I-4 Support continued investigation by State agencies of geologic conditions within the City's Planning Area to promote public awareness of potential geologic and seismic hazards.

Implementation Policy PHS-I-5 Require, as part of the preliminary soil report, a construction dust management plan when it has been determined that soils contain naturally-occurring asbestos.

Implementation Policy PHS-I-6 If asbestos is present require construction work be done when soil moisture is sufficient to adequately compact the tread and prevent visible dust, which may contain airborne asbestos emissions.



Figure 4-3 Soils Map

4.7.2 Impact Assessment

Would the Project:

a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, nor is there any other evidence of a known fault on or adjacent to the site. Therefore, the risk of fault rupture is considered negligible, and no impact would occur.

- ii. *Strong seismic ground shaking?*

Less than Significant Impact. The Project Site within Seismic Risk Zone III, which is a zone expected to experience moderate effects from earthquakes. The Project would be required to comply with the current seismic design and construction standards of the California Building Code (CBC). These standards incorporate numerous provisions specifically designed to mitigate the effects of strong ground shaking, including requirements for reinforced foundations, shear walls, and ductile connections, for example. In addition, according to the General Plan *Implementation Policy PHS-I-2*, the Project would be reviewed to ensure compliance with appropriate building standards and codes to avoid and/or reduce risks associated with geologic constraints and to ensure that all new construction is designed to meet current safety regulations. Compliance with the CBC and General Plan would significantly reduce the potential for structural damage and collapse, thereby minimizing the risk of loss, injury, or death associated with ground shaking. Therefore, while the potential for strong ground shaking exists in the region, adherence to the CBC's stringent seismic standards and General Plan policies would reduce the risk of substantial adverse effects, including loss, injury, or death, to a less than significant level. Impacts would be less than significant.

- iii. *Seismic-related ground failure, including liquefaction?*

Less than Significant Impact. The city of Porterville is characterized by a low potential for seismic-related ground failure. There are no known active earthquake faults within the city, and no Alquist-Priolo Earthquake Fault Zones have been established for the area. The nearest active faults are 40 to 56 miles away, resulting in low potential for ground rupture at the Project site. Further, the city is in Seismic Risk Zone III which anticipates moderate seismic effects; however, the overall hazard ranking for ground shaking in the city is considered to be of low significance.

Regarding liquefaction, liquefaction primarily occurs in loose, saturated granular soils like sands and silty sands with a high groundwater table and sufficient seismic shaking. While the Project site contains Tujunga sand (39.8%) and San Emigdio loam (60.2%), both soils have a deep water table, extending more than 80 inches below the surface. This deep water table significantly reduces their susceptibility to liquefaction. Furthermore, the Project site is not located in areas of former or current wetlands that have been drained, filled, and developed, which are typically more prone to liquefaction.

Although the General Plan and HMP identify moderate liquefaction risks near the Tule River, the Project site is approximately one (1) mile south of the river, removing it from these higher-risk areas. Additionally, the dominant

San Emigdio loam soil type is a well-drained loam, which is generally less susceptible to liquefaction than silts or sands. The Project site exhibits no known geologic hazards or unstable soil conditions. Therefore, the overall hazard ranking for liquefaction is considered to be low.

All future development on the Project site would be required to comply with provisions of the CBC which incorporate specific amendments for California's earthquake conditions. Additionally, the Project would adhere to the City's grading and drainage standards, and any specific requirements addressing liquefaction or other seismic hazards as determined during the design and permitting phases. Therefore, compliance with the CBC's seismic design standards and adherence to the City's grading and drainage requirements would reduce the risk of seismic-related ground failure, including liquefaction, to a less than significant level. Impacts would be less than significant.

iv. Landslides?

Less than Significant Impact. Landslides, encompassing rockfalls, slope failures, and mud/debris flows, are primarily triggered by a combination of factors, including steep slopes, unstable geological formations, inadequate drainage, and sometimes vegetation removal. The Project site's flat topography eliminates the most significant of these risk factors. In addition, the site consists of stable, native soils and is not located near any rivers, creeks, or other features that would increase the risk of landslides. Therefore, the potential for landslides at the Project site is considered negligible. Impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. Soil erosion and topsoil loss could occur due to both natural processes (wind, water) and human activities, such as construction. The Project would involve typical site preparation activities like grading and trenching, which have the potential to cause short-term soil disturbance and erosion during construction. Water use during construction could also contribute to this potential. Because the Project site is larger than one (1) acre, a Storm Water Pollution Prevention Plan (SWPPP) is required to be developed and implemented by a certified Qualified SWPPP Developer (QSD). The SWPPP would include a detailed assessment of potential erosion risks associated with construction activities and would specify a range of Best Management Practices (BMPs) to control erosion and sediment runoff. BMPs would be implemented throughout the construction process to minimize soil erosion and topsoil loss. In addition to short-term construction-related erosion, the Project's design would also incorporate measures to prevent ongoing erosion after construction is complete. These measures include permanent landscaping and engineered drainage systems. Therefore, through the implementation of a comprehensive SWPPP with appropriate BMPs during construction, and the incorporation of long-term erosion control measures in the Project design, the potential for substantial soil erosion or topsoil loss will be minimized to a less than significant level. Impacts would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less than Significant Impact. Due to the site's flat topography, stable, native soils and distance to rivers, creeks, or other features that would increase the risk of landslide, the potential for landslides is considered negligible.

Lateral spreading is typically associated with liquefaction in loose, saturated sands. While the site contains sandy soils, the soil is well-drained, which minimizes the potential for prolonged saturation, a key factor in liquefaction. Additionally, coarse sands generally have a low fines content (silt and clay), which further reduces susceptibility.

The depth to the water table is also relatively deep (more than 80 inches), which lessens the likelihood of saturation necessary for liquefaction. Historical aerial imagery and the National Wetlands Inventory also indicate no evidence of filled former or current water bodies (streams, drainages, wetlands) on the Project site, which are often associated with increased liquefaction risk. Therefore, the potential for lateral spreading is considered low.

Subsidence is often associated with areas of groundwater withdrawal or oil/gas extraction. There is no history of such activity on or near the Project site, and the soil type lacks the high silt or clay content that makes soils susceptible to significant subsidence. The risk of subsidence is therefore considered low.

As discussed previously, the potential for liquefaction is considered low due to the well-drained soils, relatively deep (more than 80 inches) depth to water table, and lack of evidence of filled former or current water bodies (streams, drainage, wetlands) which are often associated with increased liquefaction risk. In addition, the Project would be required to comply with the CBC, which includes stringent seismic design and construction standards to mitigate the effects of ground shaking and potential liquefaction, such as requirements for foundation design in liquefiable soils and soil stabilization techniques. Further, the Project would be required to adhere to the City of Porterville's grading and drainage standards, which would further minimize the risk of saturation and instability. Therefore, compliance with the CBC's seismic design standards and adherence to the City's grading and drainage requirements would reduce the risk of seismic-related ground failure, including liquefaction, to a less than significant level.

Soil collapse can occur in areas with expansive clays or highly compressible. The soils on the Project site are not expansive clays and have been shown to have adequate bearing capacity. The risk of collapse is therefore considered low.

Therefore, considering the site's soil characteristics, flat topography, and compliance with the CBC and grading and drainage requirements, the potential for unstable soil conditions or geologic hazards is less than significant. Impacts would be less than significant.

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

Less than Significant Impact. Table 18-1-B of the Uniform Building Code (UBC) classifies soils based on their expansion potential, typically using parameters such as the plasticity index or expansion index. Soils with a high clay content and a high plasticity index are classified as expansive, as they exhibit significant shrink-swell behavior. The Project site is primarily comprised of Tujunga sand and San Emigdio loam. Tujunga sand is characterized by granular materials with very low to no plasticity. San Emigdio loam is a soil mixture containing sand, silt, and a relatively small amount of clay; because it is characterized as well drained, there is low potential for water retention that would lead to significant swelling. Therefore, based on its general characteristics, these soils are not expected to be expansive. Impacts would be less than significant.

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

No Impact. The Project would be required to connect to the municipal sewer system for wastewater disposal. Therefore, no permanent septic tanks or alternative wastewater disposal systems would be installed, and no impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated. There are no known paleontological resources or unique geological features known to the City on the Project site or in the Project Area. Nevertheless, there is some possibility that a non-visible, buried site may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. However, **Mitigation Measure CUL-1** requires that if unknown paleontological resources are discovered during construction activities, work would cease until a qualified paleontologist determined the appropriate course of action. With implementation of **Mitigation Measure CUL-1**, the Project would have a less-than-significant impact.

4.7.3 Mitigation Measures

Mitigation Measure CUL-1: *In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:*

If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be provided to the City of Porterville Community Development Department.

The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City's policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Porterville Community Development Department.

If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Porterville Community Development Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the City of Porterville Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

4.8 GREENHOUSE GAS EMISSIONS

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

4.8.1 Environmental Setting

In assessing the significance of impacts from GHG emissions, Section 15064.4(b) of the CEQA Guidelines states that a lead agency may consider the following:

- The extent to which the project may increase or reduce GHG emissions as compared to the environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project;
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

The California Air Resources Board (CARB) 2022 Climate Change Scoping Plan and guidance from the SJVAPCD are discussed below and are utilized as thresholds of significance.

2022 Climate Change Scoping Plan

The CARB 2022 Climate Change Scoping Plan is the adopted statewide plan for reduction and mitigation of GHGs to implement Assembly Bill (AB) 1279. AB 1279 was issued on August 12, 2022, to require California to achieve “net zero greenhouse gas emissions” as soon as possible and to further reduce anthropogenic GHG emissions thereafter. It sets a statewide goal to reduce emissions 85% below 1990 levels no later than 2045.

Consequently, the Scoping Plan involves several measures for cost-effective reduction of GHG emissions, including continuing existing programs such as Renewable Portfolio Standard, Advanced Clean Cars, Low Carbon Fuel Standard, etc., and achieving new mandates to decarbonize several sectors. Along with reducing emissions, environmental justice policies are included to address the ongoing air quality disparities.

Appendix D of the 2022 Scoping Plan include recommendations to build momentum for local government actions to align with State goals, including through CEQA review. The Appendix outlines the priority GHG reduction

strategies for local governments, including transportation electrification, VMT reduction, and building decarbonization.²²

SJVAPCD CEQA Air Quality Guidelines

The SJVAPCD's Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA (2009) provides screening criteria for climate change analyses, as well as draft guidance for the determination of significance.^{23,24} These criteria are used to evaluate whether a project would result in a significant climate change impact (see below). Projects that meet one of these criteria would have less than significant impact on the global climate.

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then:
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards (BPS)? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with Business As Usual (BAU)?

Assembly Bill (AB) 32 was enacted by the California State legislature in 2006 with the aim to reduce GHG emissions to levels of 1990 by 2020. Recommended actions to achieve these aims were adopted by the California Air Resources Board (CARB) in 2008 (i.e., the Climate Change Scoping Plan). However, the 29% GHG emission reductions compared to BAU threshold is outdated since it is aimed to meet AB 32's 2020 goals, thus this threshold would not be used for analysis.

San Joaquin Valley Air Pollution Control District

SJVAPCD adopted *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* in 2009. It recognized that project-specific emissions are cumulative and could be considered cumulatively considerable without mitigation. SJVAPCD suggested that the requirement to reduce GHG emissions for all projects is the best method to address this cumulative impact.

The SJVAPCD requires quantification of GHG emissions for all projects which the lead agency has determined that an EIR is required. Although an EIR is not required for the Project, the GHG emissions are quantified below. Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (version 2022.1.1.28). (See **Appendix A**). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting

²² California Air Resources Board. (2022). 2022 Scoping Plan Appendix D. Accessed on June 30, 2025, <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>

²³ San Joaquin Valley Air Pollution Control District. (2009). Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Accessed June 30, 2025, <http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf>.

²⁴ San Joaquin Valley Air Pollution Control District. (2000). Environmental Review Guidelines: Procedures for Implementing the California Environmental Quality Act. Accessed June 30, 2025, http://www.valleyair.org/transportation/CEQA%20Rules/ERG%20Adopted%20_August%202000_.pdf

and/or removal, and water use. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MTCO₂e), based on the global warming potential of the individual pollutants.

4.8.2 Impact Assessment

Would the Project:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than Significant Impact. The 2024 CEQA Guidelines do not establish a quantitative threshold of significance for GHG impacts, leaving lead agencies the discretion to establish such thresholds for their respective jurisdictions. The City of Porterville does not have an adopted climate action plan (CAP) that establishes thresholds for GHG emissions. Since the SJVAPCD and the City of Porterville do not have established GHG significance emissions thresholds, the Project is assessed based on its consistency with the CARB's latest adopted Scoping Plan, including the Project's compliance with relevant Scoping Plan measures, in addition to the latest RTP/SCS for the region.

Of note, the Scoping Plan is consistent with AB 1276 GHG reduction targets toward achieving carbon neutrality by 2045 and reducing anthropogenic emissions to 85% below 1990 levels by 2045. Therefore, consistency with CARB's Scoping Plan would also demonstrate consistency with carbon neutrality requirements of AB 1279. This analysis provides a qualitative assessment of the Project's compliance with the applicable plans, policies, and regulations for the purpose of reducing GHGs to determine whether the project would have a significant impact on the environment relative to GHGs.

Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (version 2022.1.1.28). See [Appendix A](#) for output files. The Project's estimated construction and operation-related GHG emissions are provided for the purposes of disclosure.

Construction Emissions

In regard to construction, the SJVAPCD does not recommend assessing pollution associated with construction, as pollution-related construction will be temporary. These construction GHG emissions are a one-time release. As such, it can be anticipated that these construction emissions would not generate a significant contribution to global climate change over the lifetime of the Project. The overall annual unmitigated construction GHG emissions associated with buildout of the Project is 418 MT CO₂e based on the CalEEMod run.

Operational Emissions

Regarding the long-term operational related GHG emissions, the estimated operational emissions for buildout of the Project incorporates the potential area source and vehicle emissions, and emissions associated with utility and water usage, and wastewater and solid waste generation. The annual unmitigated operational GHG emissions associated with buildout of the Project is 171 MT CO₂e based on the CalEEMod run.

Further, the Project would not exceed the thresholds of significance for construction or operational emissions as discussed in [Section 4.3](#). Additionally, as discussed in more detail below, the Project would be generally consistent with the applicable goals and policies related to GHG reduction measures, including CARB's 2022 Scoping Plan and SJVAPCD guidelines, and the Porterville 2030 General Plan goals and policies that aim to reduce air emissions and improve air quality, which reduces GHG emissions as a result. Cumulatively, these emissions would not generate a

significant contribution to global climate change over the lifetime of the proposed Project. As such, it can be determined that the Project would not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG emissions and therefore the impact would be less than significant.

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

Less than Significant Impact. The compatibility of the Project with the 2022 Scoping Plan and the Porterville 2030 General Plan.

Consistency with the 2022 Climate Change Scoping Plan

Based on the evaluation shown in **Table 4-7**, the Project is consistent with the reduction measures identified in the 2022 Scoping Plan. The reduction measures are derived from the 2022 Scoping Plan *Table 1 – Priority GHG Reduction Strategies*, which provides three (3) priority areas to assist jurisdictions with developing local climate action plans.

Table 4-7 Scoping Plan Priority GHG Reduction Strategies Consistency Analysis

Priority Areas	Priority GHG Reduction Strategies	Consistency/Applicability Determination
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites.	Not Applicable. The Project proposes residential units and is thus not intended to be accessible to the public.
	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans).	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
VMT Reduction	Reduce or eliminate minimum parking standards.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Implement Complete Streets policies and investments, consistent with General Plan Circulation Element requirements.	Not Applicable. Road frontages and internal roads proposed within the subdivision are designed to include curb, gutter, and sidewalks.
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.	Consistent. The nearest public transit stop is more than one (1) mile east of the Project site at Porterville College. The Project would develop a vacant site, planned for residential uses, with residential uses, thereby increasing the density of development within the Project area.
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking.	Consistent. The Project proposes pedestrian facilities (i.e., sidewalks) within the site and connecting them to adjacent properties.

	Implement parking pricing or transportation demand management pricing strategies.	Not Applicable. The Project proposes residential development; thus, parking spaces and garages are provided at no additional cost for residents.
	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing the allowable density of a neighborhood)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert “greenfield” land to urban uses (e.g., green belts, strategic conservation easements)	Consistent. The Project site is within an infill area (i.e., surrounded by urban and built-up land) and is planned for urbanized uses. Additionally, the General Plan contains policies intended to provide safeguards for agricultural lands and encourage the retention of agriculture and open space areas around the City. As such, while the Project would convert “greenfield” land to urban uses, the site is an infill site, and the conversion is compliant with the General Plan.
Building Decarbonization	Adopt all-electric new construction reach codes for residential and commercial uses.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers).	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings)	Not Applicable. This is a city-wide strategy pertaining to public facilities. The Project is a private development.

Consistency with the Porterville 2030 General Plan

The Porterville 2030 General Plan established several policies to reduce air emissions, as listed below. These policies are mostly implemented at the city level. The Project would be subject to energy efficient regulations including CalGreen, Title 24, and CARB, as discussed in **Section 4.6**. As such, the Project would be generally consistent with the policies identified in the General Plan.

Implementation Policy OSC-I-58 *Continue to assess air quality impacts through environmental review and require developers to implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.*

Implementation Policy OSC-I-59 *Require preparation of a Health Risk Assessment for any development subject to the Air Toxics “Hot Spots” Act.*

Implementation Policy OSC-I-69 *Establish regulations to allow flexibility in site planning, solar orientation, roof design, and landscaping to decrease summer cooling and winter heating needs.*

Implementation Policy OSC-I-70 *Ensure City codes allow for environmentally acceptable alternative forms of energy production and green building techniques.*

In conclusion, the Project contains features that would reduce GHG emissions in compliance with CARB 2022 Climate Change Scoping Plan and the Porterville 2030 General Plan. As such, the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and therefore the impact would be less than significant.

4.8.3 Mitigation Measures

None required.

4.9 HAZARDS AND HAZARDOUS MATERIAL

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project Area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

4.9.1 Environmental Setting

For the purposes of this section, the term “hazardous materials” refers to “injurious substances,” which include flammable liquids and gases, poisons, corrosives, explosives, oxidizers, radioactive materials, and medical supplies and waste. These materials are either generated or used by various commercial and industrial activities. Hazardous

wastes are injurious substances that have been or will be disposed. Potential hazards arise from the transport of hazardous materials, including leakage and accidents involving transporting vehicles. There also are hazards associated with the use and storage of these materials and wastes. Hazardous materials are grouped into the following four categories based on their properties:

- Toxic: causes human health effect
- Ignitable: has the ability to burn
- Corrosive: causes severe burns or damage to materials
- Reactive: causes explosions or generates toxic gases

“Hazardous wastes” are defined in California Health and Safety Code Section 25141(b) as wastes that: “...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.” A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous waste generators may include industries, businesses, public and private institutions, and households. Federal, state, and local agencies maintain comprehensive databases that identify the location of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require risk management plans to protect surrounding land uses. The release of hazardous materials would be subject to existing federal, State, and local regulations and is similar to the transport, use, and disposal of hazard materials.

Regulatory Setting

The California Environmental Protection Agency (CalEPA), established in 1991, plays a key role in environmental protection. CalEPA oversees the Unified Program, implemented locally by Certified Unified Program Agencies (CUPAs), which consolidates six environmental programs to regulate the handling of hazardous waste and materials. In Tulare County, the Environmental Health Department (TCEHD) serves as the local CUPA.²⁵

The TCEHD has several responsibilities related to hazardous materials and waste, including:

- Inspecting facilities that handle hazardous materials, generate or treat hazardous waste, or operate underground or aboveground storage tanks (including petroleum tanks).
- Overseeing facilities subject to the California Accidental Release Program.

²⁵ San Joaquin County Environmental Health Department. Certified Unified Program Agency (CUPA). Accessed on July 25, 2025, [https://www.sigov.org/departments/envhealth/programs/certified-unified-program-agency-\(cupa\)](https://www.sigov.org/departments/envhealth/programs/certified-unified-program-agency-(cupa))

- Enforcing the Hazardous Waste Control Act through its Hazardous Waste Generator Program.
- Issuing permits to businesses that handle hazardous materials or waste above specific quantity thresholds (55 gallons, 500 pounds, or 200 cubic feet of compressed gas, whichever is greater).

Businesses that meet these quantity thresholds are required to develop and implement a Hazardous Materials Management Plan (HMMP). The HMMP must include a detailed inventory of hazardous materials and waste, and outline emergency response procedures for incidents involving these substances.

The Department of Toxic Substances Control (DTSC) is a key California agency responsible for regulating hazardous waste, conducting inspections, providing emergency response for hazardous materials incidents, protecting water resources from contamination, and overseeing waste removal. The DTSC operates under the authority of the federal Resource Conservation and Recovery Act (RCRA) and the California Health and Safety Code, implementing regulations found in California Code of Regulations (CCR) Title 22, Division 4.5.

Government Code Section 65962.5 mandates that the DTSC compile and annually update a comprehensive list of hazardous waste sites in California. This list, known as the Cortese List, includes:

1. Hazardous waste facilities subject to corrective action (HSC Section 25187.5).
2. Land designated as hazardous waste property or border zone property (HSC Division 20, Chapter 6.5, Article 11, commencing with Section 25220).
3. Information on hazardous waste disposals on public land (HSC Section 25242).
4. Sites listed pursuant to HSC Section 25356.
5. Sites included in the Abandoned Site Assessment Program.

The DTSC distributes the Cortese List to all cities and counties in California. CCR Title 22 stipulates that soils excavated from a site containing hazardous materials are considered hazardous waste and must be handled accordingly. Cleanup requirements for contaminated soil are determined on a case-by-case basis by the relevant jurisdiction.

Record Search

The United States Environmental Protection Agency (EPA) Superfund National Priorities List (NPL)²⁶, California Department of Toxic Substance Control's EnviroStor database ²⁷, and the State Water Resources Control Board's GeoTracker database ²⁸ include hazardous release and contamination sites. A search of each database was conducted on June 30, 2025. The searches revealed no hazardous material release sites on or adjacent to the Project Site. The nearest site is the site of the former Beckman Instruments (Porterville Plant) located at 167 W Poplar Avenue, approximately 0.8 miles northeast of the Project site. The Beckman site was previously listed on the

²⁶ United States Environmental Protection Agency. Superfund National Priorities List. Accessed June 30, 2025, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1>

²⁷ California Department of Toxic Substances Control. Envirostor. Accessed June 30, 2025, <https://www.envirostor.dtsc.ca.gov/public/>

²⁸ California State Water Resources Control Board. GeoTracker. Accessed June 30, 2025, <https://geotracker.waterboards.ca.gov/>

EPA's NPL, but was delisted on March 22, 2022, after it was determined that all appropriate response actions have been completed.²⁹ The Beckman site is still listed as an active cleanup site under DTSC's Envirostor database.

Porterville 2030 General Plan

The Porterville 2030 General Plan Public Health and Safety Element includes policies to protect soils, surface water, and groundwater from contamination from hazardous materials, as listed below.

Implementation Policy PHS-I-17 *Require remediation and cleanup of sites contaminated with hazardous substances.*

Implementation Policy PHS-I-19 *Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Waste Management Plan.*

Implementation Policy PHS-I-20 *Prohibit specified hazardous waste residual repositories and onsite facilities utilizing incineration methods unless the facility demonstrates that it will produce insignificant levels of emissions.*

Implementation Policy PHS-I-23 *Require applicants of projects in areas of known or suspected hazardous materials occurrences such as petroleum hydrocarbon contamination, CAM 17 metals, USTs, location of asbestos rocks and other such contamination to perform comprehensive soil and groundwater contamination assessments in accordance with regulatory agency testing standards, and if contamination exceeds regulatory action levels, require the project applicant to undertake remediation procedures prior to grading and development under the supervision of appropriate agencies, such as Tulare County Department of Environmental Health, Department of Toxic Substances Control, or Regional Water Quality Control Board.*

Implementation Policy C-I-28 *Designate specific truck routes to provide for the safe movement of goods and hazardous materials throughout the City, ensure that adequate pavement depth, lane widths, and turn radii are maintained on the designated truck routes, and prohibit commercial trucks from non-truck routes except for deliveries.*

The General Plan also includes policies to reduce the potential impact on adopted emergency response plans and emergency evacuation plans, as listed below.

Implementation Policy PHS-I-29 *Maintain and periodically update the City's Emergency Management Plan. This plan will be updated as necessary in consultation with City departments, community leaders, the school districts, Sierra View District Hospital, SCE, and relevant regional and State agencies.*

Implementation Policy PHS-I-30 *Initiate periodic public information programs that explain the City's emergency preparedness programs and evacuation routes and encourage each household to be self-sufficient for 72 hours after a manmade or natural disaster.*

Implementation Policy PHS-I-31 *Maintain multi-jurisdictional communication systems and cooperation for emergency training, planning and management.*

²⁹ United States Environmental Protection Agency. National Priorities List Deletion Final Action. Accessed June 30, 2025, <https://www.govinfo.gov/content/pkg/FR-2022-03-22/pdf/2022-05556.pdf>

Implementation Policy PHS-I-32 *Work with owners and operators of critical use facilities to ensure that they can provide alternate sources of electricity, water, and sewerage in the event that regular utilities are interrupted in a disaster.*

Public utilities are lifeline services for Emergency Command Centers, police and fire departments, and hospitals. Keeping them open and operative is especially crucial in the 72 hours after a major disaster.

Implementation Policy C-I-3 *Provide for greater street connectivity by:*

- *Incorporating in subdivision regulations requirements for a minimum number of access points to existing local or collector streets for each development;*
- *Encouraging roundabouts over signals, where feasible and appropriate;*
- *Requiring the bicycle and pedestrian connections from cul-de-sacs to nearby public areas and main streets; and*
- *Requiring new residential communities on undeveloped land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development should connect to these stubs.*

Emergency Operations Plan

The City adopted an Emergency Operations Plan (EOP) in 2004, pursuant California Government Code Section 8550-8668, California Emergency Services Act, which requires all cities to prepare and maintain an emergency plan for natural and manmade emergencies. The EOP works in conjunction with the Tulare County Emergency Operations Plan and the State Emergency Plan. In addition, the City's Fire Department includes specific procedures for emergency response to incidents involving hazardous materials and waste.

4.9.2 Impact Assessment

Would the Project:

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

Less than Significant Impact. The Project proposes residential development, and the hazardous materials associated with its operation would be typical of residential uses, such as household cleaning supplies, landscaping chemicals, and HVAC refrigerants. While these materials are potentially hazardous, the quantities involved are generally small and do not pose a significant risk to the public or the environment under normal conditions of use and storage.

Certain appliances and electronics used by residents may contain hazardous components (e.g., refrigerants, oils). However, the handling and disposal of these components are strictly regulated by the EPA under the Toxic Substances Control Act (TSCA) and Clean Air Act (CAA), the U.S. Department of Transportation, Office of Hazardous Materials Safety, for transport regulations, as implemented in California by Title 13 of the California Code of Regulations (CCR), and the California Building Code and Uniform Fire Code, as adopted by the City of Porterville. Compliance with these regulations would ensure that the use, storage, and disposal of such items within the residences do not create a significant hazard.

During Project construction, the use of fuels, lubricants, and other potentially hazardous materials associated with construction equipment is anticipated. These potential impacts will be short-term and temporary and would be reduced through compliance with a comprehensive set of regulations, including EPA's oil spill prevention and

preparedness regulations (e.g., Spill Prevention, Control, and Countermeasure plans), California Office of Emergency Services regulations related to hazardous materials accident prevention, California Department of Toxic Substances Control permitting and regulations for hazardous waste generation and handling, Tulare County's environmental health regulations related to hazardous materials, and standard equipment operating practices and best management practices (BMPs) as specified in operator manuals and construction management plans.

Therefore, because the hazardous materials associated with the Project's operation are typical of residential uses and are subject to extensive federal and state regulations, and because construction-related hazardous materials would be managed according to a comprehensive regulatory framework, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. The Project's operational activities would involve only small quantities of hazardous materials typical of residential use (e.g., household cleaning supplies, landscaping chemicals). Given the limited quantities and nature of these materials, the risk of a significant hazard to the public or the environment from reasonably foreseeable upset and accident conditions is considered low. Construction activities would involve the temporary use of limited quantities of potentially hazardous materials, such as fuels, lubricants, and cleaning solvents. Standard construction safety practices and BMPs would be implemented through compliance with local, state, and federal regulations to prevent spills and releases. Given the limited quantities and temporary nature of these materials, the risk of a significant hazard to the public or the environment from reasonably foreseeable upset and accident conditions during construction is considered low. Impacts would be less than significant.

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

Less than Significant Impact. There are no schools within one-quarter mile of the Project Site. The nearest school to the Project Site is Pioneer Middle School and Vandalia Elementary School located approximately 1.3 miles to the east of the site. As described under criteria a) and b) above, the Project is not anticipated to emit hazard emissions or handle hazardous materials, substances, or waste that would pose a risk or threat to the schools or surrounding area. Impacts would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. The Project site has been checked against the hazardous materials site lists compiled pursuant to Government Code Section 65962.5, commonly known as the Cortese List. This check included a review of the following databases: National Priorities List (NPL), EnviroStor (DTSC's database of hazardous waste sites), and GeoTracker (SWRCB's database of leaking underground storage tanks and other sites). The Project site is not located on any site included in the Cortese List. Therefore, the Project would not create a significant hazard to the public or the environment due to its location on a listed hazardous materials site. Impacts are less than significant.

e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?

No Impact. The Project site is located approximately 1.5 miles northeast of the Porterville Municipal Airport, within the airport influence area and Traffic Pattern Zone (Zone 6) as identified in the applicable airport land use plan (ALUP), the Tulare County Comprehensive ALUP. The ALUP's compatibility table (ALUP Table 3-1) identifies single-family residential uses as a compatible use within Zone 6. Therefore, the Project is consistent with the ALUP and would not pose a safety hazard for people residing or working in the Project area. No impact would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would not involve any new or altered infrastructure associated with evacuation, emergency response, and emergency access routes within the City of Porterville or Tulare County. Construction may require lane closure; however, these activities would be short-term and access would be maintained through standard traffic control. Following construction, these roadways would continue to provide access to the site. Furthermore, the Project would be subject to compliance with applicable standards for on-site emergency access including turn radii and fire access. Therefore, through compliance, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

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

Less than Significant Impact. The Project site is located on a relatively flat, highly disturbed property with minimal slope. The site is not situated in a wildland or a Cal Fire-designated Fire Hazard Severity Zone (FHSZ). Furthermore, the site is within an "area of local responsibility." The flat terrain, lack of wildland vegetation, absence of prevailing winds that would exacerbate fire risk, and location outside a FHSZ reduces wildfire risk and the potential to expose people or structures to wildland fires. In addition, the development itself would be constructed in compliance with the CBC and local fire safety regulations, including the Wildland Urban Interface Codes and Standards of the CBC Chapter 7A, which include measures to minimize fire risk. The transition from a vacant site to a developed site with impervious surfaces (e.g., pavement, roofs) would also reduce the potential for wildfire to spread compared to existing conditions. Therefore, impacts are less than significant.

4.9.3 Mitigation Measures

None required.

4.10 HYDROLOGY AND WATER QUALITY

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

4.10.1 Environmental Setting

The Project is in Porterville's city limits and would be required to connect to the City's water and stormwater services. The City's water and stormwater services are described as follows.

Water

The City of Porterville Public Works Department maintains and operates the City's water system. The City's water system consists of approximately 276 miles of distribution pipeline ranging from four (4)-inches to 18-inches in diameter, 36 active municipal wells, and seven (7) hillside reservoirs with a total of 11,350,000 gallons of capacity. According to the 2020 UWMP, the City provides potable water services to approximately 17,063 metered connections and supplies 3,647 million gallons (MG) within its service area as of 2020.³⁰

Porterville meets its demand for domestic water entirely from groundwater sources, which is recharged from the Tule Basin Aquifer, which gets water from the Tule River. Rainfall also contributes to groundwater recharge at an annual average rainfall of 11.63 inches. The City does not receive raw or potable water, either by import or purchase, to supply their municipal distribution system. Although the City doesn't purchase water to service their system, the City has acquired water rights for approximately 900 acre feet annually from the Pioneer Ditch Company and Porter Slough Ditch Company.

The Porterville 2030 General Plan establishes a goal of reducing groundwater pumping to match the aquifer safe yield. Additionally, the General Plan aims to reduce per capita demand by ten percent. The General Plan includes the following goals and policies in its Open Space and Conservation Element and Public Utilities Element to promote water quality and conservation, as listed below.

Guiding Policy OSC-G-8: *Ensure adequate water quality and supply for the entire Porterville community.*

Implementation Policy OSC-I-37: *Establish watershed protection standards and review procedures in the Zoning Ordinance to protect groundwater resources.*

Implementation Policy OSC-I-40: *Support the identification of degraded surface water and groundwater resources and promote restoration where appropriate.*

Implementation Policy OSC-I-45: *Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.*

Guiding Policy PU-G-1: *Ensure an adequate supply of fresh water to serve existing and future needs of the City.*

Guiding Policy PU-G-2: *Promote the conservation of water within Porterville.*

Implementation Policy PU-I-3: *Periodically review and update development impact fees, water connection charges, and monthly service charges to ensure that adequate funds are collected to operate and maintain existing facilities and to construct new facilities.*

Implementation Policy PU-I-4: *Support efforts to expand surface water supply and storage that benefits the City.*

³⁰ City of Porterville. (2022). 2020 Urban Water Management Plan. Accessed July 3, 2025, <https://cms9files.revize.com/PortervilleCA/Draft%202020%20Urban%20Water%20Management%20Plan.pdf>

Implementation Policy PU-I-5: *Require that necessary water supply infrastructure and storage facilities are in place coincident with new development, and approve development plans only when a dependable and adequate water supply to serve the development is assured.*

Implementation Policy PU-I-7: *Continue to require water meters in all new development.*

Implementation Policy PU-I-8: *Require that agricultural water rights be assigned to the City when agricultural land is annexed to the City for urban development, consistent with this General Plan.*

Implementation Policy PU-I-9: *Work cooperatively toward a program of conjunctive surface water use with local water purveyors and irrigation districts to retain surface water rights and supply following annexation and urban development so as to protect against aquifer overdrafts and water quality degradation.*

Implementation Policy PU-I-10: *Encourage private sector use of alternative water sources to achieve a water balance, including reclaimed water for irrigation and landscaping purposes.*

Implementation Policy PU-I-11: *Promote the continued use of surface water for agriculture to reduce groundwater table reductions.*

Implementation Policy PU-I-12: *Establish a comprehensive program for water conservation.*

Implementation Policy PU-I-13: *Undertake a program to retrofit public buildings with water conservation features.*

Stormwater

The City's Public Works Department manages drainage facilities on City-owned property such as public right-of-way or public easements. Drainage on private property or within privately held easements are typically managed by the underlying property owner. The stormwater system consists of a system of natural water channels, drains, and ponding basins located throughout the City. The system operates by conveying captured runoff to recharge basins or directly to flood channels throughout the City. The City owns approximately 38 stormwater basins that provide groundwater recharge and are currently sized to accept floodwater and surface water recharge.

4.10.2 Impact Assessment

Would the Project:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less than Significant Impact. The Project's construction activities, including grading, excavation, and loading, could temporarily increase runoff, erosion, and sedimentation. Potential stormwater pollutants may originate from construction materials, equipment maintenance, and earthmoving. Project operations could also generate potential pollutants, such as fertilizers and pesticides from landscaping, pet waste, vehicle fluids from driveways and parking areas, and household chemicals. However, a required SWPPP, compliant with the Construction General Permit, and City approved grading/drainage plans would significantly minimize these risks. The SWPPP will assess sediment risk and incorporate BMPs for erosion, sediment, tracking, and waste management. Implementing the SWPPP would minimize soil erosion and topsoil loss, preventing violations of waste discharge requirements and substantial degradation of surface or groundwater quality. Furthermore, Project runoff would be managed by the City, complying with the Storm Drainage Master Plan and approved grading/drainage plans. Therefore, adherence

to existing regulations, including the Construction General Permit, BMPs, and the Storm Drainage Master Plan, ensures that potential water quality and waste discharge impacts would be less than significant.

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

Less than Significant Impact. The City's long-term water resource planning for existing and future demand is addressed in the City's 2020 Urban Water Management Plan (UWMP). The City's sole source of water supply is the underlying groundwater basin, the east side of the Tule Subbasin. The City currently has 36 active wells throughout the community that pump directly into the water distribution system and surrounding above ground water storage tanks. As population and development within the City increases, the UWMP planned 3 new wells to be installed, 12 new wells to be added to the water system in 2040, and the implementation of a surface water exchange program to increase water supply.

The City's existing and projected potable water demands by land use type are shown in **Table 4-8** per the 2020 UWMP. Single-family users make up the largest demand for potable water, accounting for 56% of potable water use citywide in 2020. According to the UWMP, the City's per capita water usage is expected to increase with population growth and favorable hydrologic conditions. However, while the City utilizes 179 gallons per capita per day (gpcd) as a conservative approach to projecting water demand, the actual water consumption was only 133 gpcd in 2020 and 130 gpcd in 2015.

Table 4-8 City of Porterville Existing and Projected Potable Water Demands by Use Type, 2020 - 2040

Use Type	2020 *	2025	2030	2035	2040
Single Family Residential	2,025	3,182	3,607	4,074	4,621
Multi-Family Residential	390	612	694	784	889
Commercial and Institutional	448	704	798	901	1,022
Industrial	10	16	18	20	23
Landscape	223	351	398	449	509
Losses	403	232	263	297	337
Other	148	634	719	811	920
Total	3,647	5,731	6,497	7,337	8,322

Source: City of Porterville, 2020 UWMP, Table 4.1 Retail: Demands for Potable and Non-Potable Water-Actual, Table 4.2 Retail: Use for Potable and Non-Potable Water-Projected

*actual use.

To determine the estimated water use for the Project, the UWMP calculation methods were used. According to the UWMP, the average household size in Porterville is 4.39 people per household. Applying a 4.39 average would equal approximately 140 people (4.39 people per household x 32 units = 140 people). At 179 gpcd, the Project would require approximately 9.1MG per year of potable water per year (140 residents x 179 gpcd x 365 days = 9,146,900 gallons of potable water per year) or 28.07 acre/feet per year (AFY) (9,146,900 gallons per year / 325,851 gallons = 28.07 acre/feet). Development of the Project site as proposed would account for a less than one percent increase above the City's 2020 water demand of 3,647 AFY in 2020. In addition, the minimal increase in demand would not exceed available groundwater supplies during a normal year water supply estimate of 5,655 AFY. Therefore, the Project would be accommodated by existing groundwater supplies and impacts would be less than significant.

In addition, development of the Project Site would increase impervious surfaces which could increase stormwater runoff and reduce groundwater recharge. According to the UWMP, the City maintains stormwater facilities that convey captured runoff to retention/recharge basins or directly to flood channels that run throughout the City.

Runoff resulting from the Project would be managed in compliance with the Storm Water Management Program in addition to approved grading and drainage plans. Thus, compliance would ensure potential impacts related to groundwater recharge are less than significant.

Furthermore, adherence to connection requirements and recommendations pursuant to the City's water conservation efforts (e.g., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact water supply or impede water management. In particular, the Project would be built accordance with all mandatory outdoor water use requirements as outlined in the applicable California Green Building Standards Code, Title 24, Part 11, Section 4.304 – Outdoor Water Use and verified through the building permit process. As a residential development that would contain landscaping pursuant to PMC regulations, the Project shall comply with the updated Model Water Efficient Landscape Ordinance (MWELO) (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the building permit process. Therefore, through compliance, the potential for the Project to substantially decrease groundwater supplies is limited and impacts would be less than significant.

Overall, based on the information collected from the UWMP and the City of Porterville, the proposed Project would not generate significant water demand. As a result, it can be presumed that the existing and planned water distribution system and supplies should be adequate to serve the Project, and the Project would thereby not interfere substantially with groundwater recharge or impede sustainable groundwater management of the basin. In addition, adherence to connection requirements and recommendations pursuant to the City's water supply planning efforts (i.e., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact the City's water provision. Lastly, compliance with approved grading and drainage plans would ensure impacts to groundwater recharge are less than significant. For these reasons, a less than significant impact would occur.

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

i. Result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. While construction activities on the primarily undeveloped site could temporarily increase runoff, erosion, and sedimentation, the Project would implement erosion controls and BMPs as required by the SWPPP. These BMPs, such as covering/binding soil surfaces and using barriers like straw bales and sandbags, would minimize soil detachment and transportation. Post-construction, the increase in impervious surfaces could increase the runoff volume. However, this is balanced by a significant reduction in exposed soil, which minimizes long-term erosion and siltation potential. Furthermore, the Project will maintain the existing site drainage pattern in accordance with an approved grading and drainage plan. Therefore, compliance with these requirements will prevent substantial alteration of the drainage pattern that could lead to substantial erosion or siltation, resulting in a less than significant impact.

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

Less than Significant Impact. Construction activities would disturb vegetation and soil, potentially altering the Project site's natural hydrology and increasing runoff volume and velocity, which could increase the risk of flooding. However, compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs would

control and direct runoff. These measures would reduce potential for increased runoff leading to on- or off-site flooding during construction, resulting in a less than significant impact.

iii. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. Construction activities would temporarily disturb vegetation and soil, altering the Project site's natural hydrology. However, compliance with the SWPPP, approved grading and drainage plan, and BMP implementation would control and direct runoff, reducing construction-related impacts on runoff volume and pollution, and preventing exceedance of existing or planned stormwater drainage systems. Post-construction, the increase in impervious surfaces would increase runoff. However, compliance with approved grading and drainage plans would reduce the potential for substantial additional polluted runoff or runoff exceeding the capacity of existing or planned drainage systems. Therefore, both construction and operational impacts are considered less than significant.

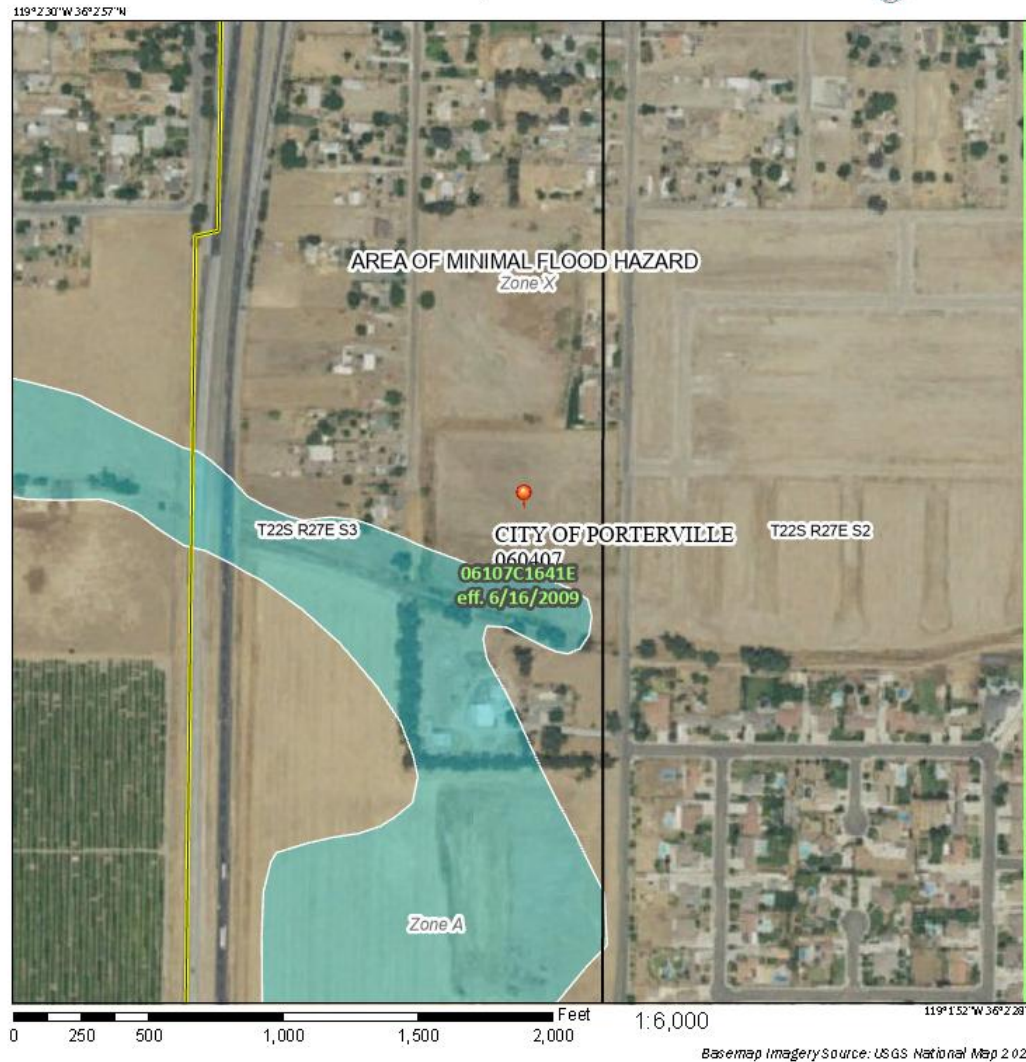
iv. Impede or redirect flood flows?

Less than Significant Impact. While the Project would increase impervious surfaces, it would be required to maintain the existing site drainage pattern through City-reviewed and approved project-specific grading and drainage plans. This compliance would minimize or eliminate the potential to impede or redirect flood flows, resulting in a less than significant impact.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

Less than Significant Impact. As shown in [Figure 4-4](#), most of the Project site is in FEMA Flood Zone X, a minimal flood hazard area with a 0.2% annual chance of flooding and a 1% annual chance flood with shallow depths or small drainage areas. A portion of the site is within Zone A, which is a special flood hazard area with a 1% annual chance of flooding. As shown in [Figure 2-5](#), a majority of lots will be within Zone X; and no development is proposed adjacent to the Poplar Ditch. Due to the special flood hazard area, the Project would be required to comply with the City's Flood Damage Prevention Code which establishes regulations related to flood control for flood prone areas. Further, drainage of potential waters on the site would be planned through Project-specific grading and drainage plans that would be reviewed and approved by the City prior to the issuance of building permits. Therefore, water would not remain on the site that could cause a flood hazard. In addition, the Project site is not in a tsunami or seiche zone (i.e., standing waves on rivers, reservoirs, ponds, and lakes), therefore the risk of inundation is unlikely. For these reasons, the Project would have a less than significant impact.

National Flood Hazard Layer FIRMette



Legend

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, AE, AD
		With BFE or Depth Zone AE, AD, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS		Coastal Transect
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary
OTHER FEATURES		Coastal Transect Baseline
		Profile Baseline
OTHER FEATURES		Hydrographic Feature
		Digital Data Available
MAP PANELS		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/23/2025 at 5:00 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Figure 4-4 Flood Zone Map

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

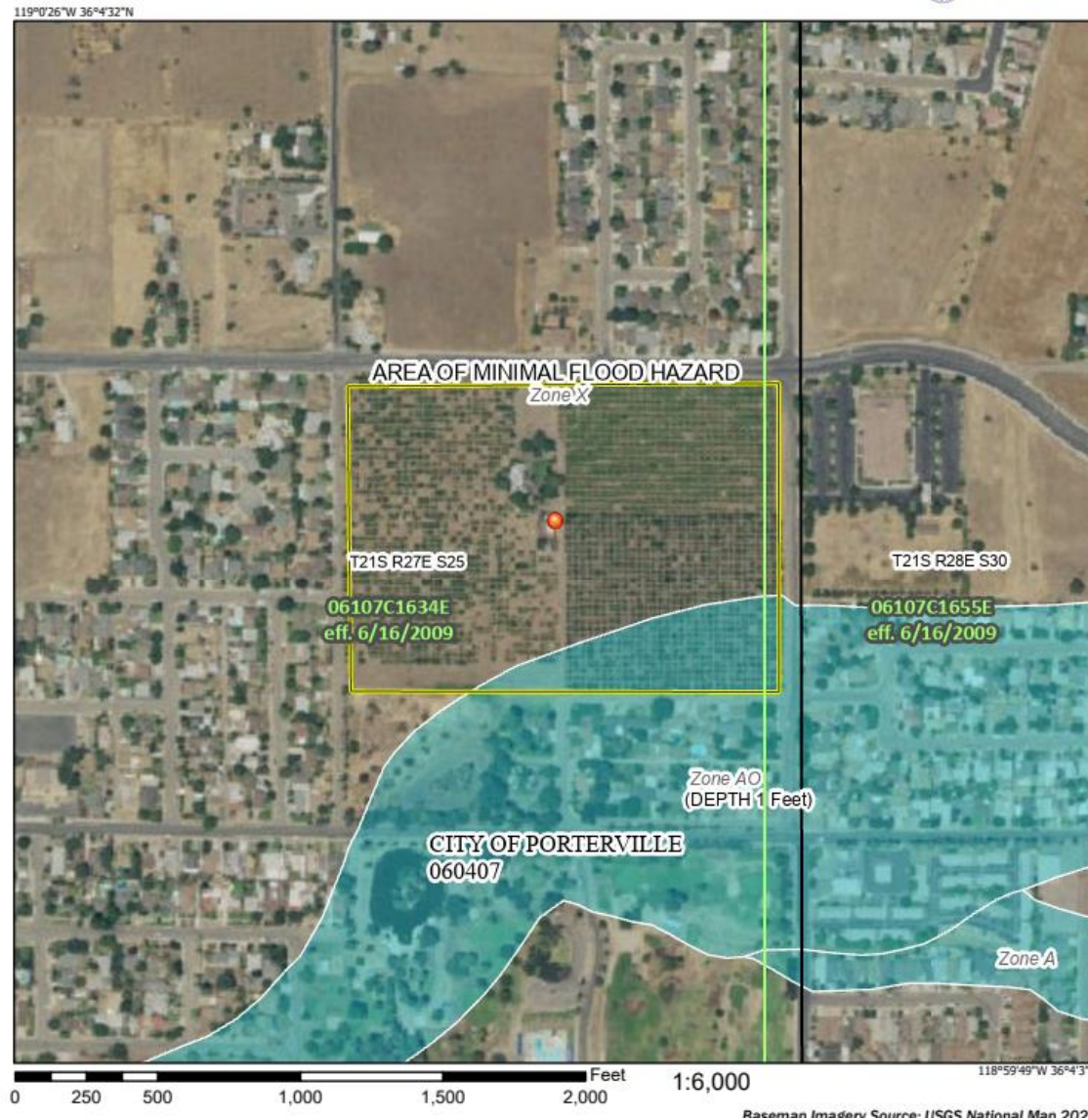
Less than Significant Impact. A revised groundwater sustainability plan was adopted for the Tule Groundwater Subbasin in July of 2024 by the Eastern Tule Groundwater Sustainability Agency (ETGSA), of which the City of Porterville is a member.³¹ The goal of the Tule subbasin and ETGSA is to ensure that the subbasin maintains a reliable water supply for current and future beneficial uses without experiencing undesirable results through 2040. The proposed Project is required to comply with the adopted plan to meet the 2040 sustainability deadline for the basin. During the preparation of the City's 2020 UWMP, the City coordinated with the Eastern Tule Groundwater Sustainability Agency, Porterville Irrigation District, and County of Tulare to ensure that the city's UWMP is in compliance with the goals of these agencies. As such, compliance with the City's 2020 UWMP would ensure that the Project does not conflict or obstruct the implementation of the ETGSA plan. In addition, the City has largely attained the balanced use of groundwater supplies well ahead of the legislative requirement of 2040, thus making the City compliant with the Eastern Tule Groundwater Sustainability Plan goals. As mentioned above, impacts to groundwater supplies from the proposed Project will not be beyond those analyzed in the General Plan, PEIR, or UWMP. For these reasons, a less than significant impact would occur because of the Project.

4.10.3 Mitigation Measures

None required.

³¹ Eastern Tule Groundwater Sustainability Agency (2024). Groundwater Sustainability Plan. Accessed July 25, 2025, <https://easterntulegsa.com/gsp/>

National Flood Hazard Layer FIRMMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
OTHER AREAS		Area with Flood Risk due to Levee Zone D
		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
MAP PANELS		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/18/2024 at 6:42 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Figure 4-5 Flood Zone Map

4.11 LAND USE PLANNING

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

4.11.1 Environmental Setting

The Project site is within Porterville city limits and is located north of the Poplar Ditch between S Wisconsin Street and S Indiana Street. The Project site is currently vacant with no on-site improvements (i.e., road, curb, gutter, sidewalk). The Project site is surrounded to the north by a ponding basin, to the east by the Royal Oaks single-family subdivision, and to the south and west by rural residences.

The Project site has a City of Porterville General Plan Land Use designation of Low Density Residential (LDR). According to the General Plan, the purpose of the LDR designation is to accommodate “typical single-family subdivisions” with a maximum density of 6.0 units per gross acre.

The Project site is currently within the City’s RS-2 Low Density Residential zone district. According to the Porterville Development Ordinance (PDO; Chapter 21 of the Porterville Municipal Code, or PMC), the purpose of the RS-2 district is to “provide areas for attached or detached single family homes with a maximum residential density of 7.5 units per net acre. This district also allows for limited uses such as day care homes, parks, and religious facilities that are appropriate in a low-density residential environment.”

4.11.2 Impact Assessment

Would the Project:

a) Physically divide an established community?

Less than Significant Impact. The physical division of an established community typically involves the construction of a barrier, such as a highway or railroad tracks, or the removal of a crucial access point, thereby impairing community connectivity. This Project, a single-family residential development on a vacant site, does not involve any such division. It will not construct a dividing feature, nor will it remove an essential access route. Instead, the Project would be designed in accordance with the General Plan, PMC, and other applicable standards to ensure a cohesive site and circulation plan that integrates with the surrounding community. Therefore, this Project would not physically divide an established community, and the impact is less than significant.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. The Project proposes a 32-lot residential development with the approval of the associated tentative subdivision map and conditional use permit. No land use or zoning changes are required. Generally, policy conflicts are environmental impacts when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, associated physical environmental impacts are discussed in this document under specific topical sections, such as Biological Resources, Cultural Resources, and Tribal Cultural Resources. The Project includes a conditional use permit to allow for reduced lot sizes, which according to the PMC, may be approved with a Conditional Use Permit when the City Council finds that the lot size and configuration are consistent with the General Plan and will not adversely affect adjoining uses. A discussion of general plan land use policies that are applicable to the Project are included in **Table 4-9**. As discussed, the Project is generally consistent with the proposed general plan land use designation.

Table 4-9 Discussion on Land Use Policies in the General Plan for Residential Development

General Plan Policy	Project Consistency
Guiding Policy L-G-6 <i>Provide for residential development with strong community identities, appropriate and compatible scales of development, identifiable centers and edges and well-defined public spaces for recreation and civic activities.</i>	Consistent. The Project proposes a residential development with would create a cohesive neighborhood with proposed open space to provide public space for recreation.
Guiding Policy LU-G-9 <i>Provide sufficient land with appropriate parcel sizes to support a full range of housing types and prices.</i>	Consistent. The Project proposes 32 lots with sizes ranging from 5,046 square feet to 8,242 square feet that would provide a range of home sizes and prices.
Guiding Policy LU-I-18 <i>Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses, and environmental hazards.</i>	Consistent. The Project Site is generally surrounded by existing single-family residential development. The Project also proposes a residential development, which is compatible with the existing character of the area.
Implementation Policy LU-I-11 <i>Only allow gated communities in very low density, planned development areas, and Resort Residential areas.</i>	Consistent. The Project does not propose a gated community.
Implementation Policy LU-I-12 <i>Require residential development on slopes over six percent to comply with the Hillside Development Ordinance. This ordinance establishes a Hillside Development zoning district with standards and review procedures tailored to the City's needs and expectation for hillside development.</i>	Not Applicable. The Project site is not within the Hillside Development zoning district.
Implementation Policy LU-I-13 <i>Discourage residential development within the Airport Safety Zone. If residential development is approved in the County within the Airport Safety Zone, it must comply with Tulare County Airport Land Use Commission's land-use compatibility standards and density restrictions.</i>	Consistent. The Project site is within the airport influence area of the Porterville Municipal Airport and is within Traffic Pattern Zone (Zone 6); therefore, the project is subject to compliance with Tulare County Airport Land Use Commission's land-use compatibility standards and density restrictions. As discussed in Section 4.9 , single-family residential uses are deemed compatible in the Tulare County

	Airport Land Use Commission, and therefore the Project is consistent.
Implementation Policy LU-I-15 <i>Adopt community design standards for new residential development. These could include but are not limited to:</i> • <i>Maximum block length;</i> • <i>Maximum ratio of block length to width;</i> • <i>Limited use of dead-end streets;</i> • <i>Orientation of residential building; and</i> • <i>Required connectivity</i> <i>Exceptions may be provided for infill sites and projects in the Hillside Development Zone.</i>	Consistent. The Project is generally consistent since there are no dead-end streets, structures would be oriented towards internal roadways, and connectivity is provided to street frontages via two (2) access points. The maximum block length and ratio of block length and width are reviewed by the Planning, Engineering, and Fire Departments to ensure that they do not pose a hazard to the community.
Implementation Policy LU-I-16 <i>Require that all new subdivisions preserve natural, cultural, and biological resources, including stands of large trees and rock outcroppings, to the maximum extent feasible.</i>	Consistent. A discussion of the Project's impacts on cultural and biological resources are discussed in Section 4.4 and Section 4.5.

Further, through the entitlement process, the Project would be reviewed for compliance with applicable regulations inclusive of those adopted for the purpose of avoiding or mitigating environmental effects. Overall, the entitlement process would ensure that the Project complies with the General Plan, PMC, and any other applicable policies and regulations. As such, a less than significant impact would occur.

4.11.3 Mitigation Measures

None required.

4.12 MINERAL RESOURCES

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

4.12.1 Environmental Setting

Mineral resources include commercially viable oil and gas deposits, and nonfuel mineral resources deposits. Nonfuel mineral resources include metals such as gold, silver, iron, and copper; industrial metals such as boron compounds, rare-earth elements, clays, limestone, gypsum, salt, and dimension stone; and construction aggregate, including sand, gravel, and crushed stone. California is the largest producer of sand and gravel in the nation.

The California Geological Survey (CGS) classifies and designates areas within California that contain or potentially contain significant mineral resources. Lands are classified into Aggregate and Mineral Resource Zones (MRZs), which identify known or inferred significant mineral resources. According to the California Department of Conservation, CGS's Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the *Mineral Land Classification Map* in 1997 shows that the Project is not within a mineral resource zone.³²

The Geologic Energy Management Division's (CalGEM) online mapping application, Well Finder, presents California's oil and gas industry information, including the location of oil/gas wells, geothermal wells, gas/oil facilities (i.e., tank, vessel, sump), underground gas storage, as well as the boundaries of CalGEM-recognized oil/gas fields. According to Well Finder, the Project Site is not within a CalGEM-recognized oil/gas field.³³

Porterville 2030 General Plan

According to the Porterville 2030 General Plan, the most economically significant mineral resources in Tulare County are sand, gravel, and crushed stone. These sources are usually alluvial deposits found in riverbeds and floodplains, and hard rock quarries. There are currently three (3) active construction grade sand and gravel mining sites in the City's Planning Area along the Tule River. The General Plan established the following policies to protect mineral resources in the City's Planning Area.

³² California Department of Conservation. (1997). Mineral Lands Classification. Accessed on July 3, 2025, <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

³³ California Department of Conservation Geologic Energy Management Division. Well Finder. Accessed on July 3, 2025, <https://maps.conservation.ca.gov/doggr/wellfinder/>

Guiding Policy OSC-G-6 *Protect significant mineral resources.*

Implementation Policy OSC-I-24 *Require all mining and sand extraction operations to mitigate completely environmental impacts, including operations affecting water quality, habitat preservation, aesthetics and bridge undermining, and to submit reclamation and ultimate use plans for City approval prior to initiating operations.*

Implementation Policy OSC-I-25 *Work with Tulare County to ensure that reclamation and ultimate use plans for mining operations land are consistent with the General Plan.*

4.12.2 Impact Assessment

Would the Project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. There are no identified mineral deposits of significance or active mine operations on the Project Site. Therefore, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, no impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. There are no identified mineral deposits of significance or active mine operations on the Project site. As a result, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Further, the site is not delineated in the General Plan, a Specific Plan, or other land use plan as a locally important mineral resource recovery site, thus it would not result in the loss of availability of a locally important mineral resource. Therefore, no impact would occur.

4.12.3 Mitigation Measures

None required.

4.13 NOISE

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?				X

4.13.1 Environmental Setting

In general, there are two (2) types of noise sources: 1) mobile sources and 2) stationary sources. Mobile source noises are typically associated with transportation including automobiles, trucks, trains, and aircraft. Stationary sounds are sources that do not move such as machinery or construction sites. Stationary sources can also include events, recreational uses, amplified systems, automotive repair facilities, building mechanical systems, and landscape maintenance. These sources can vary based on factors such as site conditions, equipment operated, and specific activities conducted. Noises generated are also directional but can vary based on site and operational characteristics.

Noise-related impacts typically affect sensitive receptors, and land uses such as residential, schools, churches, nursing homes, hospitals, and open space/recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. Noise levels for noise-sensitive receptors will vary depending on location, distance from the source, shielding by terrain and structures, and ground attenuation rates.

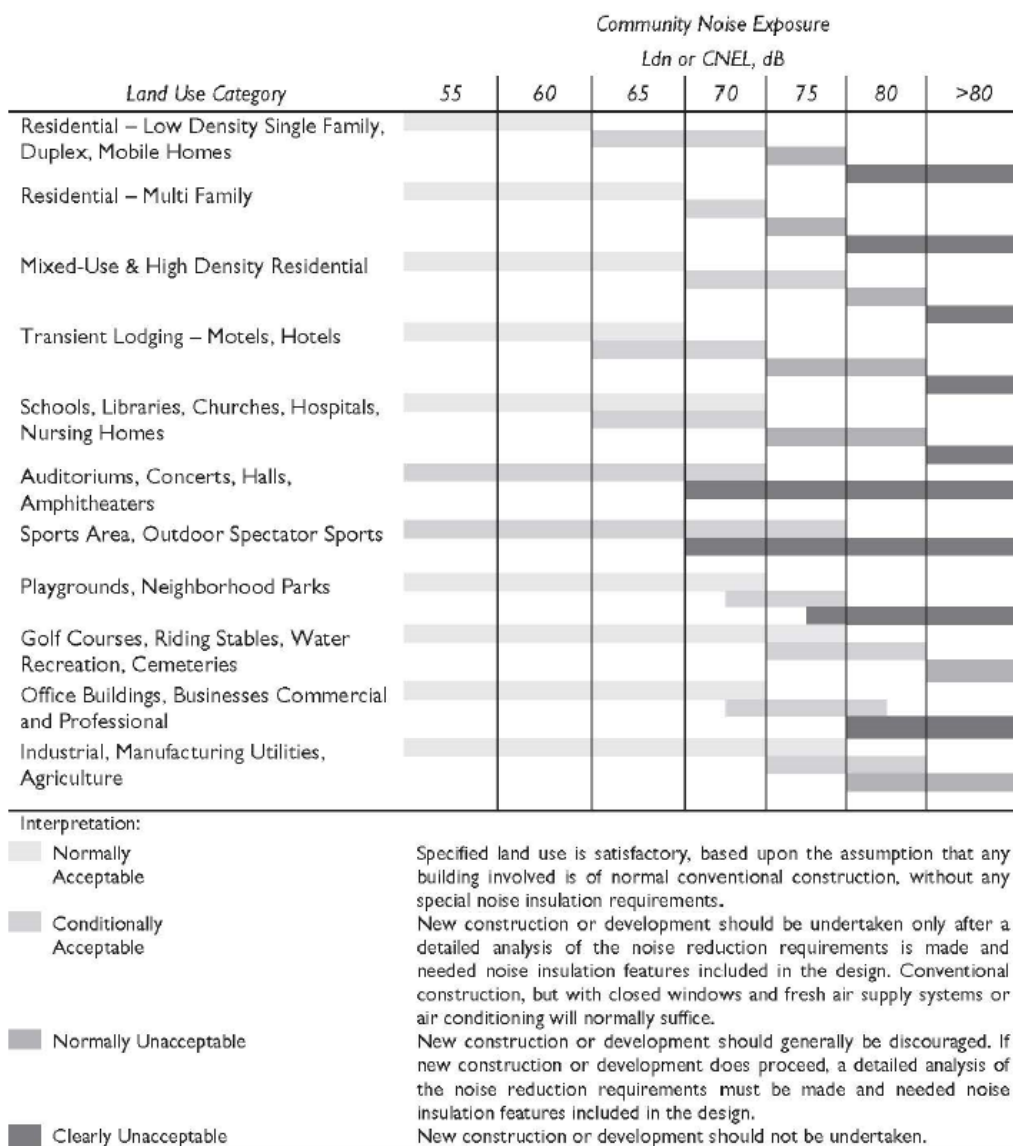
Porterville 2030 General Plan

The Porterville 2030 General Plan Noise Element sets noise compatibility standards for transportation noise sources in terms of the Day-Night Average Level (L_{dn}). The L_{dn} is the time-weighted average noise level for a 24-hour day with a penalty of 10 dB added to noise levels occurring during the nighttime hours (10:00 p.m.-7:00 a.m.).

The Noise Element establishes a land use compatibility criterion of 60 dB L_{dn} for exterior noise levels in outdoor activity areas of residential developments. Outdoor activity areas generally include backyards of single-family residences and outdoor common use areas as well as individual patios or decks of multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

The Noise Element also provides land use compatibility guidelines for community noise exposure levels. **Figure 4-6** (Table 9-1 in the General Plan Noise Element) summarizes land use compatibility guidelines for various noise exposure levels within the community. An exterior noise level up to 60 dB L_{dn} is considered “Normally Acceptable” and an exterior noise level between 60 dB L_{dn} and 70 dB L_{dn} is considered “Conditionally Acceptable” for residential land uses within the City of Porterville. Exterior noise levels above 70 dB L_{dn} are generally considered unacceptable for residential land uses.

Figure 4-6 Land Use Compatibility for Community Noise Environments



Source: City of Porterville, 2006.

The City Code of Porterville, California

The PMC, Chapter 18, Article IX, provides standards for noise levels, as discussed below.

Section 18-90.4 – Exterior Noise Standards provides thresholds of the creation of noise when measured at any affected residence, school, hospital, church or public library, as listed in Table 4-10. Additionally, each noise level shall be further reduced by five (5) dBA for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

Table 4-10 Exterior Noise Level Standards, dBA

Category	Daytime 7:00 A.M. To 10:00 P.M.	Nighttime 10:00 P.M. To 7:00 A.M.
Hourly Leq	50	45
Maximum sound level (LMAX)	70	65

Section 18-90.5 – Residential Interior Noise Standards provides thresholds of noise measured inside a dwelling unit. The maximum sound level allowed is 55 dBA LMAX during the daytime and 45 dBA LMAX during the nighttime. Similarly, each noise level shall be further reduced by five (5) dBA for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

Section 18-90.6 – Noise Source Exemptions provides a list of activities exempted from the provisions of Article IX. Some activities associated with Project construction and residential activities are listed below:

- B. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.*
- E. Any mechanical device, apparatus or equipment used, related to, or connected with emergency activities or emergency work.*
- F. Noise sources associated with construction, whether private or public, within five hundred feet (500') of the uses mentioned in subsection 18-90.4 of this article, provided such activities do not take place before six o'clock (6:00) A.M. or after nine o'clock (9:00) P.M. on any day except Saturday or Sunday, or before seven o'clock (7:00) A.M. or after five o'clock (5:00) P.M. on Saturday or Sunday.*
- G. Noise sources associated with the maintenance of residential property provided such activities take place between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. on any day except Saturday or Sunday, or between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. on Saturday or Sunday.*
- I. Noise sources associated with the collection of waste or garbage.*

Existing Ambient Noise Environment

The Project Site’s existing noise environment is impacted by various noise sources. According to the General Plan Noise Element, the Project site is located within the Projected 2030 55dB CNEL noise contour created by State Route 65 (0.15 miles west) and State Route 190 (0.4 miles north). Additionally, as previously discussed, the Project site is largely surrounded by residential uses. Associated noise from residential uses includes vehicles and typical neighborhood noise (i.e. talking, car doors shutting, dogs barking, etc.), which are usually minimized by trees and landscaping. While the Project site is located within the Airport Influence Area (AIA) of the Porterville Municipal

Airport, it is not within the Airport's community noise equivalent level (CNEL) noise contour. Other sources of noise include the vehicular traffic on S Indiana Street, which is a primary access point for the Royal Oaks subdivision adjacent to the Project.

Caltrans Transportation and Construction Vibration Guidance Manual

Some additional vibration guidance is provided by the Caltrans Transportation and Construction Vibration Guidance Manual. The Manual provides guidance for determining annoyance potential criteria and damage potential threshold criteria. These criteria are provided below in **Table 4-11** (Acoustical Analysis Table III) and **Table 4-10** (Acoustical Analysis Table IV), and are presented in terms of peak particle velocity (PPV) in inches per second (in/sec).

Table 4-11 Guideline Vibration Annoyance Potential Criteria (Acoustical Analysis Table III)

Human Response	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Barely Perceptible	0.04	0.01
Distinctly Perceptible	0.25	0.04
Strongly Perceptible	0.90	0.10
Severe	2.0	0.4

Source: Caltrans

Table 4-12 Guideline Vibration Damage Potential Threshold Criteria (Acoustical Analysis Table IV)

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile, historic buildings, ancient monuments	0.12	0.08
Fragile buildings	0.20	0.10
Historic and some old buildings	0.50	0.25
Older residential structures	0.50	0.30
New residential structures	1.0	0.50
Modern industrial/commercial buildings	2.0	0.50

Source: Caltrans

4.13.2 Impact Assessment

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?*

Less than Significant Impact. Noise generating activities of the Project would include traffic noise and stationery-source noise, such as operations and construction as described below. It is not anticipated that the Project would generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards, given the type of development proposed (i.e., residential).

Traffic Noise Exposure

Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space-recreation

areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residences to the west and east of the Project Site. The primary source of exterior, on-going noise from buildout of the Project would be from vehicles traveling to and from the site. Future build-out of the Project site would generate an increase in traffic on roadways in the Project vicinity. However, the number of new trips (i.e., 301 ADTs) associated with buildout of the Project site is not likely to increase the ambient noise levels by a significant amount as the area is active with vehicles. Additionally, increased traffic noise levels on adjacent roadways due to buildout of the Project is expected to be minimal since the trips generated do not include trucks. Accordingly, it is expected that the traffic noise levels will increase minimally and will not have a significant impact. Impacts would be less than significant.

Operational Noise Exposure

The proposed residential use is expected to generate typical neighborhood noise (i.e. talking, car doors shutting, dogs barking, etc.). These noises are expected to be minimal due to the relatively low number of units proposed (i.e., 32 units), and will not introduce a new significant source of noise that isn’t already occurring in the area. In addition, household machinery sounds (e.g., HVAC systems, refrigerators, etc.) will be confined within the interior of the buildings. As such, it is expected that the operational noise generated by the Project will be minimal and most likely not cause significant impact to existing uses. Impacts would be less than significant.

Construction Noise Exposure

Construction noise will result from construction activities through the use of construction equipment for grading the site and building the proposed structures. Construction phases would include demolition, site preparation, grading, building construction, architectural coating, and paving. Of all construction phases, it is anticipated that grading would produce the loudest noise.

Construction noise was estimated using the FHWA Roadway Construction Noise Model (RCNM) Version 1.0. For the purpose of this noise assessment, general construction equipment, including air compressors, mixers, cranes, forklifts, generator sets, graders, pavers, paving equipment, rollers, dozers, tractors, and welders, are included in the construction noise modeling. According to existing and anticipated land use within and around the Project Site, the baseline and receptors that are analyzed in the RCNM are shown in **Table 4-13**.

Table 4-13 Receptors and Baseline Analyzed in the RCNM

Location	Land Use	Total dB Lmax *	Total dB Leq **
50 feet to the west	Residential	89.5	88.3

** Total Lmax is the value for the loudest piece of equipment.*

*** This number estimates noise when all equipment is used at the same time.*

Short-term construction noises include traffic noise generated from transporting construction equipment and materials and construction worker commuting. These activities would raise noise levels near the site. According to modeling of the FHWA RCNM Version 1.0, construction noise generated from the offroad equipment is estimated to be 88.3 dB Leq if all equipment was used at the same time. Ambient noise from construction activities would cease upon completion of construction.

Although the nearby residential uses would experience elevated noise levels from construction, these activities would be temporary and would generally take place in accordance with PMC Section 18-90.6, which regulates permissible hours of construction between the hours of 6:00 am and 9:00 pm on weekdays and 7:00 am and 9:00

pm on weekends. According to the FHWA Highway Construction Noise Handbook, noise exceeding 90 Lmax in the daytime (7 am to 6 pm) and 85 Lmax in the evening (6 pm to 10 pm) is considered significant. It is not expected that the construction of the Project would exceed the construction noise thresholds of the FHWA since 1) not all construction equipment is expected to be used at the same time and 2) trees between the site and nearby residences, as well as windows and walls of the residences would provide noise reduction.

Overall, Project construction is not expected to result in a significant impact because the noise would be regulated by the PMC. Noise would thereby be generated during daylight hours and not during evening or more noise-sensitive time periods; and the increase in noise would cease upon complete build-out of the Project. For these reasons, a less than significant impact would occur.

Although the Project would result in increased ambient noise levels at the Project Site, compliance with the General Plan policies and PMC requirements would result in the Project's compliance with applicable standards. Overall, the Project would result in a less than significant impact in regard to noise.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Ground borne vibration may result from operations and/or construction, depending on the use of equipment (e.g., pile drivers, bulldozers, jackhammers, etc.), distance to affected structures, and soil type. Depending on the method, equipment-generated vibrations could spread through the ground and affect nearby buildings. The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these activities are anticipated to occur with construction or operation of the proposed Project.

The existing single-family residences located 50 feet west of the site were built in 1972 and can be categorized as "older residential structures." Typical vibration levels at distances of 50 feet are summarized by **Table 4-14**. Most of these levels are barely perceptible at 50 feet according to the vibration annoyance potential thresholds shown in **Table 4-11** and **Table 4-12**. The vibration levels are also not expected to cause damage to the nearest sensitive use, older residential structures located 50 feet from the Project Site, according to the damage potential thresholds shown in **Table 4-12**.

Table 4-14 Typical Vibration Levels During Construction

Equipment	PPV (in/sec)			
	At 25 feet	At 50 feet	At 100 feet	At 300 feet
Bulldozer (Large)	0.089	0.0415	0.011	0.006
Bulldozer (Small)	0.003	0.0014	0.0004	0.00019
Loaded Truck	0.076	0.0355	0.01	0.005
Jackhammer	0.035	0.0163	0.005	0.002
Vibratory Roller	0.210	0.098	0.03	0.013
Caisson Drilling	0.089	0.0415	0.01	0.006

Source: California Department of Transportation

As a result, it is not expected that construction activities would exceed any significant threshold levels for annoyance or damage. Additionally, operational activities related to residential uses are non-perceptible (i.e., vibration from HVAC, refrigerators, etc.) thus would not create any vibration impacts. As such, the Project would have a less than significant impact.

- c) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?*

No Impact. The Project site is located approximately 1.5 miles northeast of the Porterville Municipal Airport, within the airport influence area. Per the General Plan Noise Element, the Project site is not within the airport noise contour and is more than one (1) mile east of the closest noise contour of the airport. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels. No impact would occur.

4.13.3 Mitigation Measures

None required.

4.14 POPULATION AND HOUSING

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

4.14.1 Environmental Setting

CEQA Guidelines *Section 15126.2(d)* requires a CEQA document discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines provide an example of a major expansion of a wastewater treatment plant that may allow for more construction within the service area. The CEQA Guidelines also note that the evaluation of growth inducement should consider the characteristics of a Project that may encourage or facilitate other activities that could significantly affect the environment. Direct and Indirect Growth Inducement consists of activities that directly facilitate population growth, such as construction of new dwelling units. A key consideration in evaluating growth inducement is whether the activity in question constitutes “planned growth.”

Porterville 2030 General Plan

Development under the 2030 General Plan is discussed in the Introduction chapter of the General Plan. Full development under the General Plan is referred to as “buildout.” The total housing units expected under General Plan buildout is 34,250 units, with a buildout population of 107,300.

Porterville 2023-2031 Housing Element

Recent trends in population and housing for the City of Porterville discussed in the 2023-2031 Housing Element. According to the Housing Element, the City’s population per the American Community Survey 2016-2020 5-Year Estimates is 62,623, with 18,654 housing units.

4.14.2 Impact Assessment

Would the Project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Less than Significant Impact. The Project proposes the development of a 32-lot single-family residential development. The Project would also include off-site improvements (e.g., curb, gutter, sidewalk) and connections to existing utilities (e.g., water, sewer, power, stormwater drainage). These improvements are limited in scope and would connect to and improve the existing street and utility network. No further extension of roads or other infrastructure that could cause unplanned population growth would occur.

Based on an average household size of 4.39 per the 2020 UWMP (See [Section 4.10 Hydrology and Water Quality](#)), 32 units could generate approximately 140 new residents, thereby increasing the city's population from 62,623 to 62,763. The 32 units would also increase the total number of housing units from 18,654 to 18,686. Overall, the population and housing units generated by the proposed Project would be within the General Plan buildout. Therefore, the Project's contribution to population growth is minimal and would not induce substantial unplanned population growth, either directly or indirectly. Impacts are considered less than significant.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Less than Significant Impact. There are no residential buildings currently onsite. Therefore, the Project would not displace any existing people or housing and would not necessitate the construction of replacement housing elsewhere. Impacts would be less than significant.

4.14.3 Mitigation Measures

None required.

4.15 PUBLIC SERVICES

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?			X	
iv. Parks?			X	
v. Other public facilities?			X	

4.15.1 Environmental Setting

The Project site is located within Porterville city limits and would be subject to fees for the construction, acquisition, and improvements for public services and facilities. Public services and facilities are further described below.

Fire Protection Services

Fire protection services in the City are provided by the Porterville Fire Department (PFD). The PFD operates a total of three (3) fire stations that serve the city, with Fire Station 73 closest to the Project Site at 980 S Jaye Street, Porterville, CA 93257. Fire Station 73 is located approximately 0.5 miles northeast of the Project Site. The total staffing for PFD includes 61 personnel, 53 sworn firefighters, 1 Fire Marshall, 4 code enforcement officers, and 3 administrative staff. In 2024, PFD responded to 6,280 calls for service and 456 calls for fires. The response time goal for fire protection and emergency services is to provide service within five (5) minutes and twenty (20) seconds of the dispatch 90% of the time.³⁴

Porterville 2030 General Plan

The General Plan Public Health & Safety Element includes the following goals and policies to ensure reductions in the potential for fire hazards and fire demand:

³⁴ Porterville Fire Department (2024). 2024 Annual Report. Accessed on July 7, 2025. <https://cms9files.revize.com/PortervilleCA/departments/Fire/2024%20Annual%20Report.pdf>

Guiding Policy PHS-G-3 *Protect Porterville’s residents and businesses from potential fire hazards.*

Implementation Policy PHS-I-13 *Maintain automatic and/or mutual aid agreements with surrounding jurisdictions for fire protection.*

Implementation Policy PHS-I-14 *Enforce weed abatement programs and building and fire code requirements to assure adequate fire protection.*

Implementation Policy PHS-I-15 *Develop and expand existing public fire safety and emergency life support education programs in order to promote public awareness of fire hazards and emergency procedures.*

Implementation Policy PHS-I-16 *Establish fire hazard standards and review procedures at least equivalent to State requirements to protect new development on or adjacent to the hillsides.*

The Subdivision Ordinance and the Zoning Ordinance standards will require new development on the urban fringe to incorporate fuel breaks, fuel reduction and buffer zones to minimize potential fire losses.

Further, projects are subject to review by the PFD and to regulations and standards such as the California Uniform Fire Code (UFC), which includes regulations on construction, maintenance and building use. The UFC addresses fire department access, fire hydrants, sprinklers, fire alarm system, etc., for new buildings.

Police Protection Services

Police protection services in the City are provided by the Porterville Police Department (PPD). The PPD is located at 350 North D Street, Porterville, CA 93257, which is approximately 2.0 miles northeast of the Project Site. According to the General Plan, there are 57 peace sworn officers, and 22 civilian staff members employed, which provides a ratio of approximately 1.3 officers per thousand residents. According to the PPD, a ratio of 1.2 police officers per thousand residents would support adequate law enforcement efforts at buildout of the General Plan.

Schools

Educational services within the City of Porterville are provided by Porterville Unified School District, Burton School District, and Tulare County Office of Education (TCOE). The three (3) school districts operate 28 public schools within the City’s Planning Area. The Project Site is located within the Porterville Unified School District (PUSD), which includes 10 elementary schools, four (4) middle schools, eight (8) high schools, adult school, preschool programs, and a community day school. The nearest school is Pioneer Middle School and Vandalia Elementary School located approximately 1.3 miles to the east of the site.

The Porterville 2030 General Plan projected the generation of 13,069 new students at buildout of the General Plan, resulting in a total of 30,814 students, which would produce a demand of 12 new elementary schools, two (2) new middle schools, and three (3) new high schools. Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code Section 65995 *et. seq.* (State statutes) which govern the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.” A School District Developer Fee would be assessed for development based on the rates in place at the time payment is due.

Parks and Recreation

Park and recreation facilities are overseen by the City of Porterville Parks & Leisure Services Department. According to the General Plan, there are 15 planned and existing parks within the City, totaling 295 acres of parkland, which

provides a parkland to population ratio of 4.7 acres of parkland per thousand people in 2020. This meets the 1975 Quimby Act, which requires a minimum of three (3) acres per thousand residents. However, it does not meet the City's park standard for neighborhood and community parks, which requires five (5) acres per thousand residents. This could be provided through in-lieu fees that would be used for any capacity-building park and recreation facility improvements.

Porterville 2030 General Plan

The General Plan Parks, Schools, and Community Facilities Element also established policies for parks and recreational facilities, as listed below.

Guiding Policy PSCF-G-1 Establish and maintain a high-quality, enjoyable, and attractive public park system for the entire community.

Guiding Policy PSCF-G-2 Provide park and recreation facilities within close proximity to residents they are intended to serve.

Implementation Policy PSCF-I-5 Require developers for new neighborhoods to agree to the establishment of, or annexation into, a Park Maintenance District in new neighborhoods.

Implementation Policy PSCF-I-8 Provide lighted facilities for active community recreation areas in order to extend usability, whenever possible.

Address compatibility with surrounding uses and use energy-efficient lighting design with limited glare and spillover.

Implementation Policy PSCF-I-9 Design park and recreation facilities to be as flexible as possible, so that they may adapt to changes in the population served and in the recreation programs offered.

Changing neighborhood demographics can lead to different user requirements over the life of a park. By having flexible park facilities, this will enable the park to adapt to the changing needs of the adjacent neighborhood.

Implementation Policy PSCF-I-10 Place neighborhood and community parks at the core of new neighborhoods and co-locate parks and school sites where possible, as depicted on the General Plan Land Use Diagram.

Implementation Policy PSCF-I-11 Combine use of park, recreation, and open space lands with drainage facilities and school facilities, where feasible.

Implementation Policy PSCF-I-14 Develop a safe and efficient trail network throughout the City that links parks and other key City destinations.

4.15.2 Impact Assessment

Would the Project:

a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

i. Fire protection?

Less than Significant Impact. The Project site is currently served by the Porterville Fire Department (PFD). PFD Fire Station 73 is located approximately 0.5 miles east of the Project Site. The Project's proximity to the existing fire station would support adequate service ratios, response times, and other performance objectives for fire protection services. Additionally, through the entitlement and building permit process, the Project would be required to comply with the CBC and Uniform Fire Code to ensure fire safety elements are incorporated into Project design. Proposed interior streets would be required to provide appropriate widths and turning radii to safely accommodate emergency response and the transport of emergency/public safety vehicles. The Project would also be designed to meet City requirements regarding water flow, water storage requirements, hydrant spacing, infrastructure sizing, and emergency access. Through compliance, impacts would be less than significant.

ii. Police protection?

Less than Significant Impact. The Project Site would be served by the Porterville Police Department (PPD). The PPD is located at 350 North D Street, Porterville, CA 93257, which is approximately 2 miles northeast of the Project Site. The Project's proximity to the existing station would support adequate service ratios, response times, and other performance objectives for police protection services. For these reasons, it can be determined that the Project would not result in the need for new or altered facilities that could have an environmental impact and a less than significant impact would occur.

iii. Schools?

Less than Significant Impact. The Project Site is within the Porterville Unified School District (PUSD). The nearest schools are Pioneer Middle School and Vandalia Elementary School located approximately 1.3 miles to the east of the site. Since residential development is proposed, the Project would introduce residents to the area and therefore could generate new students that would increase the school districts' enrollment. To offset impacts of the development, a School District Developer Fee would be assessed for the Project based on the rates in place at the time payment is due. As stated in Government Code Section 65995 *et seq.*, payment of a school impact fee is deemed full and complete mitigation for potential impacts to schools caused by development. Therefore, payment of the assessed School District Developer Fee would reduce impacts related to new school facilities resulting from implementation of the Project and impacts would be less than significant.

iv. Parks?

Less than Significant Impact. Park and recreational facilities are typically impacted by an increase in use from residential development. The Project proposes residential development that would introduce residents to the area and therefore could increase the demand for and use of existing public parks or other recreational facilities. The City aims to maintain a standard of five (5) acres of combined park and open space land per 1,000 residents. The Project proposes approximately 9,241 square feet of open space including a 10-foot-wide walking trail. The Project would also be required to pay in-lieu fees to mitigate any potential remaining impacts to the City's existing park and recreation facilities generated by the incremental population increase. The combination of dedication of land and payment of in-lieu fees would reduce any impacts resulting from increased residential demand for park and recreational facilities so as to not cause substantial physical deterioration of the public facilities. For these reasons, the Project would have a less than significant impact.

v. Other public facilities?

Less than Significant Impact. The Project would introduce new residents to the area, which could incrementally increase demand for various public facilities such as courts, libraries, and hospitals. However, the Project's contribution to this increased demand is not expected to result in a substantial need for new or physically altered public facilities. The City and surrounding region are served by existing courts, libraries, and hospitals. These facilities are designed to accommodate a certain level of population growth, and the Project's contribution to that growth (i.e., 140 residents) is relatively small in the context of the overall service area. While the Project would add new residents, the increase in demand for these public services is expected to be incremental and within the capacity of existing facilities. The Project's impact on these services would be dispersed among the broader population served by these facilities. If such facilities are proposed for future expansion, the expansion would be subject to CEQA and further environmental review. The Project may also contribute impact fees that support the provision of public services, helping to ensure that service levels are maintained as the city grows. Impacts would be less than significant.

4.15.3 Mitigation Measures

None required.

4.16 RECREATION

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

4.16.1 Environmental Setting

See [Section 4.15. Public Facilities.](#)

4.16.2 Impact Assessment

Would the Project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. Park and recreational facilities are typically impacted by an increase in use from residential development. The Project proposes residential development that would introduce residents to the area and therefore could increase the demand for and use of existing public parks or other recreational facilities. The City aims to maintain a standard of five (5) acres of combined park and open space land per 1,000 residents. The Project proposes approximately 9,241 square feet of open space including a 10-foot-wide walking trail. The Project would also be required to pay in-lieu fees to mitigate any potential remaining impacts to the City's existing park and recreation facilities generated by the incremental population increase. The combination of dedication of land and payment of in-lieu fees would reduce any impacts from increased demand for park and recreational facilities to not cause substantial physical deterioration of the public facilities. Impacts would be less than significant.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Less than Significant Impact. The Project proposes approximately 9,241 square feet of open space including a 10-foot-wide walking trail on site that would provide open space and recreational opportunities for residents. The Project would not require the construction or expansion of off-site recreational facilities. As a result, a less than significant impact would occur.

4.16.3 Mitigation Measures

None required.

4.17 TRANSPORTATION

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

4.17.1 Environmental Setting

The Project site is currently vacant with no structures or on-site improvements (i.e., roads, curb, gutter, sidewalk). The Project site has street frontage along S Wisconsin Street on the western edge and along S Indiana Street along the eastern edge. South Indiana Street is designated as a Major Arterial (4 Lanes) in the Porterville 2030 General Plan Circulation Network.

2022 Regional Active Transportation Plan for the Tulare County Region

The 2022 Regional Active Transportation Plan (RATP) for the Tulare County Region, approved April 18, 2022, was prepared as a response to recognition of the benefits of active transportation and a more diverse transportation for the county. The objective of the RATP is 1) provide a foundation for the pedestrian and bicycle component of the Tulare County Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS), and 2) identify high-priority projects to better compete for federal, state, and regional funding.³⁵ The RATP provides assessment and identifies priority projects for the county as well as cities within the County, including the City of Porterville.

According to the RATP, 1.7% of commuters walked to work and 0.5% of commuters biked to work in the City of Porterville. Traffic collisions in the City includes 27 pedestrian victims (1 killed, 4 severely injured) and 24 bicyclist victims (0 killed, 1 severely injured) in 2019. The roads with the highest numbers of collisions in the City are Henderson Avenue, Morton Avenue, Olive Avenue, Putnam Avenue and Westfield Avenue. Priority projects in the City of Porterville include:

³⁵ Tulare County Association of Governments. (2022). 2022 Regional Active Transportation Plan for the Tulare County Region. Accessed July 7, 2025, https://tularecog.org/sites/tcag/assets/File/TCAG%202022%20RATP_.pdf

1. Morton Avenue crosswalk warning lights
2. Orange Avenue crosswalk warning lights
3. Main Street crosswalk warning lights
4. Tule River Parkway multi-use trail, Phase IV
5. Porterville citywide bikeway network
6. Putnam and Elderwood Pedestrian Corridor
7. Butterfield Stage Corridor

Porterville 2030 General Plan

The Circulation Element of the Porterville 2030 General Plan established policies to maintain the operations of existing roadway systems as new development occurs. These policies aim to prevent negative impacts caused by new developments and ensure that adequate transportation system is provided. The following goals and policies are generally applicable to the proposed Project.

Implementing Policy C-I-2 *Require all new developments to provide right-of-way and improvements consistent with the General Plan street designations and City street section standards.*

Implementing Policy C-I-3 *Provide for greater street connectivity by:*

- *Incorporating in subdivision regulations requirements for a minimum number of access points to existing local or collector streets for each development;*
- *Encouraging roundabouts over signals, where feasible and appropriate;*
- *Requiring the bicycle and pedestrian connections from cul-de-sacs to nearby public areas and main streets; and*
- *Requiring new residential communities on undeveloped land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development should connect to these stubs.*

Implementing Policy C-I-5 *Install traffic calming devices, such as signage and bulbs, as needed and appropriate in existing neighborhoods.*

Implementing Policy C-I-6 *Require the installation of landscaping in center medians and at major intersections to minimize summer heat and enhance the character of the streetscapes.*

For small-lot subdivisions (with an average lot size of 6,000 square feet or less), the planter strip for a local street may be omitted if:

- *A five-foot sidewalk is provided on both sides of the street and trees are provided in the front yards of private lots parallel with the sidewalk at the minimum frequency required for street trees; and/or*
- *Street trees are provided in landscaped bulb-outs into the parking lane at intersections.*

Alternatively, where a planter strip is provided along a local street, the front setback for buildings may be reduced an additional two feet from the normally required setback.

Implementing Policy C-I-7 *Require street tree planting as part of an urban forestry program.*

Guiding Policy C-G-6 *Maintain acceptable levels of service and ensure that future development and the circulation system are in balance.*

Implementing Policy C-I-8 Develop and manage the roadway system to obtain LOS D or better during the peak hour for all major roadways and intersections in the City. This policy does not extend to residential streets (i.e., streets with direct driveway access to homes) or state highways and their intersections, where Caltrans policies apply. Exceptions to LOS D policy may be allowed by the City Council in areas such as downtown and at highway interchanges, where allowing a lower LOS would result in clear public benefits.

No new development will be approved unless it can be shown that required level of service can be maintained on the affected roadways or there are specific benefits that justify accepting a lower level of service.

Implementing Policy C-I-9 Develop and manage local residential streets (i.e., streets with direct driveway access to homes) to limit average daily vehicle traffic volumes to 2,500 or less and 85th percentile speeds to 25 miles per hour or less.

Neighborhood traffic control measures to be considered include: regulatory devices, such as right-of-way controls, speed limits, and parking regulations; as well as geometric fixtures such as roundabouts, semi-diverters, and diagonal diverters.

Implementing Policy C-I-10 Require traffic impact studies for all General Plan amendments that will generate more than 100 peak hour trips.

Exceptions may be granted where traffic studies have been completed for adjacent development. The City's new traffic model developed for the 2030 General Plan will facilitate this analysis.

Guiding Policy C-G-7 Ensure that new development pays its fair share of the costs of transportation facilities.

Implementing Policy C-I-12 Continue to require that new development pay a fair share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels.

Implementing Policy C-I-14 Require new development that will have an impact on regional transportation facilities to pay a regional transportation impact fee.

Implementing Policy C-I-16 Ensure that new development is designed to make transit a viable choice for residents. Design options include:

- Have neighborhood focal points with sheltered bus stops;
- Locate medium-high density development whenever feasible near streets served by transit; and
- Link neighborhoods to bus stops by continuous sidewalks or pedestrian paths.

The General Plan Circulation Element also planned bikeway networks within the City. Within the vicinity of the Project Site, there are no existing or proposed bicycle facilities.

Implementing Policy C-I-17 Establish bicycle lanes, bike routes and bike paths consistent with the General Plan.

Implementing Policy C-I-19 Increase bicycle safety by:

- Sweeping and repairing bicycle lanes and paths on a regular basis;
- Ensuring that bikeways are delineated and signed in accordance with Caltrans' standards, and lighting is provided, where needed;
- Providing bicycle paths or lanes on bridges and overpasses;

- *Ensuring that all new and improved streets have bicycle-safe drainage grates and are free of hazards such as uneven pavement and gravel;*
- *Provide adequate signage and markings warning vehicular traffic of the existence of merging or crossing bicycle traffic where bike routes and paths make transitions into or across roadways; and*
- *Work with the school districts to promote classes on bicycle safety in the schools.*

Implementing Policy C-I-20 *Give bikes equal treatment in terms of provisions for safety and comfort on arterials and collectors as motor vehicles.*

Implementing Policy C-I-21 *Develop a series of continuous walkways within new office parks, commercial districts, and residential neighborhoods so they connect to one another.*

SB 743 Technical Advisory

In April 2018, the Governor's Office of Planning and Research (OPR) issued the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) (revised December 2018) to provide technical recommendations regarding VMT, thresholds of significance, and mitigation measures for a variety of land use Project types.

The Technical Advisory includes screening thresholds for agencies to use in order to identify when a Project should be expected to cause a less-than-significant impact without conducting a detailed study.

- **Screening Thresholds for Small Project.** Absent substantial evidence indicating that a Project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, Projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact. This threshold is based on a CEQA categorical exemption for existing facilities, including additions to existing structures of up to 10,00 square feet, so long as the Project is in an area where public infrastructure is available to allow for maximum planned development and the Project is not in an environmentally sensitive area.
- **Map-Based Screening Threshold for Residential and Office Projects.** Residential and office Projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT. Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential and office Projects from needing to prepare a detailed VMT analysis.
- **Presumption of Less Than Significant Impact Near Transit Thresholds.** Proposed CEQA Guideline Section 15064.3, subdivision (b)(1), states that lead agencies generally should presume that certain Projects (including residential, retail, and office Projects, as well as Projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less-than-significant impact on VMT. This presumption would not apply, however, if Project-specific or location-specific information indicates that the Project will still generate significant levels of VMT.
- **Presumption of Less Than Significant Impact for Affordable Residential Development.** Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Therefore, a Project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.

According to the Technical Advisory, lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types. The City of Porterville has not developed their own specific thresholds; however, the City does use Tulare County's Guidelines.

County of Tulare SB 743 Guidelines

In June of 2020, the County of Tulare published their own specific thresholds and guidelines related to VMT and SB 743 titled "County of Tulare SB 743 Guidelines," which were adopted by the City of Porterville on September 21, 2021. The Guidelines are based on statewide guidance provided by OPR, but include clarifications and details tailored for and specific to local conditions in Tulare County. The Guidelines provide guidance for land development projects on screening criteria, VMT analysis, significance thresholds and potential mitigation.

The Guidelines outline screening criteria for projects that would have a less than significant transportation impact due to project size or project type. If a project meets at least one of the screening criteria, it would not require a detailed VMT analysis. The screening criteria most relevant to the proposed Project is "Small Projects." For Tulare County, projects that generate less than 500 trips per day can be presumed to have a less than significant impact.

4.17.2 Impact Assessment

Would the Project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

Less Than Significant Impact. The Project would be required to comply with all project-level requirements implemented by a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Compliance is further discussed below. Overall, the Project would not conflict with a program plan, ordinance, or policy addressing the circulation system. Impacts would be less than significant.

Roadway Facilities

The Project proposes an internal network of local streets with two (2) points of ingress/egress on Wisconsin Street and one (1) point of ingress/egress on South Indiana Street. All roadways within the proposed subdivision would be designed in accordance with City standards and would have curb, gutter, and sidewalk. In addition, Indiana Street and Wisconsin Street in proximity to the Project site would be improved to their ultimate rights-of-way, with curb, gutter, and sidewalk, in addition to landscaping. The Project would be required to submit public improvement plans for off-site improvements through the building permit process, for review and approval by the City to ensure improvements would be consistent with adopted standards, specifications, and approved street plans. Through compliance, the Project would result in improvements to the roadway network consistent with the goals, objectives, and policies of the General Plan as shown on the Circulation Diagram and described in the Circulation Element.

Pedestrian and Bicycle Facilities

There are no existing pedestrian or bicycle facilities along the street frontages in proximity to the Project Site. The General Plan Circulation Element does not identify any future facilities in this area. However, the Project would result in public street improvements along Indiana Street and Wisconsin Street, including concrete curb, gutter, sidewalk, and paving per City of Porterville Standard Plans and Specifications. Off-site improvements would be

verified and ensured through the Building Permit process. Provision of the pedestrian and bicycle facilities would be ensured through the Building Permit process. The Project would be consistent with the General Plan and thereby would not conflict with a program, plan, ordinance, or policy addressing bicycle and pedestrian facilities.

Transit Facilities

There are no existing or planned transit facilities adjacent to the Project Site as identified by the General Plan. The closest bus stop to the Project is more than one (1) mile east of the Project site at Porterville College. The Project would not conflict with a program, plan, ordinance, or policy addressing transit facilities.

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

Less than Significant Impact. The Project proposes 32 single-family lots. Using the 11th Edition Institute of Transportation Engineers (ITE) Trip Generation Manual, 32 single-family lots are expected to generate 301.76 average daily trips (ADTs) ($9.43 \text{ average rate} \times 32 \text{ dwelling units} = 301.76 \text{ ADTs}$). Per the Tulare County VMT Guidelines, projects that generate less than 500 trips per day can be presumed to have a less than significant impact. Because the Project would generate less than 500 trips, it can be presumed to have a less than significant impact. Therefore, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3(b) and impacts would be less than significant.

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

Less than Significant Impact. The Project design does not contain any geometric design features that would create hazards. Implementation of the Project would not require the improvement and expansion of the roadway network serving the Project Site. two (2) points of ingress/egress on Wisconsin Street and one (1) point of ingress/egress on South Indiana Street. All roadways within the proposed subdivision would be designed in accordance with City standards and would have curb, gutter, and sidewalk. In addition, Indiana Street and Wisconsin Street in proximity of the Project site would be improved to their ultimate rights-of-way, with curb, gutter, and sidewalk, in addition to landscaping. The Project would be required to submit public improvement plans through the Building Permit process for review and approval by the City to ensure offsite improvements would be consistent with adopted City Standards, Specifications, and the approved street plans. Compliance with such standards, specifications, and plans would ensure that any traffic hazards are minimized. Lastly, the Project proposes a residential development of a site that is within an area comprising existing and planned residential uses. Therefore, the Project does not propose an incompatible use because it is consistent with the existing development in the area and is similar in nature to the surrounding uses. As a result, implementation of the Project would result in a less than significant impact related to hazards due to roadway design features or incompatible uses.

d) Result in inadequate emergency access?

Less than Significant Impact. The Project site would be accessible via the existing roadway network, with proposed ingress/egress on adjacent streets. The Project would not alter or impede any primary evacuation routes. While temporary lane closures may occur during construction, these would be managed through approved traffic control plans and encroachment permits to maintain emergency vehicle access. Post-construction, the Project would maintain adequate emergency access, including appropriate turning radii for emergency vehicles, clearly marked fire lanes, and sufficient hydrant access. The City's review and approval process would ensure compliance with all

applicable codes and regulations related to emergency access and evacuation. Therefore, the Project would not impair emergency response or evacuation plans, and the impact is considered less than significant.

4.17.3 Mitigation Measures

None required.

4.18 TRIBAL CULTURAL RESOURCES

Would the Project: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or,		X		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

4.18.1 Environmental Setting

See [Section 4.5. Cultural Resources](#).

4.18.2 Impact Assessment

Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or*

Less than Significant Impact with Mitigation Incorporated. Public Resources Code Section 21074 defines a "tribal cultural resource" as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources or listed in a local register of historical resources. Public Resources Code (PRC) Section 5020.1(k) further clarifies that a local register of historical resources is a list of properties officially designated as historically significant by a city or county through a local ordinance or resolution.

As discussed in **Section 4.5 Cultural Resources**, a CHRIS record search, consultation with four (4) Native American tribes, and a Sacred Lands File check were conducted for the project site and surrounding area. These efforts, which specifically sought to identify known tribal cultural resources, did not identify any such resources within the Project boundaries. Therefore, the Project would not impact any known tribal cultural resources listed or eligible for listing in the California Register or a local register.

However, recognizing the possibility of encountering undiscovered tribal cultural resources during ground-disturbing activities, the Project would incorporate **Mitigation Measure CUL-1**. This measure would protect any inadvertently discovered cultural resources, including tribal cultural resources as defined in PRC Section 21074. Specifically, this measure outlines a stop-work and assess procedure during the construction phases of the project including stop work, expert consultation, City notification, resource evaluation and protection, and long-term preservation to avoid or minimize potential impacts. This measure directly addresses potential impacts to undiscovered tribal cultural resources that might meet the criteria of PRC Section 21074.

Therefore, considering the negative findings of the record search and tribal consultation regarding known resources, and the implementation of **Mitigation Measure CUL-1** to address potential impacts to undiscovered resources, the Project is not anticipated to cause a substantial adverse change in the significance of a tribal cultural resource. Potential impacts to unknown resources, if any, will be reduced to a less than significant level through the procedures outlined in **Mitigation Measure CUL-1**. Impacts would be less than significant.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than Significant Impact with Mitigation Incorporated. Public Resources Code (PRC) Section 5024.1 outlines criteria for determining the historical significance of a resource. While the Project site has not been formally designated as a historical resource by the City of Porterville under this section, undiscovered tribal cultural resources, potentially meeting the criteria of PRC 5024.1, could be encountered during ground-disturbing activities.

As discussed previously, a CHRIS record search, tribal consultation, and a Sacred Lands File check were conducted. These efforts did not identify any known tribal cultural resources on the project site. However, the possibility of encountering undiscovered resources, potentially meeting the significance criteria of PRC Section 5024.1, remains.

To address this possibility, the Project would incorporate **Mitigation Measure CUL-1**. This measure would protect any inadvertently discovered cultural resources, including tribal cultural resources as defined in PRC Section 21074. Specifically, this measure outlines a stop-work and assess procedure during the construction phases of the project including stop work, expert consultation, City notification, resource evaluation and protection, and long-term preservation to avoid or minimize potential impacts.

Therefore, considering the negative findings of the record search and tribal consultation regarding known resources, and the implementation of **Mitigation Measure CUL-1** to address potential impacts to undiscovered resources that might meet the criteria of PRC Section 5024.1, the Project is not anticipated to cause a substantial adverse change in the significance of a tribal cultural resource. Potential impacts to unknown resources, if any, will be reduced to a less than significant level through incorporation of **Mitigation Measure CUL-1**. Impacts would be less than significant.

4.18.3 Mitigation Measures

Mitigation Measure CUL-1: *In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:*

If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be provided to the City of Porterville Community Development Department.

The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City's policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Porterville Community Development Department.

If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Porterville Community Development Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the City of Porterville Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

4.19 UTILITIES AND SERVICE SYSTEMS

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effect?			X	
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

4.19.1 Environmental Setting

The Project Site is within Porterville city limits and thus would be required to connect to the city's water, wastewater, and stormwater services. Natural gas, electricity, and telecommunications are provided by private companies. Each utility system is described below.

Water

Water supply, usage, and services are described in [Section 4.10](#).

Wastewater

The City of Porterville Public Works Department operates and maintains the City's municipal wastewater facilities. There are approximately 150 miles of sewer pipe with diameters between six (6) inches to 36 inches; the majority of the sewer pipe is 12-inch. The primary existing trunk line adjacent to the Project Site is located within Indiana

Street. This sewer system services the entire General Plan Planning Area, which includes approximately 75.2% of the City's Urban Area Boundary and all of the City's Urban Development Boundary. The remaining area that is within the Urban Area Boundary but outside the Urban Development Boundary is supported by on-site private septic systems.³⁶

The City's wastewater is processed through the Porterville Wastewater Treatment Facility (WWTF), which has a capacity of eight million gallons per day. Due to the City's flat topography, the sewer flows are conveyed via 18 different lift stations throughout the City.

Solid Waste

The City of Porterville Public Works department provides solid waste collection services for residential, commercial, and industrial developments in the City. The City provides self-hauled waste services, and contracts with Pena's disposal for the transfer of recyclables and organic waste. The City hauls regular waste to the Woodville Landfill. This landfill is permitted to receive a maximum of 1,070 Tons Per Day. The remaining capacity is 9,331,760 Cubic Yards. Teapot Dome Landfill is now closed.³⁷

Stormwater

Stormwater services are described in **Section 4.10**.

Natural Gas and Electricity

According to the Porterville 2030 General Plan, Southern California Edison is the electricity service provider. Power is provided through both overhead and undergrounded lines, with all new development required to underground power transmission lines. Natural gas is provided to residents through Southern California Gas Company.

Telecommunications

Telecommunications providers in the area incrementally expand and update their service systems in response to usage and demand. Upon request, the site would be connected to existing broadband infrastructure and subject to applicable connection and service fees.

4.19.2 Impact Assessment

Would the Project:

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

Less than Significant Impact. The Project would connect to existing municipal water mains in the adjacent roadways. The existing mains would not require upsizing or relocation to facilitate the proposed development. The water system improvements for the Project would be designed and constructed in accordance with City standards and

³⁶ 2030 Porterville General Plan Public Utilities Element, Accessed July 7, 2025, http://www.ci.porterville.ca.us/depts/communitydevelopment/documents/Chapter8PublicUtilities_000.pdf

³⁷ 2030 Porterville General Plan Public Utilities Element, Accessed July 7, 2025, http://www.ci.porterville.ca.us/depts/communitydevelopment/documents/Chapter8PublicUtilities_000.pdf

requirements, as verified through the building permit process. As discussed in criterion b), the Project's estimated water demand would be 28.07 AFY which would fall within the projected supplies for all normal years and dry years. Further, the Project's adherence to regulatory requirements, implementation of water conservation measures, and payment of capacity and connection fees would ensure its water demand remains within acceptable limits, thus minimizing its impact on groundwater supplies and resulting in a less than significant impact.

The Project would also connect to existing municipal sanitary sewer mains in the adjacent roadways. The existing mains would not require upsizing or relocation to facilitate the proposed development. The sewer system improvements for the Project would be designed and constructed in accordance with City standards and requirements, as verified through the building permit process. As discussed in criterion c), the Project's estimated wastewater demand would be 25,060 gpd. The estimated generation for the Project represents less than one (1) percent of Porterville's allocated capacity and falls within the wastewater treatment facility's existing capacity to treat the Project's wastewater. Further, the Project's would be required to pay sewer facilities development fees and connection fees, contributing to the funding of adequate sewer facilities. For these reasons, impacts would be less than significant.

The Project would connect to existing storm drain facilities in adjacent roadways. The Project would incorporate storm water drainage infrastructure designed in compliance with all applicable codes and standards to manage stormwater runoff effectively, as ensured through City reviewed and approved grading and drainage plans. As discussed in [Section 4.10](#), the Project's compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs would control and direct runoff. The existing facilities would not require relocation or expansion of new facilities to facilitate the proposed development. Impacts would be less than significant.

Southern California Gas Company (SoCalGas) would provide natural gas and Southern California Edison (SCE) would provide electricity, and a telecommunications provider would serve the site. The Project would relocate and underground the utilities on the site. The construction and operations of the Project would be subject to compliance with applicable energy efficiency regulations including CALGreen, Title 24, and CARB. No new expanded facilities would be required for electric, gas, or telecommunications facilities. Impacts would be less than significant.

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

Less than Significant Impact. Water supply reliability is assessed in the City's 2020 Urban Water Management Plan (UWMP) based on the characteristics of the City's water supplies during various water year types, including Normal Year, Single Dry Year, and Multiple Dry Years (or Five-Consecutive-Year Drought). The supply, demand, and surplus for the three hydrologic conditions are shown in [Table 4-15](#). As shown, water supply is assumed to be 100 percent reliable through the three (3) hydrologic conditions over the timeframe.

Table 4-15 City of Porterville Water Supply and Demand Comparison, Hydrologic Conditions, 2025 - 2040

	2025	2030	2035	2040
Normal Year				
Total Supply	8,542	8,834	9,166	9,539
Total Demand	5,731	6,497	7,337	8,322
Surplus	2,812	2,337	1,829	1,217
Single Dry Year				
Total Supply	8,345	8,589	8,862	9,168
Total Demand	4,789	5,364	6,007	6,728

Surplus	3,556	3,225	2,855	2,440
Multiple Dry Year				
Year 1				
Total Supply	8,542	8,834	9,166	9,539
Total Demand	4,430	4,961	5,556	6,223
Surplus	4,113	3,873	3,610	3,316
Year 2				
Total Supply	8,012	8,245	8,511	8,809
Total Demand	4,726	5,294	5,929	6,640
Surplus	3,285	2,952	2,582	2,168
Year 3				
Total Supply	7,879	8,098	8,347	8,626
Total Demand	4,789	5,364	6,007	6,728
Surplus	3,090	2,734	2,340	1,898
Year 4				
Total Supply	7,215	7,361	7,528	7,714
Total Demand	4,342	4,863	5,447	6,101
Surplus	2,873	2,498	2,081	1,613
Year 5				
Total Supply	7,215	7,361	7,528	7,714
Total Demand	3,491	3,910	4,379	4,905
Surplus	3,724	3,451	3,148	2,809

Source: City of Porterville 2020 Urban Water Management Plan

To determine the estimated water use for the Project, the UWMP calculation methods were used. According to the UWMP, the average household size in Porterville is 4.39 people per household. Applying a 4.39 average would equal approximately 140 people (4.39 people per household x 32 units = 140 people). At 179 gpcd, the Project would require approximately 9.1MG per year of potable water per year (140 residents x 179 gpcd x 365 days = 9,146,900 gallons of potable water per year) or 28.07 acre/feet per year (AFY) (9,146,900 gallons per year / 325,851 gallons = 28.07 acre/feet). Project demands would fall within the projected supplies for all normal years and dry years. Therefore, the City would have sufficient water supplies to serve the Project and planned future demands, and impacts would be less than significant.

Furthermore, as discussed under [Section 4.10](#), adherence to connection requirements and recommendations pursuant to the City's conservation efforts (e.g., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact water supply or impede water management. In particular, the proposed Project would be required to be built accordance with all mandatory outdoor water use requirements as outlined in the applicable California Green Building Standards Code, Title 24, Part 11, Section 4.304 – Outdoor Water Use and verified through the building permit process. As a residential development that would contain landscaping pursuant to SMC regulations, future development shall comply with the updated Model Water Efficient Landscape Ordinance (MWELO) (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the building permit process. Therefore, through compliance, the potential for the Project to substantially decrease groundwater supplies is limited and impacts would be less than significant.

Overall, based on the information collected from the UWMP, the Project would not generate significantly greater water demand that would substantially decrease groundwater supplies. Additionally, adherence to connection requirements and recommendations pursuant to water conservation efforts as well as compliance with applicable

California Green Building Standards Code and MWELO would reduce water demand and reduce the potential for the Project to substantially decrease water supply available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. For these reasons, the Project would have a less than significant impact.

- c) Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?*

Less than Significant Impact. According to the 2020 UWMP, the City owns and operates a citywide wastewater collection and treatment system. The City's existing sewer collection system consists of 2,728 manholes, 24 lift stations, 9,880 feet of force mains, and 48.4 miles of gravity sewer pipes. The City owns and operates the existing wastewater treatment facility (WWTF) under the current Waste Discharge Requirements (WDRs) Order No. R5-2008-304. The WWTF is located on the corner of N. Prospect Street and W. Morton Avenue near Veterans Park. The WWTF was originally designed with a hydraulic capacity of approximately 1.8 mgd. It was upgraded to 4.0 mgd in 1978 and again in 1994 to 8.0 mgd. The City's Waste Discharge Requirements Order restricts the monthly average daily discharge to 5.3 mgd. According to the City's 2020 UWMP the City contributed a total of 1,712 MG (4.69 mgd) of wastewater flow into the WWTF.

Sanitary sewer service would be provided to the site by the City through connections in adjacent roadways. If wastewater generation accounts for approximately 100 percent of water use, maximum buildout of the Project site would result in an estimated wastewater generation of approximately 25,060 gpd. This would account for less than one percent of the WWTF capacity. Therefore, the wastewater treatment plant would have the capacity to meet the wastewater generated from maximum buildout of the site and the Project's impacts on wastewater facilities would be less than significant.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Less than Significant Impact. The Porterville 2030 General Plan Public Utilities Element contains **Guiding Policy PU-G-5** which requires the City to achieve and maintain the State's solid waste management goals. Solid waste services are subject to the California Integrated Waste Management Act of 1989 (AB 939), which requires each jurisdiction in California to divert at least 50% of its waste stream away from landfills either through waste reduction, recycling, or other means.

The City of Porterville provides solid waste, recycling, and composting services. The City disposes solid waste at the Teapot Dome Landfill (SWIS Number 55-AA-0004). This landfill is permitted to receive a maximum of 600 tons per day and has a remaining capacity of 998,468 cubic yards, with an estimated closure date that lapsed in 2004. As of 2022, Teapot Dome was no longer taking non-refuse disposal, nor is it open to the public. Once Teapot Dome reaches capacity, waste will be diverted to Woodville Landfill (SWIS Number 54-AA-0008). Woodville Landfill is

permitted to receive a maximum of 1,078 tons per day and has a remaining capacity of 7,093,145 cubic yards and is expected to cease operations in 2043.³⁸

Construction

CALGreen mandates locally permitted new residential building construction and demolition to recycle and/or salvage for reuse a minimum 65% of the nonhazardous construction and demolition debris generated during the Project. Further, the recycling of construction and demolition materials is required for any City-issued building or demolition permit that generates at least eight cubic yards of material by volume. Therefore, the Project would be required to implement techniques to reduce and recycle waste during construction activities in accordance with mandatory requirements under CALGreen as implemented through the building permit process. Compliance would be ensured through the building permit process. Therefore, through compliance, solid waste generated through construction activities is not anticipated to generate solid waste in excess of state or local standards, in excess of the capacity of the local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, the Project would have a less than significant impact.

Operations

The Project is anticipated to generate approximately 41.8 tons of solid waste per year as estimated by CalEEMod (**Appendix A**). The estimation accounts for compliance with AB 939. Solid waste generated through Project operations would account for less than 0.1 percent of the daily permitted throughput capacity of the landfill. As such, Project operations are not anticipated to generate solid waste in excess of state or local standards, in excess of the capacity of the local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, the Project would have a less than significant impact.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. As described under criterion d), Project construction and operational activities that generate solid waste would be handled, transported, and disposed of in accordance with AB 939 and CALGreen regulations related to solid waste. Compliance would be ensured through the building permit process. Therefore, through compliance, the Project would comply with laws and regulations that would ensure impacts related to solid waste are reduced to less than significant levels.

4.19.3 Mitigation Measures

None required.

³⁸ California Department of Resources Recycling and Recovery (2023). "SWIS Facility/Site Search." Accessed on July 24, 2025, <https://www2.calrecycle.ca.gov/SolidWaste/Site/Search>

4.20 WILDFIRE

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

4.20.1 Environmental Setting

According to the General Plan EIR, central Porterville is highly urbanized and is less susceptible to wildland fires. The risk of wildland fires increases in the grasslands and other vegetation cover outside of the City's urban core. The area located in the northeast portion of the City's Planning Area near Lake Success is considered to have a high to very high risk of fire since it is heavily vegetated. The Project Site is not located in or near state responsibility or lands classified as moderate, high, or very high fire hazard severity zones as identified by CAL FIRE.³⁹ Rather, the Project Site is within an "area of local responsibility" and in an area of low fire risk. As an area of local responsibility, the Porterville Fire Department is responsible for providing fire protection services (See [Section 4.15](#)).

³⁹ California Department of Forestry and Fire Protection. Fire Hazard Severity Zone Viewer. Accessed on July 7, 2025, <https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0>

4.20.2 Impact Assessment

If located in or near state responsibility or lands classified as very high fire hazard severity zones, Would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project site would be accessible via the existing roadway network, with proposed ingress/egress on Wisconsin Street and South Indiana Street. The Project would not alter or impede any primary excavation routes identified by the City's adopted emergency response plan or emergency evacuation plan. While construction activities may require temporary lane closures, these would be short-term and managed through approved traffic control plans and encroachment permits to ensure that emergency vehicle access is always maintained. Post-construction, the Project would maintain emergency access that support emergency response, such as adequate turning radii for emergency vehicles, clearly marked fire lanes, and sufficient hydrant access. The Project has been reviewed and conditioned by the City for compliance with all applicable codes and regulations, including those related to emergency access and evacuation, to ensure that the Project would not conflict with or impair emergency response plans or emergency evacuation plans. Therefore, impacts would be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact. The Project site is located on a relatively flat, highly disturbed property with minimal slope. The site is not situated in a wildland or a Cal Fire-designated Fire Hazard Severity Zone (FHSZ). Furthermore, the site is within an "area of local responsibility." The flat terrain, lack of wildland vegetation, absence of prevailing winds that would exacerbate fire risk, and location outside a FHSZ reduces wildfire risk and the potential to expose occupants to significant pollutant concentrations from a wildfire or contribute to the uncontrolled spread of a wildfire. In addition, the development itself would be constructed in compliance with the CBC and local fire safety regulations, which include measures to minimize fire risk, such as sprinkler systems and fire hydrants. The transition from a vacant site to a developed site with impervious surfaces (e.g., pavement, roofs) would also reduce the potential for wildfire to spread compared to existing conditions. Therefore, impacts are less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than Significant Impact. The Project is located within city limits and is served by existing, maintained infrastructure, including roads and utilities. The Project itself would include off-site improvements (e.g., curb, gutter, sidewalk) and connections to existing utilities (e.g., water, sewer, power, stormwater drainage). These improvements are limited in scope and would connect to and improve the existing street and utility network. The addition of curb, gutter, and sidewalk and connection to existing utilities are not anticipated to exacerbate fire risk. These improvements would not introduce new ignition sources. The design and construction of these improvements would be required to comply with all applicable City codes and regulations, including those related to fire safety, environmental protection, and traffic management. Through compliance, such infrastructure would not exacerbate fire risk or result in temporary or ongoing impacts to the environment and impacts would be less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. The Project site is located on relatively flat terrain with stable, native soil and is not in or near state responsibility areas or areas classified as Fire Hazard Severity Zones, or rivers or creeks that would be more susceptible to landslides. The Project would incorporate drainage infrastructure designed in compliance with all applicable codes and standards to manage stormwater runoff effectively, as ensured through City reviewed and approved grading and drainage plans. Therefore, the Project is not anticipated to expose people or structures to significant risks, including downslope or downstream flooding or landslides because of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.

4.20.3 Mitigation Measures

None required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?		X		
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

4.21.1 Impact Assessment

a) *Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?*

Less than Significant Impact with Mitigation Incorporated. The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to

reduce all potentially significant impacts to less than significant, including **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, and CUL-1**. Therefore, the Project would have a less than significant impact with mitigation incorporated.

b) Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)

Less than Significant Impact with Mitigation Incorporated. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, and CUL-1**. The Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increased need for housing, increase in traffic, air pollutants, etc.). As such, Project impacts are not considered to be cumulatively considerable given the insignificance of project induced impacts. The impact is therefore less than significant with mitigation incorporated.

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

Less than Significant Impact with Mitigation Incorporated. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, and CUL-1**. Therefore, the Project would have a less than significant impact with mitigation incorporated.

5 MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM FOR VILLAS AT WINDING CREEK RESIDENTIAL SUBDIVISION

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15097 and Section 21081.6 of the Public Resources Code (PRC). The timing of implementing each mitigation measure is identified in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a Project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Porterville is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Party Responsible for Implementing Mitigation	Timing of Verification	Responsible for Monitoring Verification	Verification of Completion	
				Date	Initials
Biological Resources					
Mitigation Measure BIO-1 (Protected Birds including Swainson’s Hawk): To mitigate potential impacts on protected birds, including Swainsons Hawk, and to avoid “take” as defined by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, the following measures will be implemented. 1) <u>Avoidance of Nesting Season:</u> If feasible, all ground-disturbing activities (including grading, grubbing, or mobilization of construction equipment and materials) and vegetation removal will occur outside the typical nesting season for migratory birds in the San Joaquin Valley (generally February 1 through August 31). 2) <u>Pre-Construction Survey (If Work During Nesting Season):</u> If ground disturbance or vegetation removal must be initiated or continue during the nesting season (February 1 through August 31), a qualified biologist will conduct a pre-construction survey for nesting birds, including special-	Project Applicant	Prior to construction	City of Porterville		

<i>status species such as Swainson's Hawk, within the Project footprint and a suitable buffer (e.g., 500 feet for raptors like Swainson's Hawk, 250 feet for other protected birds, or as determined by the biologist based on species and site conditions). The survey will be conducted no more than 14 days prior to the start of any ground disturbance or vegetation removal within the Project footprint. The survey results will be reported by the biologist to the Project proponent, who will then report to the City of Porterville Community Development Department for mitigation monitoring compliance. If no active nests are detected, no further species-specific mitigation for nesting birds is required.</i> 3) <u>Minimize Impacts (If Active Nests Found)</u>: <i>If active nests are found in or near the construction zone/area, the qualified biologist will establish and implement an appropriate species-specific non-disturbance buffer (as recommended by CDFW). This buffer will be clearly delineated, and no construction activities will occur within this buffer until the qualified biologist determines that the nesting effort has concluded (e.g., young have fledged and are no longer reliant on the nest) and the nest is no longer active. The biologist will prepare a plan detailing the avoidance, monitoring, and minimization actions, and the results of these efforts will be reported by the biologist to the California Department of Fish and Wildlife (CDFW), Project proponent, and the City of Porterville Community Development Department for mitigation monitoring compliance.</i>					
Mitigation Measure BIO-2 (American Badger): <i>To mitigate potential impacts on the American badger and avoid “take” under state law, the following measures will be implemented.</i>	Project Applicant	Prior to construction	City of Porterville		

1) <u>Avoidance of Denning Season</u>: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable and identified American badger habitat (e.g., grasslands, shrublands with friable soils, or areas with known burrow complexes) will be scheduled outside their primary denning season (typically February through July) when young may be present. Construction activities will avoid filling or altering known or potential badger dens. 2) <u>Pre-Construction Survey (If Work During Denning Season)</u>: A qualified biologist will conduct a pre-construction survey for American badgers and their dens within the Project footprint and a suitable buffer (e.g., 50 feet) at least 30 days prior to ground disturbance. The survey results will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no badgers or active dens are detected, no further species-specific mitigation is required. 3) <u>Minimize Impacts (If Badgers/Dens Found)</u>: If American badgers or their active dens are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffer zones around active dens (e.g., 50-foot non-disturbance buffer), installing exclusion fencing, passively relocating to suitable, protected habitat, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.					
Mitigation Measure BIO-3 (Northern California Legless Lizard): To mitigate potential impacts on the Northern California legless lizard	Project Applicant	Prior to construction	City of Porterville		

and avoid “take” under state law, the following measures will be implemented: 1) <u>Pre-Construction Survey</u>: A qualified biologist will conduct a pre-construction survey at least 30 days prior to ground disturbance in suitable legless lizard habitat (e.g., areas with loose sandy soils, leaf litter, or dense vegetation cover) to identify the presence/absence of legless lizards. The survey may involve hand-raking through loose soil and leaf litter. The results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no legless lizards are detected, no further species-specific mitigation is required. 2) <u>Avoidance</u>: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable legless lizard habitat will be minimized. Construction activities will avoid filling or altering known or potential legless lizard habitat where feasible. 3) <u>Minimize Impacts (If Legless Lizards Found)</u>: If legless lizards are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid “take.” This plan may include establishing exclusion fencing, salvaging and relocating to suitable, protected habitat, monitoring, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance.					
Mitigation Measure BIO-4 (San Joaquin Kit Fox): To mitigate potential impacts on the San Joaquin kit fox and avoid “take” under the Federal Endangered Species Act (ESA) and California	Project Applicant	Prior to construction	City of Porterville		

<i>Endangered Species Act (CESA), the following measures will be implemented:</i> 1) <u><i>Pre-Construction Survey:</i></u> <i>Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey for San Joaquin kit fox and their dens within the Project footprint and a suitable buffer (e.g., 200-500 feet, as per agency guidelines) at least 30 days prior to ground disturbance. This survey will strictly follow current U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) protocols. The survey results will be reported by the biologist to the Project proponent, CDFW, USFWS, and the City of Porterville Community Development Department for mitigation monitoring compliance. If presence is not detected, no further species-specific mitigation is required, but adherence to standard avoidance measures (e.g., pre-activity surveys, speed limits) may still be required by agencies.</i> 2) <u><i>Avoidance of Pupping Season:</i></u> <i>If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable San Joaquin kit fox habitat (e.g., arid grasslands, scrublands, and areas with potential dens) will be scheduled outside their primary pupping season (typically February through May) to avoid impacts to vulnerable young. Construction activities will avoid filling or altering known or potential kit fox dens.</i> 3) <u><i>Minimize Impacts (If Kit Foxes/Dens Found):</i></u> <i>If San Joaquin kit foxes or their dens (natal, pupping, or known active dens) are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and mitigation actions, including compensatory mitigation, to reduce impacts to a less than significant level and avoid "take." This plan will be developed in consultation with and approved by USFWS and CDFW. The plan and results of efforts will be reported by the biologist to the USFWS, CDFW, and the City of Porterville Community</i>				
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Development Department for mitigation monitoring compliance. 4) <u>Worker Environmental Awareness Program (WEAP)</u>: Prior to any ground disturbance, all construction personnel will attend a WEAP conducted by a qualified biologist. The program will include a detailed description of the San Joaquin kit fox and its habitat, legal protection, and the critical importance of avoiding "take." It will also outline specific measures to be implemented during construction, such as speed limits, trash management, and reporting procedures for observations of kit foxes or dens. 5) <u>Designated Biologist</u>: A qualified biologist will be available during all ground-disturbing activities to ensure compliance with mitigation measures and agency conditions, and to monitor for the presence of San Joaquin kit fox. 6) <u>Compensatory Mitigation</u>: If impacts to San Joaquin kit fox habitat cannot be avoided and are authorized by USFWS and CDFW, compensatory mitigation (e.g., purchase of conservation easements or credits at an approved conservation bank) will be required to offset habitat loss. The amount of compensatory mitigation will be determined in consultation with the agencies.					
Mitigation Measure BIO-5 (Crotch's Bumble Bee): To mitigate potential impacts on the Crotch's bumble bee and avoid "take" under CESA, the following measures will be implemented: 1) <u>Pre-Construction Survey</u>: Prior to ground disturbance, a qualified biologist or entomologist shall conduct a pre-construction survey no more than 30 days prior to ground disturbance to identify sensitive bumble bee species and potential foraging or nesting habitat. If presence is not detected, no further species-specific mitigation is required. 2) <u>Avoidance of Peak Activity Periods</u>: To the extent feasible, large-scale vegetation removal or heavy ground disturbance in areas identified as existing or potential bumble bee foraging or nesting habitat will be scheduled outside of peak bumble bee	Project Applicant	Prior to construction	City of Porterville		

<i>foraging and nesting periods (typically spring through fall) to avoid direct harm to active bees and nests.</i> 3) <u>Minimize Impacts (If Bumble Bees/Habitat Found)</u>: If sensitive bumble bee species or active nests are found, or if complete avoidance of foraging or nesting habitat is not feasible, the qualified biologist or entomologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffers, enhancing landscaping with native, pollinator-friendly flowering plants that provide continuous bloom throughout the year, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist and submitted to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.					
Mitigation Measure BIO-6 (Valley Elderberry Longhorn Beetle): To mitigate potential impacts on the Valley Elderberry Longhorn Beetle and avoid "take" under the federal ESA, the following measures will be implemented: 1) <u>Pre-Construction Survey</u>: Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey no more than 30 days prior to ground disturbance of elderberry shrubs within the Project area to identify potential VELB exit holes. If presence is not detected, no further species-specific mitigation is required. 2) <u>Avoidance</u>: Prior to any ground disturbance or vegetation removal, a qualified biologist will identify and map all elderberry shrubs within the Project area. All identified elderberry shrubs, especially those with potential VELB habitat (stems ≥ 1.0 inch in diameter at ground level), will be avoided to the maximum extent practicable. A non-disturbance buffer of at least 20 feet	Project Applicant	Prior to construction	City of Porterville		

<i>(or as otherwise specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all elderberry shrubs. This buffer will be clearly delineated with fencing and signage, and no ground disturbance, vehicle access, or material storage will occur within this zone. No pesticides or herbicides will be used within 100 feet of any elderberry shrub.</i> 3) <u>Minimize Impacts (If Avoidance Not Feasible):</u> <i>If complete avoidance of elderberry shrubs or their designated buffer is not feasible, impacts will be minimized, and compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid "take." Measures may include transplantation, propagation, compensatory habitat acquisition/enhancement, etc. The plan will be implemented in consultation with the qualified biologist, USFWS, and the Project proponent in accordance with USFWS guidelines related to the species. The plan and results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance.</i>					
Mitigation Measure BIO-7 (Vernal Pool Fairy Shrimp): <i>To mitigate potential impacts on the Vernal Pool Fairy Shrimp and avoid "take" under the federal ESA, the following measures will be implemented:</i> 1) <u>Pre-Construction Wet Season Surveys:</u> <i>Prior to any ground disturbance that could impact potential vernal pool habitat, a protocol-level wet season survey will be conducted by a qualified biologist during the appropriate inundation periods (typically December through April) to determine the presence or absence of vernal pool fairy shrimp. These surveys will follow current USFWS guidelines. If presence is not detected, no further mitigation is required.</i> 2) <u>Avoidance:</u> <i>Prior to any ground disturbance, a qualified biologist will identify and delineate all vernal pools and other suitable ephemeral wetland habitats within the Project area. All identified vernal pools and suitable ephemeral wetland habitats</i>	Project Applicant	Prior to construction	City of Porterville		

<i>will be avoided to the maximum extent practicable. A non-disturbance buffer (e.g., 250 feet or as specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all such features. This buffer will be clearly delineated with fencing and signage, and no ground disturbance, vehicle access, or material storage will occur within this zone. No activities that could alter the hydrology of vernal pools (e.g., changes in drainage patterns, increased runoff, introduction of pollutants) will be permitted.</i> 3) <i><u>Minimize Impacts (If Avoidance Not Feasible):</u> If impacts to vernal pool fairy shrimp habitat are unavoidable (and presence is confirmed or assumed based on surveys), minimization and/or compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid "take." Measures may include reducing the footprint of impact, implementing erosion control measures, ensuring no pollutants enter the habitat, compensatory mitigation etc. The results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance</i>					
Cultural Resources					
Mitigation Measure CUL-1: <i>In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:</i> <i>If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be</i>	Project Applicant	Prior to construction	City of Porterville		

<i>provided to the City of Porterville Community Development Department.</i> <i>The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City’s policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Porterville Community Development Department.</i> <i>If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Porterville Community Development Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</i> <i>No further grading shall occur in the area of the discovery until the City of Porterville Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</i>					
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Geology and Soils					
See Cultural Resources					
Tribal Cultural Resources					
See Cultural Resources					

6 REPORT PREPARATION

Names of Persons Who Prepared or Participated in the Initial Study:

Lead Agency		
Lead Agency	City of Porterville Community Development Department (559) 782-7460	Caludia Calderon, Community Development Director
Initial Study Consultant		
Initial Study	Precision Civil Engineering 1234 O Street Fresno, CA 93721 (559) 449-4500	Bonique Emerson, AICP, VP of Planning Jenna Chilingirian, AICP, Senior Planner Isaiah Medina, Assistant Planner

7 APPENDICES

7.1 Appendix A: Air Quality/Energy/Greenhouse Gas Emissions Reference Materials

CalEEMod Results

7.2 Appendix B: Biological Resources Database Results

IPaC and CNDDB Occurrences reports

7.3 Appendix C: Cultural Resources Reference Materials

Southern San Joaquin Valley Information Center CHRIS record search results and California Native American Heritage Commission correspondence

5 MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM FOR VILLAS AT WINDING CREEK RESIDENTIAL SUBDIVISION

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15097 and Section 21081.6 of the Public Resources Code (PRC). The timing of implementing each mitigation measure is identified in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a Project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Porterville is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Party Responsible for Implementing Mitigation	Timing of Verification	Responsible for Monitoring Verification	Verification of Completion	
				Date	Initials
Biological Resources					
<i>Mitigation Measure BIO-1 (Protected Birds including Swainson’s Hawk):</i> To mitigate potential impacts on protected birds, including Swainsons Hawk, and to avoid “take” as defined by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, the following measures will be implemented. 1) <i><u>Avoidance of Nesting Season:</u> If feasible, all ground-disturbing activities (including grading, grubbing, or mobilization of construction equipment and materials) and vegetation removal will occur outside the typical nesting season for migratory birds in the San Joaquin Valley (generally February 1 through August 31).</i> 2) <i><u>Pre-Construction Survey (If Work During Nesting Season):</u> If ground disturbance or vegetation removal must be initiated or continue during the nesting season (February 1 through August 31), a qualified biologist will conduct a pre-construction survey for nesting birds, including special-</i>	Project Applicant	Prior to construction	City of Porterville		

<i>status species such as Swainson's Hawk, within the Project footprint and a suitable buffer (e.g., 500 feet for raptors like Swainson's Hawk, 250 feet for other protected birds, or as determined by the biologist based on species and site conditions). The survey will be conducted no more than 14 days prior to the start of any ground disturbance or vegetation removal within the Project footprint. The survey results will be reported by the biologist to the Project proponent, who will then report to the City of Porterville Community Development Department for mitigation monitoring compliance. If no active nests are detected, no further species-specific mitigation for nesting birds is required.</i> 3) <u>Minimize Impacts (If Active Nests Found)</u>: <i>If active nests are found in or near the construction zone/area, the qualified biologist will establish and implement an appropriate species-specific non-disturbance buffer (as recommended by CDFW). This buffer will be clearly delineated, and no construction activities will occur within this buffer until the qualified biologist determines that the nesting effort has concluded (e.g., young have fledged and are no longer reliant on the nest) and the nest is no longer active. The biologist will prepare a plan detailing the avoidance, monitoring, and minimization actions, and the results of these efforts will be reported by the biologist to the California Department of Fish and Wildlife (CDFW), Project proponent, and the City of Porterville Community Development Department for mitigation monitoring compliance.</i>					
Mitigation Measure BIO-2 (American Badger): <i>To mitigate potential impacts on the American badger and avoid “take” under state law, the following measures will be implemented.</i>	Project Applicant	Prior to construction	City of Porterville		

1) <u>Avoidance of Denning Season</u>: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable and identified American badger habitat (e.g., grasslands, shrublands with friable soils, or areas with known burrow complexes) will be scheduled outside their primary denning season (typically February through July) when young may be present. Construction activities will avoid filling or altering known or potential badger dens. 2) <u>Pre-Construction Survey (If Work During Denning Season)</u>: A qualified biologist will conduct a pre-construction survey for American badgers and their dens within the Project footprint and a suitable buffer (e.g., 50 feet) at least 30 days prior to ground disturbance. The survey results will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no badgers or active dens are detected, no further species-specific mitigation is required. 3) <u>Minimize Impacts (If Badgers/Dens Found)</u>: If American badgers or their active dens are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffer zones around active dens (e.g., 50-foot non-disturbance buffer), installing exclusion fencing, passively relocating to suitable, protected habitat, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.					
Mitigation Measure BIO-3 (Northern California Legless Lizard): To mitigate potential impacts on the Northern California legless lizard	Project Applicant	Prior to construction	City of Porterville		

and avoid “take” under state law, the following measures will be implemented: 1) <u>Pre-Construction Survey</u>: A qualified biologist will conduct a pre-construction survey at least 30 days prior to ground disturbance in suitable legless lizard habitat (e.g., areas with loose sandy soils, leaf litter, or dense vegetation cover) to identify the presence/absence of legless lizards. The survey may involve hand-raking through loose soil and leaf litter. The results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance. If no legless lizards are detected, no further species-specific mitigation is required. 2) <u>Avoidance</u>: If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable legless lizard habitat will be minimized. Construction activities will avoid filling or altering known or potential legless lizard habitat where feasible. 3) <u>Minimize Impacts (If Legless Lizards Found)</u>: If legless lizards are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid “take.” This plan may include establishing exclusion fencing, salvaging and relocating to suitable, protected habitat, monitoring, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist to the Project proponent, CDFW, and the City of Porterville Community Development Department for mitigation monitoring compliance.					
Mitigation Measure BIO-4 (San Joaquin Kit Fox): To mitigate potential impacts on the San Joaquin kit fox and avoid “take” under the Federal Endangered Species Act (ESA) and California	Project Applicant	Prior to construction	City of Porterville		

<i>Endangered Species Act (CESA), the following measures will be implemented:</i> 1) <u><i>Pre-Construction Survey:</i></u> <i>Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey for San Joaquin kit fox and their dens within the Project footprint and a suitable buffer (e.g., 200-500 feet, as per agency guidelines) at least 30 days prior to ground disturbance. This survey will strictly follow current U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) protocols. The survey results will be reported by the biologist to the Project proponent, CDFW, USFWS, and the City of Porterville Community Development Department for mitigation monitoring compliance. If presence is not detected, no further species-specific mitigation is required, but adherence to standard avoidance measures (e.g., pre-activity surveys, speed limits) may still be required by agencies.</i> 2) <u><i>Avoidance of Pupping Season:</i></u> <i>If feasible, ground disturbance (including grading, grubbing, or mobilization of construction equipment and materials) in suitable San Joaquin kit fox habitat (e.g., arid grasslands, scrublands, and areas with potential dens) will be scheduled outside their primary pupping season (typically February through May) to avoid impacts to vulnerable young. Construction activities will avoid filling or altering known or potential kit fox dens.</i> 3) <u><i>Minimize Impacts (If Kit Foxes/Dens Found):</i></u> <i>If San Joaquin kit foxes or their dens (natal, pupping, or known active dens) are found and complete avoidance is not feasible, the qualified biologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and mitigation actions, including compensatory mitigation, to reduce impacts to a less than significant level and avoid "take." This plan will be developed in consultation with and approved by USFWS and CDFW. The plan and results of efforts will be reported by the biologist to the USFWS, CDFW, and the City of Porterville Community</i>				
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Development Department for mitigation monitoring compliance. 4) <u>Worker Environmental Awareness Program (WEAP)</u>: Prior to any ground disturbance, all construction personnel will attend a WEAP conducted by a qualified biologist. The program will include a detailed description of the San Joaquin kit fox and its habitat, legal protection, and the critical importance of avoiding "take." It will also outline specific measures to be implemented during construction, such as speed limits, trash management, and reporting procedures for observations of kit foxes or dens. 5) <u>Designated Biologist</u>: A qualified biologist will be available during all ground-disturbing activities to ensure compliance with mitigation measures and agency conditions, and to monitor for the presence of San Joaquin kit fox. 6) <u>Compensatory Mitigation</u>: If impacts to San Joaquin kit fox habitat cannot be avoided and are authorized by USFWS and CDFW, compensatory mitigation (e.g., purchase of conservation easements or credits at an approved conservation bank) will be required to offset habitat loss. The amount of compensatory mitigation will be determined in consultation with the agencies.					
Mitigation Measure BIO-5 (Crotch's Bumble Bee): To mitigate potential impacts on the Crotch's bumble bee and avoid "take" under CESA, the following measures will be implemented: 1) <u>Pre-Construction Survey</u>: Prior to ground disturbance, a qualified biologist or entomologist shall conduct a pre-construction survey no more than 30 days prior to ground disturbance to identify sensitive bumble bee species and potential foraging or nesting habitat. If presence is not detected, no further species-specific mitigation is required. 2) <u>Avoidance of Peak Activity Periods</u>: To the extent feasible, large-scale vegetation removal or heavy ground disturbance in areas identified as existing or potential bumble bee foraging or nesting habitat will be scheduled outside of peak bumble bee	Project Applicant	Prior to construction	City of Porterville		

<i>foraging and nesting periods (typically spring through fall) to avoid direct harm to active bees and nests.</i> 3) <u>Minimize Impacts (If Bumble Bees/Habitat Found)</u>: If sensitive bumble bee species or active nests are found, or if complete avoidance of foraging or nesting habitat is not feasible, the qualified biologist or entomologist will prepare a plan that describes proposed avoidance, monitoring, minimization, and/or mitigation actions to reduce impacts to a less than significant level and avoid "take." This plan may include establishing buffers, enhancing landscaping with native, pollinator-friendly flowering plants that provide continuous bloom throughout the year, etc. The plan will be implemented in consultation with the qualified biologist, CDFW, and the Project proponent in accordance with CDFW guidelines related to the species. The plan and results of efforts will be reported by the biologist and submitted to the CDFW and the City of Porterville Community Development Department for mitigation monitoring compliance.					
Mitigation Measure BIO-6 (Valley Elderberry Longhorn Beetle): To mitigate potential impacts on the Valley Elderberry Longhorn Beetle and avoid "take" under the federal ESA, the following measures will be implemented: 1) <u>Pre-Construction Survey</u>: Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey no more than 30 days prior to ground disturbance of elderberry shrubs within the Project area to identify potential VELB exit holes. If presence is not detected, no further species-specific mitigation is required. 2) <u>Avoidance</u>: Prior to any ground disturbance or vegetation removal, a qualified biologist will identify and map all elderberry shrubs within the Project area. All identified elderberry shrubs, especially those with potential VELB habitat (stems ≥ 1.0 inch in diameter at ground level), will be avoided to the maximum extent practicable. A non-disturbance buffer of at least 20 feet	Project Applicant	Prior to construction	City of Porterville		

<i>(or as otherwise specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all elderberry shrubs. This buffer will be clearly delineated with fencing and signage, and no ground disturbance, vehicle access, or material storage will occur within this zone. No pesticides or herbicides will be used within 100 feet of any elderberry shrub.</i> 3) <u>Minimize Impacts (If Avoidance Not Feasible):</u> <i>If complete avoidance of elderberry shrubs or their designated buffer is not feasible, impacts will be minimized, and compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid "take." Measures may include transplantation, propagation, compensatory habitat acquisition/enhancement, etc. The plan will be implemented in consultation with the qualified biologist, USFWS, and the Project proponent in accordance with USFWS guidelines related to the species. The plan and results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance.</i>					
Mitigation Measure BIO-7 (Vernal Pool Fairy Shrimp): <i>To mitigate potential impacts on the Vernal Pool Fairy Shrimp and avoid “take” under the federal ESA, the following measures will be implemented:</i> 1) <u>Pre-Construction Wet Season Surveys:</u> <i>Prior to any ground disturbance that could impact potential vernal pool habitat, a protocol-level wet season survey will be conducted by a qualified biologist during the appropriate inundation periods (typically December through April) to determine the presence or absence of vernal pool fairy shrimp. These surveys will follow current USFWS guidelines. If presence is not detected, no further mitigation is required.</i> 2) <u>Avoidance:</u> <i>Prior to any ground disturbance, a qualified biologist will identify and delineate all vernal pools and other suitable ephemeral wetland habitats within the Project area. All identified vernal pools and suitable ephemeral wetland habitats</i>	Project Applicant	Prior to construction	City of Porterville		

<i>will be avoided to the maximum extent practicable. A non-disturbance buffer (e.g., 250 feet or as specified by the U.S. Fish and Wildlife Service - USFWS) will be established around all such features. This buffer will be clearly delineated with fencing and signage, and no ground disturbance, vehicle access, or material storage will occur within this zone. No activities that could alter the hydrology of vernal pools (e.g., changes in drainage patterns, increased runoff, introduction of pollutants) will be permitted.</i> 3) <i>Minimize Impacts (If Avoidance Not Feasible): If impacts to vernal pool fairy shrimp habitat are unavoidable (and presence is confirmed or assumed based on surveys), minimization and/or compensatory mitigation will be implemented in consultation with and approval from the USFWS to avoid "take." Measures may include reducing the footprint of impact, implementing erosion control measures, ensuring no pollutants enter the habitat, compensatory mitigation etc. The results of efforts will be documented by the biologist and submitted to the USFWS and the City of Porterville Community Development Department for mitigation monitoring compliance</i>					
Cultural Resources					
Mitigation Measure CUL-1: <i>In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:</i> <i>If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be</i>	Project Applicant	Prior to construction	City of Porterville		

<i>provided to the City of Porterville Community Development Department.</i> <i>The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City’s policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Porterville Community Development Department.</i> <i>If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Porterville Community Development Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</i> <i>No further grading shall occur in the area of the discovery until the City of Porterville Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</i>					
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Geology and Soils					
See Cultural Resources					
Tribal Cultural Resources					
See Cultural Resources					

RESOLUTION NO. ____-2025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A MITIGATED
NEGATIVE DECLARATION (SCH NO. 2025101555) FOR THE VILLAS AT WINDING CREEK
RESIDENTIAL DEVELOPMENT (PRC 2025-006)**

WHEREAS: Smee Homes, LLC (Applicant), has submitted to the City of Porterville, the Villas at Winding Creek Residential Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 8.76± acres into 32 lots and a remainder parcel of approximately 2.31 acres. The Project also proposes approximately 9,241 square feet of open space including a 10-foot-wide trail, and a 12-foot-wide service road along the north side of Poplar Ditch. The Project Site is located along the Poplar Ditch between Wisconsin Street and South Indiana Street (APN 268-100-008; Site); and

WHEREAS: the Project also includes the construction of interior streets, landscaping, public utilities, and improvements of all streets in or adjacent to the subdivision; and

WHEREAS: the aforementioned activities, individually and collectively, constitute a “project” pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. (“CEQA”) and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: the City has prepared an Initial Study pursuant to the provisions of CEQA and the CEQA Guidelines; and

WHEREAS: the Initial Study indicated the potential for significant effects in the resource areas of Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources; and

WHEREAS: the Initial Study concluded that with implementation of mitigation measures, all potentially significant effects resulting from the Project can be mitigated to a less-than-significant level, and that adoption of a Mitigated Negative Declaration would be appropriate; and

WHEREAS: pursuant to Public Resources Code Section 21080.3.1, on or about August 5, 2025, the City conducted consultations for the Project with the California Native American Tribes from the list provided and maintained by the Native American Heritage Commission. One response was received from the Table Mountain Rancheria dated August 14, 2025, stating that the Project site is beyond their area of interest. No other responses were received; and

WHEREAS: on October 31, 2025 a Notice of Intent to adopt a Mitigated Negative Declaration was published in *The Porterville Recorder* and was filed with the Tulare County Clerk and the State Clearinghouse and posted at City Hall and on the City’s website, said notice

identifying a public review and comment period of 30 days starting on October 31, 2025 and ending on November 30, 2025; and

WHEREAS: the Draft Initial Study - Mitigated Negative Declaration (IS/MND) was filed with the State Clearinghouse, assigned a State Clearinghouse number (2025101555), and circulated for a period of 30 days starting on October 31, 2025, and ending on November 30, 2025; and

WHEREAS: on November 21, 2025, a notice was published in *The Porterville Recorder* setting the date, time and place of public hearing for December 2, 2025, and similar notices were sent to owners of property within a 300-foot radius surround the Site and posted at City Hall and the City's website announcing the same; and

WHEREAS: at a regular meeting on December 2, 2025, the City Council of the City of Porterville did conduct a public hearing to consider the Project; and

WHEREAS: the City Council has received the IS/MND and has reviewed and considered the information contained therein; and

WHEREAS: the City Council has considered public testimony received during the public hearing; and

WHEREAS: the City Council finds that the IS/MND has been completed in compliance with CEQA and the CEQA Guidelines; and

WHEREAS: the determinations in the IS/MND consist of the City Council's independent judgement and analysis; and

WHEREAS: based upon the IS/MND and the record, with incorporation of mitigation the Project will not individually or cumulatively have an adverse impact on environmental resources; and

WHEREAS: the City of Porterville is the custodian of the documents and other materials that constitute the record of the proceedings on which these determinations are based, and Porterville City Hall, 291 N. Main Street, Porterville, CA is the location of this record.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby adopt the IS/MND prepared for the Villas at Winding Creek Residential Development Project.

BE IT FURTHER RESOLVED that the Mitigation Monitoring and Reporting Program attached hereto shall be implemented as noted therein as part of project implementation.

BE IT FURTHER RESOLVED the City Manager shall cause a Notice of Determination to be filed in accordance with CEQA within five business days following project approval.

PASSED, APPROVED, AND ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk

RESOLUTION NO. ____-2025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A
CONDITIONAL USE PERMIT TO AUTHORIZE REDUCED AREA AND LOT DIMENSIONS FOR THE
TENTATIVE SUBDIVISION MAP FOR VILLAS AT WINDING CREEK RESIDENTIAL DEVELOPMENT
(PRC 2025-006-C)**

WHEREAS: Smee Homes, LLC (Applicant), has submitted to the City of Porterville, the Villas at Winding Creek Residential Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 8.76± acres into 32 lots and a remainder parcel of approximately 2.31 acres. The Project also proposes approximately 9,241 square feet of open space including a 10-foot-wide trail, and a 12-foot-wide service road along the north side of the Poplar Ditch. The Project site is located along the Poplar Ditch between Wisconsin Street and South Indiana Street (APN 268-100-008; Site); and

WHEREAS: the Site is within the RS-2 (Low Density Residential) Zone District, which identifies a 6,000-square-foot minimum lot size and a 60-foot minimum lot width; and

WHEREAS: the applicant has requested a reduction of the minimum lot size to 3,000 square feet and of the minimum lot width to 50 feet; and

WHEREAS: Development Code, Section 201.4(C) allows for smaller lots with a minimum lot size of 3,000 square feet and a minimum lot width of 35 feet in the RS-2 Zone District, subject to approval of a Conditional Use Permit; and

WHEREAS: on November 21, 2025, a notice was published in *The Porterville Recorder* setting the date, time, and place of a public hearing for December 2, 2025 and similar notices were sent to owners of property within a 300-foot radius surrounding the Site, and posted at City Hall and the City's website announcing the same; and

WHEREAS: at a regular meeting on December 2, 2025, the Porterville City Council did conduct a public hearing to consider the Project; and

WHEREAS: the City Council has considered public testimony received during the public hearing; and

WHEREAS: the proposed action consists of issuance of a permit or entitlement for use and therefore constitutes a "project" pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. ("CEQA") and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: via adoption of Resolution No. ____-2025, the City Council has adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS: The City Council has made the following findings, pursuant to Porterville Development Code, Section 604.04 Required Findings, the evidence for said findings substantiated in the record:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville approves a Conditional Use Permit for the Villas at Winding Creek Residential Development Project authorizing a minimum lot size of 3,000 square feet and a minimum lot width of 50 feet.

PASSED, APPROVED, AND ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:
Rich Tree, City Clerk

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk

RESOLUTION NO. ____-2025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN
SUPPORT OF APPROVAL OF THE TENTATIVE SUBDIVISION MAP FOR THE VILLAS AT WINDING
CREEK RESIDENTIAL DEVELOPMENT (PRC 2025-006-S)**

WHEREAS: Smee Homes, LLC (Applicant), has submitted to the City of Porterville, the Villas at Winding Creek Residential Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 8.76± acres into 32 lots and a remainder parcel of approximately 2.31 acres. The Project also proposes approximately 9,241 square feet of open space including a 10-foot-wide trail, and a 12-foot-wide service road along the north side of the Poplar Ditch. The Project site is located along the Poplar Ditch between Wisconsin Street and South Indiana Street (APN 268-100-008; Site); and

WHEREAS: the Project also includes construction of interior streets, landscaping, public utilities, and improvements of all streets in or adjacent to the subdivision; and

WHEREAS: on October 31, 2025, a Notice of Intent to adopt a Mitigated Negative Declaration was published in *The Porterville Recorder* and was filed with the State Clearinghouse and posted at City Hall and on the City's website, said notice identifying a public review and comment period of 30 days starting on October 31, 2025, and ending on November 30, 2025; and

WHEREAS: on November 21, 2025, a notice was published in *The Porterville Recorder* setting the date and time, and place of a public hearing for December 2, 2025, and similar notices were sent to owner of property within a 300-foot radius surrounding the Site, and posted at City Hall and the City's website announcing the same; and

WHEREAS: at a regular meeting on December 2, 2025, the Porterville City Council did conduct a public hearing to consider the Project; and

WHEREAS: the City Council has received testimony from all interested parties relative to the proposed Project; and

WHEREAS: the proposed action consists of issuance of a permit or entitlement for use and therefore constitutes a "project" pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. ("CEQA") and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: the Site is zoned RS-2, Low Density Residential; and

WHEREAS: via adoption of Resolution No. ____-2025, the City Council has adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS: Via Resolution No. ____-2025, the City Council has approved a Conditional Use Permit authorizing a minimum lot size of 3,000 square feet and a minimum lot width of 50 feet for the Project; and

WHEREAS: Approval of the aforementioned entitlements would further the goals and objectives of the General Plan; and

WHEREAS: The City Council has made the following findings pursuant to Development Code Section, 400.04, the evidence for said findings substantiated in the record:

1. The proposed map is consistent with the goals, policies, and land use designation of the Porterville 2030 General Plan.
2. The design and improvement of the subdivision is consistent with the goals and policies of the Porterville 2030 General Plan.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat.
6. The design of the subdivision or type of improvements are not likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Tentative Subdivision Map for the Villas at Winding Creek Residential Development Project (PRC 2025-006-S) subject to the following conditions:

1. The proposed project shall comply with the Porterville Municipal Code, Chapter 21 Development Ordinance and conditions from the Project Review Committee (PRC) meeting held on February 12, 2025, and as outlined in the Project Review Committee letter for PRC 2025-006.
2. The developer/applicant shall comply with Section 201.04(C) of the Porterville Development Ordinance (PDO).
3. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans and Standard Drawings, Standard Specifications for Public Works Construction, and Standard Plans and Specifications, except where they are in conflict with current access compliance regulations, the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control

Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

4. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
5. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
6. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
7. The developer/applicant shall submit a tentative subdivision map that complies with Section 402.02 of the adopted Development Ordinance. Approval of tentative subdivision maps are contingent upon satisfying the applicable provisions of the required form and content.
8. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1777 in all areas of special flood hazards (i.e., Zones A, AE, AH, AO, AR or A99) and the requirements of the Central Valley Flood Protection Board, where applicable.
 - a. A preliminary elevation certificate shall be provided to the City prior for review prior to the foundation forms inspection being scheduled.
 - b. A final elevation certificate shall be provided to the City prior to the final inspection (or any type of occupancy inspection) is scheduled.
9. Prior to approval of the improvement plans, the developer/ applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District. Submit with the petition the \$375 fee. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public Landscaping, if any (4) Public walls/fences, if any, (5) Drainage reservoir, if any, and (6) any other public improvement in accordance with Series 400, Section 407.03 (i) of the Development Ordinance.
10. The developer/applicant shall prepare an Engineer's Report for the establishment of the assessments in order to provide for ongoing maintenance of the subdivision improvements to be included in the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or annexation into an existing District shall be concluded and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project.
11. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum ninety-day plant

establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.

12. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.
13. The developer/applicant shall provide and show all required utility easements on the Final Map.
14. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.
15. Building permits shall not be proceed further than the installation of the foundation until all of the following items are accepted as complete:
 - a. The sewer system is completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision;
 - b. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - c. The water system, is functional from the source of water past the lots on which permits are being requested (i.e., all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
 - d. Fire hydrants are accepted by the Fire Department and the Engineering Division;
 - e. Street base rock for accessibility by public safety officials and building inspectors;
 - f. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
 - g. Lot corners are marked.
16. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.
17. In accordance with Series 400, Section 407.02 (g) or (h) of the Development Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of the Final Map acceptance.
18. Prior to recording the final subdivision map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g., water, sewer, drainage, etc.). All on-site improvements shall be constructed or covered by an appropriate surety. The developer/applicant shall stub

improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

19. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
20. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.
21. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for accessible ramp(s), sidewalk, etc. The developer/applicant shall construct street improvements that comply with the intention of the adopted Development Ordinance and per the details below:
 - a. The right of way width for local streets shall be fifty-six (56) feet wide with 4.5' of landscaped parkway behind the curb and a 5' offset sidewalk.
 - b. Indiana Street is designated as an arterial in the Circulation Element, but due to the existing configuration north of Gibbons Avenue, the street width shall be forty (40) feet from curb-to-curb plus a 4.5' foot landscaped parkway, 5-foot offset sidewalk, and 6-foot landscape easement to include a block wall.
 - c. Total area of dedication to be determined by a licensed surveyor.
22. Prior to recording the final subdivision map, the developer/applicant shall provide improvements by the method indicated below:
 - a. Pursuant to Section 66411.1(b) of the Government Code, the developer applicant shall construct curbs, gutters, sidewalks, curb returns per City Standards, sewer laterals, water services, fire hydrant relocation, street lights, connecting pavement along the full frontage of the proposed land division parcels. Additional improvements include a functional drainage system, connection of existing house to City's sewer system, abandonment of existing septic system(s), well abandonment (if any and not in compliance with the City's Backflow Ordinance), curing of leaks in irrigation lines (if any), and other improvements necessary for public health and safety, except where they exist to Federal, State, and City standards and are in good condition in the opinion of the City Engineer.
23. Prior to approval of the final map the developer/applicant shall provide public improvement plans prepared by a Civil Engineer that include specific on-site grading details and specifications for City approval.
24. The developer/applicant shall comply with Appendix J, "Grading" of the current California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

25. The developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the current California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc. where required for the construction of public improvements.
26. The developer/applicant shall submit design master plans consisting of combined grading & drainage and sewer & water utilities to ensure the proper functioning and/or phasing of the development. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). A minimum amount of runoff must be contained onsite per the State's MS4 requirements. Drainage calculations must be submitted to verify that onsite drainage area/s will capture necessary runoff. The site shall be designed to convey water to the City drainage system without crossing driveways. The developer/applicant is required to install a sidewalk channel drain at the low side of the driveway, where applicable.
 - a. A pipeline shall be installed from the Poplar Ditch to the City's drainage basin for recharge purposes along the west property line of the subdivision, within the Wisconsin Street right of way.
27. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontage, except where they exist and are determined to be in good condition and in compliance with current accessibility standards in the opinion of the City Engineer (Ord. No. 1306).
28. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development Ordinance and driveway separation from property line per City standards.
29. The developer/applicant is hereby notified that extension of existing water and sewer lines and/or the installation of new lines will be required per Section 407.02(f), development code.
30. The developer/applicant is hereby notified that the installation of an additional water meter(s), servicing the irrigation system, requires a double backflow prevention device per City standards.
31. The developer/applicant shall design on-site water systems meeting the requirements of the current California Plumbing and Fire Codes. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.
32. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.
33. The developer/applicant shall move existing utility structures (i.e., poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the

sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless the utility structures are below grade (Title 24 DSA).

34. The developer/applicant shall provide 3000K LED streetlights on Marbelite poles (spaced at staggered 160' intervals) following Southern California Edison Company specifications, as approved by the City Engineer. Wood poles are expressly prohibited without prior written approval of the City Engineer.
35. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (for example, foundations, septic tanks, irrigation pipes, etc.).
36. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Services Division. The developer/applicant is required to provide the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
37. The developer/applicant shall assure compliance with Section 7-8, Work Site Maintenance of the Standard Specifications. Applicable requirements from both San Joaquin Valley Air Pollution Control District Regulation VIII, Fugitive PM10 Prohibitions and the California Green Code Standards must also be met. During grading operations, the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection.
38. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.
39. The developer/applicant is advised that they are obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity (except operations that result in disturbance of less than one acre of total land area **and** which are not a part of a larger common plan of development or sale). Before construction begins the proponent must:
 - a. Submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB).
 - b. Prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain, at a minimum:
 1. All items listed in Section A of the permit.

2. Descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and **all** temporary (e.g., fiber rolls, silt fences, etc.) **and** permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States.

If portions of the project area are to be sold off before the entire project is completed, the proponent must:

- Submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining.
- Informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and prepare their own SWPPP.

40. The project shall comply with all applicable codes.

41. Fire hydrants shall be placed based on distance, no greater spacing than 500' for residential applications.

42. Fire hydrants shall be on a looped system.

43. No structure shall be greater than 400' from a fire hydrant.

44. Maintain two points of entry/exit for Fire Department access

45. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

46. Residential trash service will be acceptable for each lot.

PASSED, APPROVED, AND ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel- Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Krayola Korner Modification of Conditional Use Permit

SOURCE: Community Development

COMMENT: The Krayola Korner Day Care currently operates at 420 N. E Street (APN 252-160-006). The use was originally authorized by Conditional Use Permit (CUP) 10-88, which was approved in 1989 by adoption of Resolution 11-89 and authorized the operation of a childcare facility within the existing single-family residential structure on the site. Per the conditions of the Fire Marshal, activities were limited to the first floor of the structure. The 545-square-foot (SF) accessory structure at the rear of the property was modified later in 1989 for use as a classroom. While that expansion should have required a modification of the CUP, it was approved via a building permit.

The applicant is now proposing an expansion of the main building by adding a 300 SF kitchen, a 392 SF balcony, and a 392 SF patio. The project would include an expansion of the existing Accessory Structure by 925 SF to include additional classroom space, breakroom, and restrooms, bringing the total area of that structure to 1,422 SF. The Project Review Committee reviewed the proposed expansion on September 10, 2025, and determined that the expansion is subject to a modification of CUP 10-88. Under current provisions, the use falls within the definition of "Day Care Center":

Day Care Centers. Establishment providing nonmedical care for persons on a less than 24-hour basis other than a Family Day Care Home. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Since Day Care Centers are no longer identified as a permitted use in the RM-3 (High Density Residential) Zone District, the use is considered nonconforming, and any expansion will require the City Council to classify the nonconforming use to determine whether to permit substitution or expansion. As outlined in the Porterville Development Ordinance Section 307.06 Classification of Nonconforming Uses, the classification may be either a Class I or Class II.

Class I. Class I nonconforming uses are designated by the City Council following a public hearing and based on findings that:

1. The existing nonconforming use was legally established. *The use was lawfully established by action of the City Council on January 3, 1989, via adoption of Resolution No. 11-89, which approved Conditional Use Permit 10-88 for a childcare facility within an existing residential structure at 420 N. E Street (APN 252-160-006).*
2. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare. *The proposal consists of minor expansion to an existing day care facility. The project is required to comply with City requirements related to zoning, public facilities, services, and utilities, and improvement standards. These mechanisms are intended to minimize effects of development on nearby properties and uses.*
3. The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City Plan. *The RM-3 zone is the implementing zone for the High-Density Residential Land Use Designation. Via the procedure established in Development Ordinance Section 307.06, the Council may classify a use as nonconforming and thereby allow for its expansion. The proposed expansion is therefore consistent with the General Plan. There is no other applicable plan.*
4. The proposed use will not depress the value of nearby properties. *The proposed use consists of a minor expansion of an existing use. Child care facilities such as the existing/proposed facility are generally compatible with residential uses. The use would be required to comply with all applicable City requirements, and would not negatively affect property values.*
5. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. *Strict application of the Development Ordinance would result in the existing facility, without expansion, simply continuing to operate as an unclassified nonconforming use.*

Class II. Class II nonconforming uses include any legally established non-residential use that involves the following:

1. Storage, use, or generation of hazardous materials, processes, products, or wastes;
2. Activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration;
3. Conditions that would be incompatible with surrounding uses; or
4. Any nonconforming Sexually Oriented Business.

The findings for Class II Nonconforming Use do not apply.

Further, the requested building size of 1,422 SF is 222 SF above the maximum allowed size for accessory structures within residential districts. The Zoning Administrator has the authority to consider allowances to this limitation.

ANALYSIS: The nonconforming day care use falls within the criteria of the Class I nonconforming classifications, so the Council may take action accordingly. The expansion of the accessory structure beyond 1,200 SF may be permitted pursuant to City Council discretion. Previous accessory structure Zoning Administrator approvals have been allowed up to 1,800 SF.

Porterville Development Ordinance Section 604.04 requires that the Council make the following findings prior to approving a CUP:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the general plan and any other applicable plan that the city has adopted. *The project will further the following General Plan policies:*
 - *LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the city.*
 - *LU-G-3: Promote sustainability in the design and development of public and private development projects.*
 - *LU-G-5: Ensure that new development pays for the public facilities and infrastructure improvements required to meet the demands resulting from that growth.*
 - *ED-G-2: Retain, improve, and promote existing businesses in Porterville.*
 - *ED-G-5: Retain existing local businesses and foster local start-ups.*
 - *ED-G-7: Create an image for Porterville that will attract and retain economic activity.*

There is no other applicable plan.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the general plan, this development ordinance and with any other applicable plan adopted by the city council. *While the existing/proposed use is no longer a permitted or conditionally-permitted use in the RM-3 zone, Council action to classify the use as a Class I Nonconforming use then authorizes expansion or modification of that nonconforming use via conditional use permit. The use and structures are required to comply with all other applicable provisions of the RM-3 zone, which is the*

implementing zone for the High-Density Residential Land Use and are therefore consistent with the General Plan.

ENVIRONMENTAL: The proposed project is exempt from the California Environmental Quality Act per CEQA Guidelines Section 15301 (Existing Facilities), as it involves the expansion of an existing use by not more than 10,000 SF in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and it is not in an environmentally sensitive area. A Notice of Exemption will be filed with the Tulare County Clerk and the State Clearinghouse if the Council approves the project.

RECOMMENDATION: That the City Council:

1. Hold a public hearing to receive comments on the Krayola Korner CUP Modification;
2. Find that the proposed project is exempt from CEQA under CEQA Guidelines Section 15301;
3. Classify the existing Day Care as a Class I Nonconforming Use; and
4. Adopt the draft resolution approving the modification to Conditional Use Permit 10-88 for Krayola Korner, subject to conditions of approval.

ATTACHMENTS:

1. Locator Map
2. Zoning Map
3. General Plan Land Use Map
4. Project Site Plan
5. Conditional Use Permit No. 10-88
6. Draft Resolution

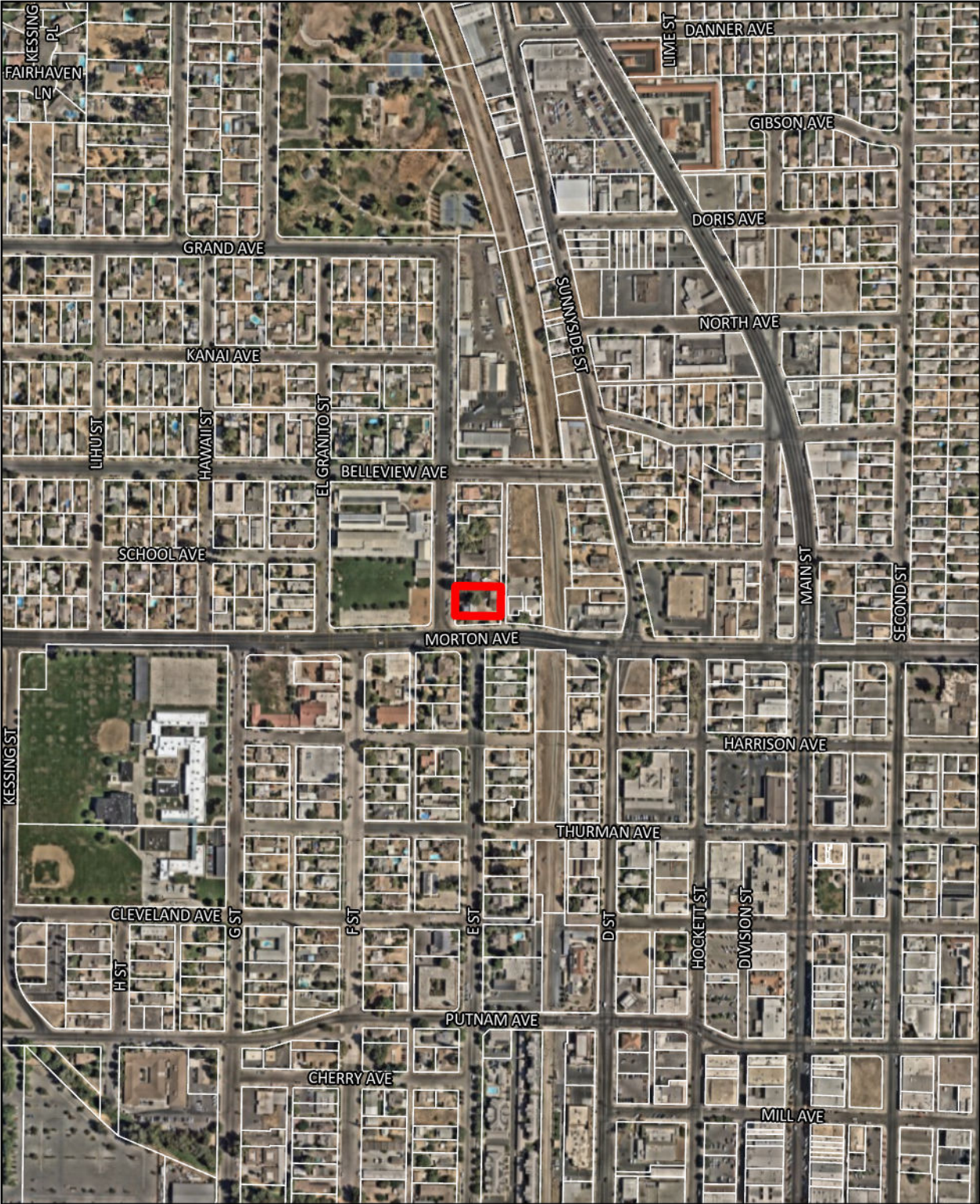
Appropriated/Funded:

Review By:

Department Director:
Claudia Calderon, Community Development Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

Locator Map
PRC 2025-040



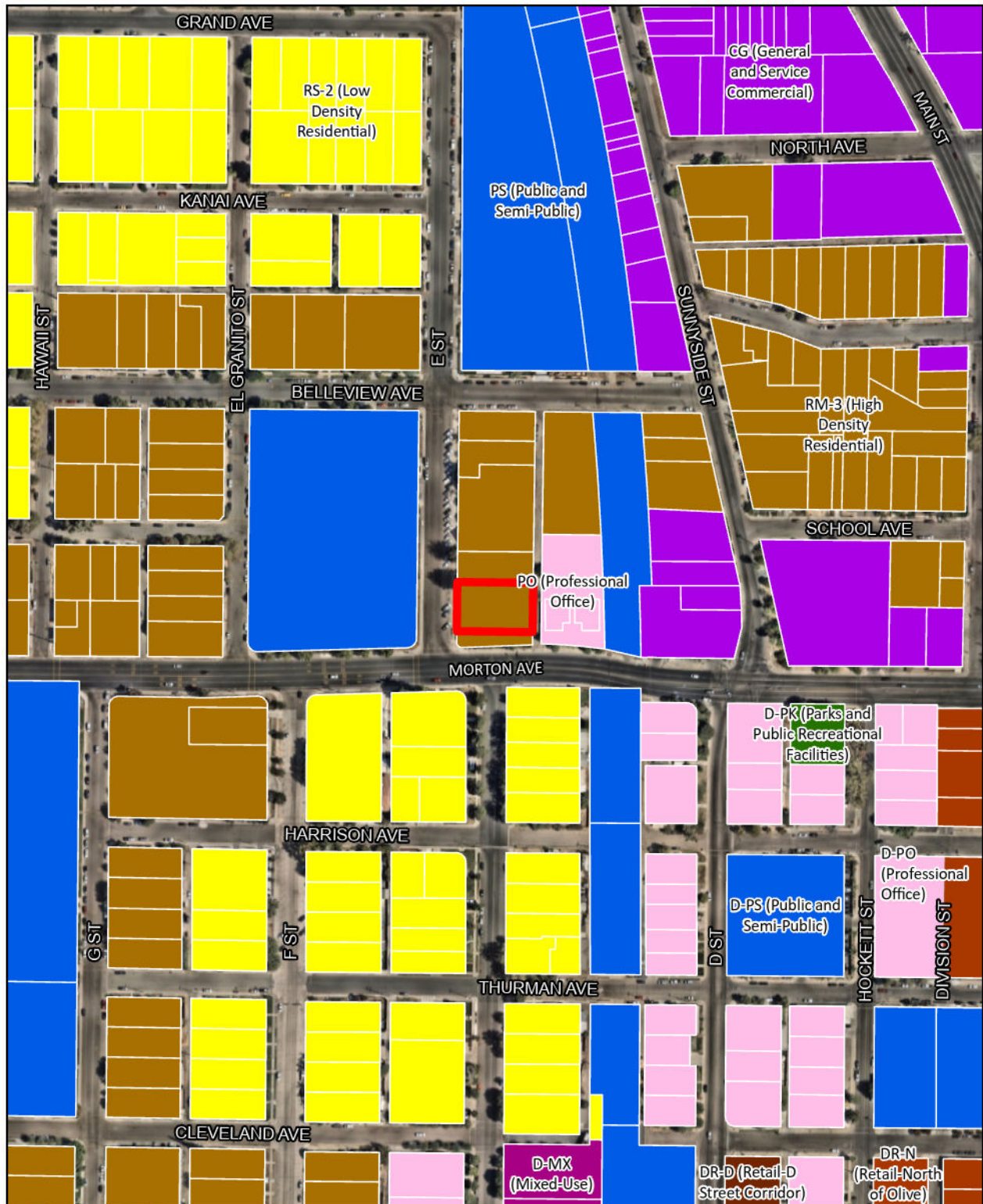
Mod CUP Krayola Korner
@ 420 North E Street

 Project Location

1 in = 500 feet



Zoning PRC 2025-040



**Mod CUP Krayola Korner
@ 420 North E Street**

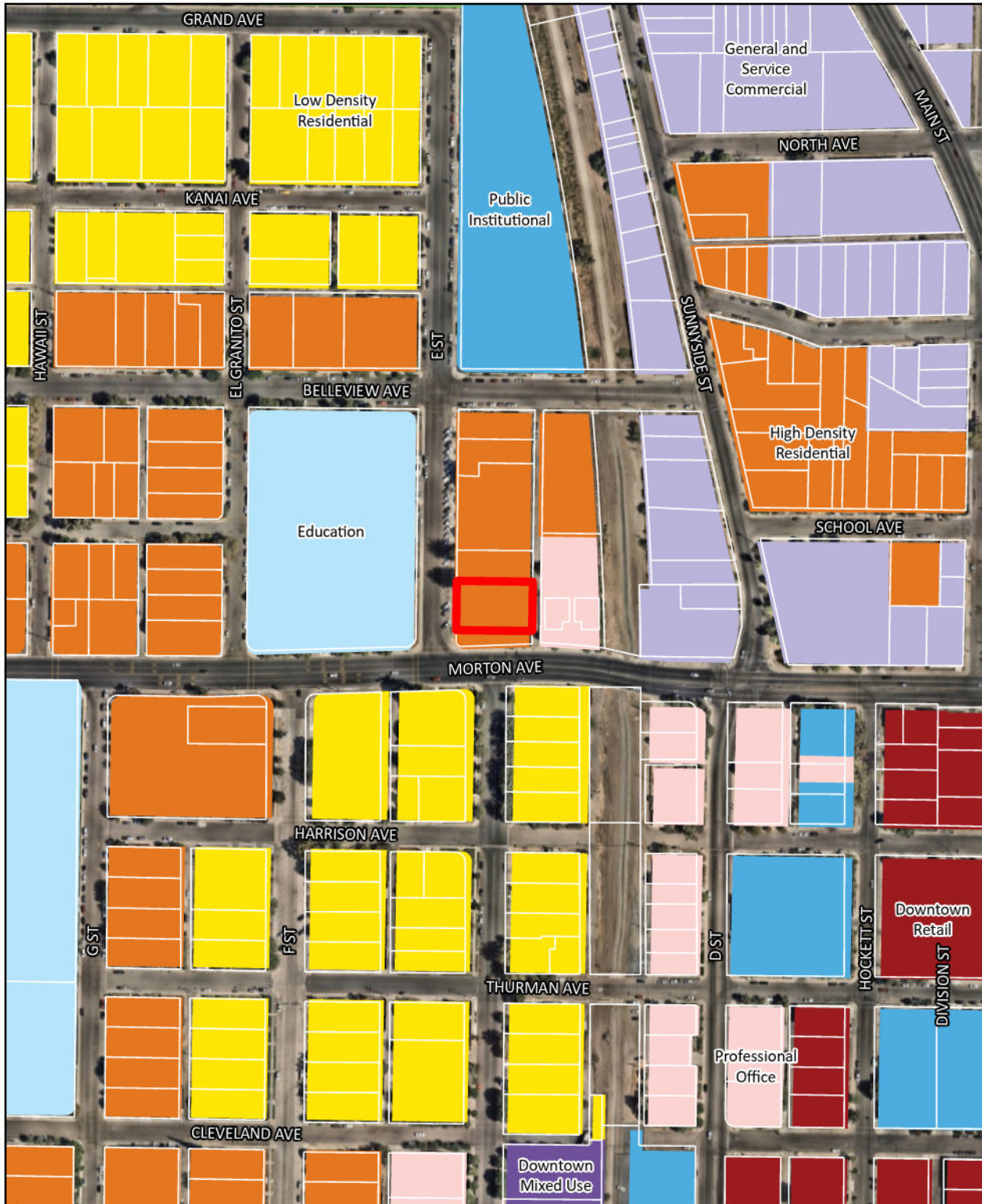
 Project Location

1 in = 300 feet



Date Printed: 9/3/2025 by the Community Development Department

GPLU
PRC 2025-040

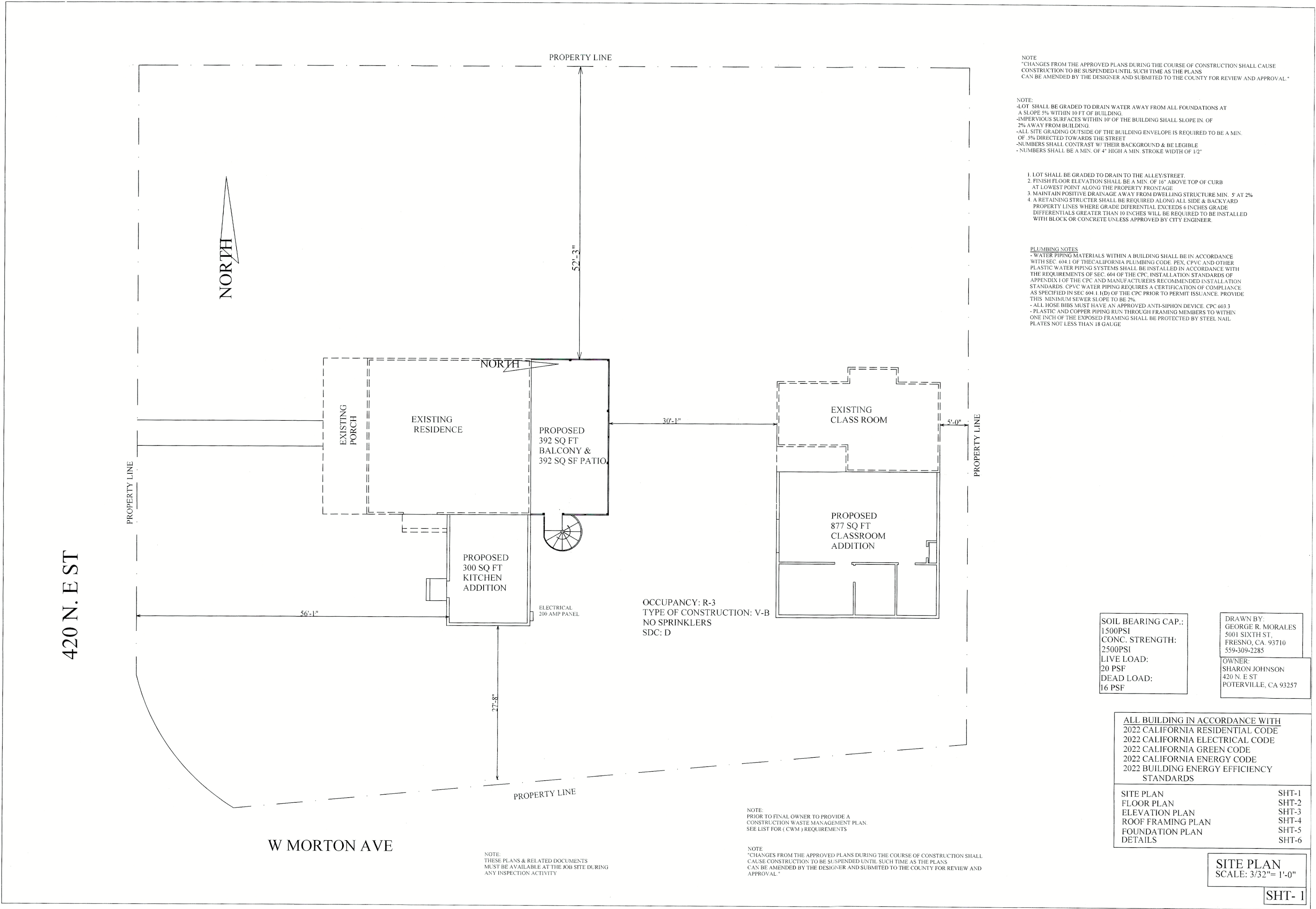


**Mod CUP Krayola Korner
@ 420 North E Street**

 Project Location

1 in = 300 feet





NOTE:
"CHANGES FROM THE APPROVED PLANS DURING THE COURSE OF CONSTRUCTION SHALL CAUSE CONSTRUCTION TO BE SUSPENDED UNTIL SUCH TIME AS THE PLANS CAN BE AMENDED BY THE DESIGNER AND SUBMITTED TO THE COUNTY FOR REVIEW AND APPROVAL."

NOTE:
-LOT SHALL BE GRADED TO DRAIN WATER AWAY FROM ALL FOUNDATIONS AT A SLOPE 5% WITHIN 10 FT OF BUILDING.
-IMPERVIOUS SURFACES WITHIN 10' OF THE BUILDING SHALL SLOPE IN, OF 2% AWAY FROM BUILDING.
-ALL SITE GRADING OUTSIDE OF THE BUILDING ENVELOPE IS REQUIRED TO BE A MIN. OF 5% DIRECTED TOWARDS THE STREET
-NUMBERS SHALL CONTRAST W/ THEIR BACKGROUND & BE LEGIBLE
-NUMBERS SHALL BE A MIN. OF 4" HIGH A MIN. STROKE WIDTH OF 1/2"

1. LOT SHALL BE GRADED TO DRAIN TO THE ALLEY/STREET.
2. FINISH FLOOR ELEVATION SHALL BE A MIN. OF 16" ABOVE TOP OF CURB AT LOWEST POINT ALONG THE PROPERTY FRONTAGE
3. MAINTAIN POSITIVE DRAINAGE AWAY FROM DWELLING STRUCTURE MIN. 5' AT 2%
4. A RETAINING STRUCTURE SHALL BE REQUIRED ALONG ALL SIDE & BACKYARD PROPERTY LINES WHERE GRADE DIFFERENTIAL EXCEEDS 6 INCHES GRADE DIFFERENTIALS GREATER THAN 10 INCHES WILL BE REQUIRED TO BE INSTALLED WITH BLOCK OR CONCRETE UNLESS APPROVED BY CITY ENGINEER.

PLUMBING NOTES
- WATER PIPING MATERIALS WITHIN A BUILDING SHALL BE IN ACCORDANCE WITH SEC. 604.1 OF THE CALIFORNIA PLUMBING CODE. PEX, CPVC AND OTHER PLASTIC WATER PIPING SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF SEC. 604 OF THE CPC. INSTALLATION STANDARDS OF APPENDIX I OF THE CPC AND MANUFACTURERS RECOMMENDED INSTALLATION STANDARDS. CPVC WATER PIPING REQUIRES A CERTIFICATION OF COMPLIANCE AS SPECIFIED IN SEC. 604.1.1(D) OF THE CPC PRIOR TO PERMIT ISSUANCE. PROVIDE THIS MINIMUM SEWER SLOPE TO BE 2%.
- ALL HOSE BIBS MUST HAVE AN APPROVED ANTI-SIPHON DEVICE. CPC 603.3
- PLASTIC AND COPPER PIPING RUN THROUGH FRAMING MEMBERS TO WITHIN ONE INCH OF THE EXPOSED FRAMING SHALL BE PROTECTED BY STEEL NAIL PLATES NOT LESS THAN 18 GAUGE

SOIL BEARING CAP.:
1500PSI
CONC. STRENGTH:
2500PSI
LIVE LOAD:
20 PSF
DEAD LOAD:
16 PSF

DRAWN BY:
GEORGE R. MORALES
5001 SIXTH ST,
FRESNO, CA. 93710
559-309-2285
OWNER:
SHARON JOHNSON
420 N. E ST
POTERVILLE, CA 93257

ALL BUILDING IN ACCORDANCE WITH
2022 CALIFORNIA RESIDENTIAL CODE
2022 CALIFORNIA ELECTRICAL CODE
2022 CALIFORNIA GREEN CODE
2022 CALIFORNIA ENERGY CODE
2022 BUILDING ENERGY EFFICIENCY STANDARDS

SITE PLAN	SHT-1
FLOOR PLAN	SHT-2
ELEVATION PLAN	SHT-3
ROOF FRAMING PLAN	SHT-4
FOUNDATION PLAN	SHT-5
DETAILS	SHT-6

SITE PLAN
SCALE: 3/32"= 1'-0"

SHT- 1

NOTE:
PRIOR TO FINAL OWNER TO PROVIDE A CONSTRUCTION WASTE MANAGEMENT PLAN SEE LIST FOR (CWM) REQUIREMENTS

NOTE:
"CHANGES FROM THE APPROVED PLANS DURING THE COURSE OF CONSTRUCTION SHALL CAUSE CONSTRUCTION TO BE SUSPENDED UNTIL SUCH TIME AS THE PLANS CAN BE AMENDED BY THE DESIGNER AND SUBMITTED TO THE COUNTY FOR REVIEW AND APPROVAL."

NOTE:
THESE PLANS & RELATED DOCUMENTS MUST BE AVAILABLE AT THE JOB SITE DURING ANY INSPECTION ACTIVITY

C.U.P. 10-30

Child Care

Nursery

420 N.E.

Street

CARPORT

CARRIAGE
HOUSE

GATE

PROPOSED 6' FENCE



NORTH PROPERTY LINE
PROPOSED 6' FENCE

WOOD FENCE

MORTON ST.

155'

PATIO

BACK
DOOR

FRENCH DOORS

GATE

PROPOSED 6' FENCE

OFFICE
DOOR

FRONT DOOR

PROPOSED 6' FENCE

JENNIFER ARTIS
13291 RD 184
PORTERVILLE
781-6895

SIDEWALK
"E" STREET

SCALE 2' PER SQUARE

FIRE

Project No. 32-88

PROJECT REVIEW

TO: Engineering Division _____
Fire Department _____
Parks & Leisure Ser. _____
~~Police Department~~ _____
Building Inspector _____
Police Department _____
Field Services _____

DATE: May 5, 1988

OTHER: Conditional Use Permit

FROM: Chairman, Project Review Committee

SUBJECT: Conditional Use Permit to allow a child care facility (nursery for 15 children) to be located at 420 North "E" Street

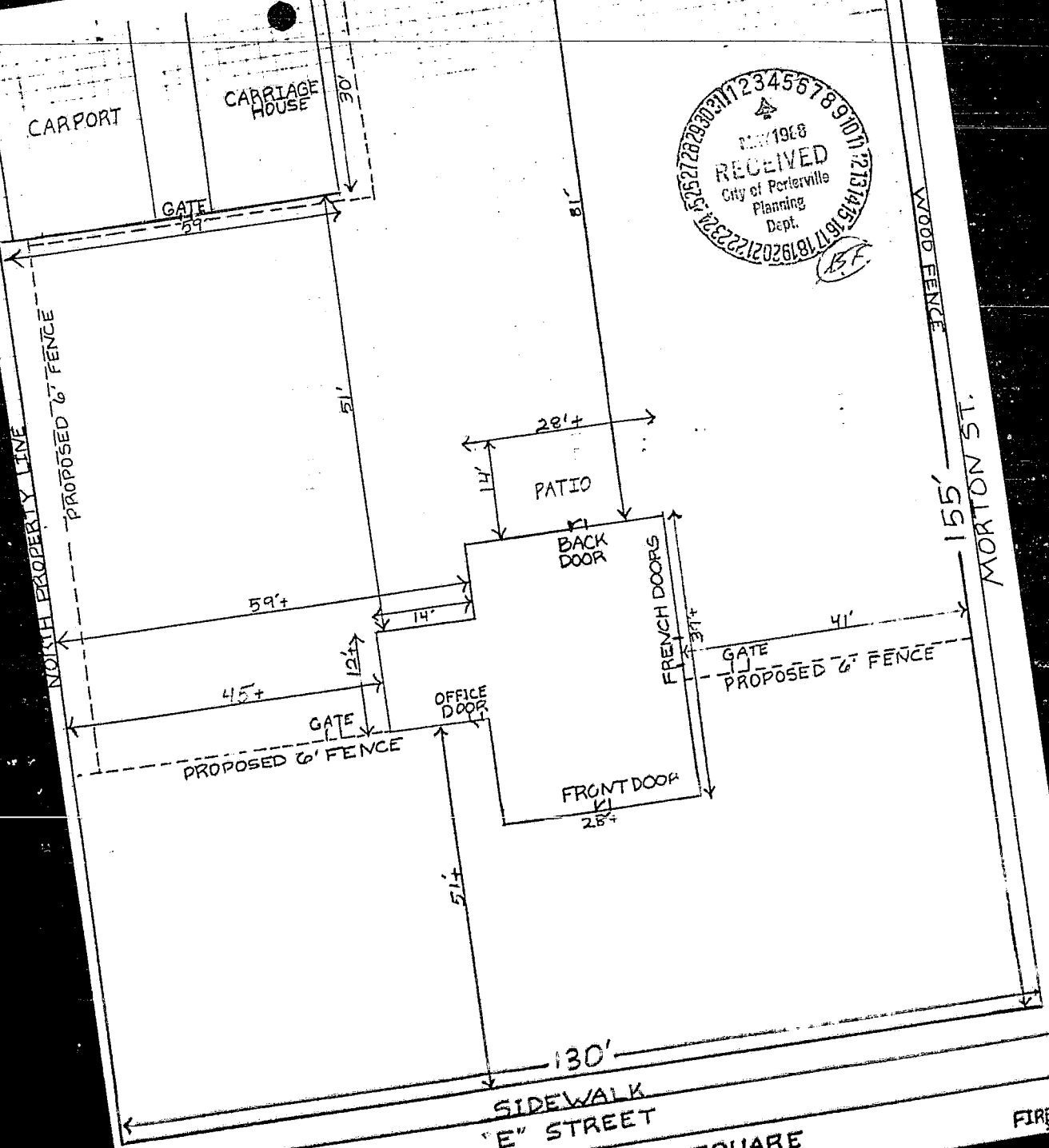
The Project Review Committee will consider action on the above matter at their meeting of May 18, 1988. Please present all comments and/or recommendations, along with any suggested developmental stipulations, design criteria, and improvement standards; felt by your department to be necessary to the Project Review Committee on the above scheduled date. All comments are to be in writing. Please use this form and if necessary attach additional sheets.

LU&CE: High Density Residential ; Zoning District: R-3
Discussion Item Only

- 36 CHILDREN - OK.

MF&M: PRC

PROPOSED 6' FENCE



SCALE 2" PER SQUARE

Project No. 32-88

PROJECT REVIEW

10: Engineering Division
Fire Department
~~Planning~~
Planning
Building Inspector
Police Department
Field Services

DATE: May 5, 1988

OTHER: Conditional Use Permit

FROM: Chairman, Project Review Committee

SUBJECT: Conditional Use Permit to allow a child care facility (nursery for 15 children) to be located at 420 North "E" Street

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LU&CE: High Density Residential ; Zoning District: R-3

Discussion Item Only

REF: REC

2. 4
GET HPS
COMMENTS

Project No. 32-88

PROJECT REVIEW

TO: Engineering Division _____
Fire Department _____
Parks & Leisure Ser. _____
Planning _____
Building Inspector _____
Police Department _____
~~Public Works~~ _____

DATE: May 5, 1988

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LU&CE: High Density Residential; Zoning District: R-3

Discussion Item Only

NE corner ?

1. Need to show alley

2. loading & unloading area

3. Hygiene / diapering only, gotta be inside of nursery

4. Hygiene / diapering only if used for changed diaper

5. Wash area - in corner

6. Room for stuff - night or concrete only

7. Signs ?

MEM: PRS

#2

Project No. 32-88

PROJECT REVIEW

TO: Engineering Division _____
Fire Department _____
Parks & Leisure Ser. _____
Planning _____
~~Building Inspector~~ _____
Police Department _____
Field Services _____

DATE: May 5, 1988

OTHER: Conditional Use Permit

FROM: Chairman, Project Review Committee

SUBJECT: Conditional Use Permit to allow a child care facility (nursery for 15 children) to be located at 420 North "E" Street

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LU&CE: High Density Residential ; Zoning District: R-3

Discussion Item Only

MF&M: PRC

Project No. 32-88

PROJECT REVIEW

DATE: May 5, 1988

OTHER: Conditional Use Permit

TO:

Engineering Division
~~Public Works Department~~
Parks & Leisure Ser.
Planning
Building Inspector
Police Department
Field Services

FROM:

Chairman, Project Review Committee
SUBJECT: Conditional Use Permit to allow a child care facility (nursery for
15 children) to be located at 420 North "E" Street

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LOUSE: High Density Residential; Zoning District: R-3

Discussion Item Only

NOTE: 643

ENGINEERING DIVISION CONDITIONS
FOR 420 NORTH " E " STREET

420ne

PRC 5/18/88

Approval is contingent upon the applicant arranging and paying the cost to comply with the following conditions:

1. Payment of all applicable fees in accordance with the Municipal Code and State law.
2. Compliance with the City standard for backflow prevention (Resolution No. 9615).

Project No. 32-88

PROJECT REVIEW

TO:

~~Engineering Division~~
Fire Department _____
Parks & Leisure Ser. _____
Planning _____
Building Inspector _____
Police Department _____
Field Services _____

DATE: May 5, 1988

OTHER: Conditional Use Permit

FROM: Chairman, Project Review Committee

SUBJECT: Conditional Use Permit to allow a child care facility (nursery for 15 children) to be located at 420 North "E" Street

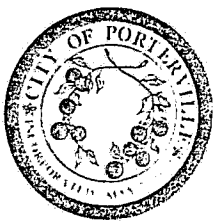
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LU&CE: High Density Residential ; Zoning District: R-3

Discussion Item Only

See 2 copies attached

NR&M: PRC



CITY OF PORTERVILLE
P.O. BOX 432 • PORTERVILLE, CALIFORNIA 93258 • (209) 784-1400

May 23, 1988

Jennifer Artis
13291 Road 184
Porterville, CA 93257

Re: Conditional Use Permit to allow a Child Care Facility for 36 Children to be located within the R-3 Zone at 420 North "E" Street
Next Level of Submittal: Formal Application for Conditional Use Permit

Dear Ms. Artis:

- ☐ The Project Review Committee, during the course of its regularly scheduled meeting of May 18, 1988, has determined that materials and data submitted for City review of the above-referenced project are complete as of this date and the procedural steps for consideration of those items shall commence as of May 18, 1988.
- ☒ The Project Review Committee, during the course of its regularly scheduled meeting of May 18, 1988, has determined that materials and data submitted for City review of the above-referenced project are NOT complete to accomplish the next level of submittal shown above. (See Attached).

MF&M: PRC/LTR

Jennifer Artis
May 23, 1988
Page Two

The following topics and requirements were discussed at the Project Review Committee Meeting:

1. Should you decide to purchase the subject residence and pursue City Council approval for operation of a child care center, you must complete and submit, to the Planning Division, the Conditional Use Permit application for conducting a child care center within the R-3 Zone. Environmental Questionnaire and 300 foot Radius Property Owners list (typed on format provided at the meeting with accompanying Assessor's Parcel Map showing the radius circle around the property), and a \$375.00 processing fee. Please include the Assessor's Parcel number for each property on each address label. Upon submittal (and acceptance as complete) of these application materials (provided to you at the Project Review Meeting), it will take six to eight weeks for the application to be considered by the City Council at a noticed Public Hearing.

2. The City Fire Chief relayed the following requirements from the Fire Marshal:

a. Child Day Care activities will be allowed only on the ground floor of the structure.

b. A fire alarm will be required within the structure.

c. All storage and janitor type closets must be of one hour fire resistive construction with all openings protected by 3/4 hour fire resistive assemblies (State Building Code 2-602, 1985 Edition).

3. If children under six (6) years of age will be cared for, several other Uniform Building Code requirements will also apply. The City Building Inspector will be able to provide more specific requirements after inspecting the existing structure.

4. The inspection by the Building Inspector (and Fire Marshal) can be arranged by contacting Mr. Bob King, Building Inspector, Mr. Bob King's office is located in the basement of City Hall, 301 North Main Street, and his telephone number is (208) 784-1410, extension 422. A \$50.00 inspection fee will be required prior to the on-site inspection visit.

5. Based on your indicated plan for child care rooms within the existing house and carriage house outbuilding, the four (4) existing parking spaces located at the easterly property line (off of the alley) must be retained as parking spaces. Conversion of this existing parking area will not be permitted (Section 12-01-010 of the City Zoning Code, 1980).

6. Prior to issuance of a City Building License for operating the child care facility, all structural code and safety inspections and requirements must be satisfied first.

Jennifer Artis
May 23, 1988
Page Three

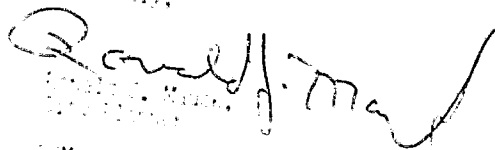
6. In regard to limitation on the number of children that can be cared for at the subject site, Section 401(5)(a) of the City Zoning Ordinance requires a "single play area of not less than 700 square feet, plus an additional 75 square feet for each child in excess of ten (10)" (Play area shall not be located in any required front or side yard). Review of your submitted plot plan reveals that you plan to have about 11,000 square feet of rear yard fenced play area, far more than the 2,770 square feet required for 36 children by the Zone Ordinance. Therefore, 36 children can be allowed on the premises in accordance with City Zoning requirements.

7. See attached Conditions of the City Engineer.

8. With 36 children, it may be necessary to make use of a large dumpster type refuse bin rather than use of three (3) 33 gallon trash cans to be picked up twice a week (six (6) cans a week). Should you require the large bin, a 6 foot masonry wall enclosure to be located at the alley, must be constructed by you to City Standards prior to issuance of a Business License. The refuse bin enclosure standards are available from the Building Inspector's office in City Hall.

9. One business identification sign per street frontage, not to exceed 20 square feet in area or 10 feet in height, will be allowed pursuant to Section 2018 (A)(1) of the Zoning Ordinance. Signage will not be allowed within 15 feet of the front or 5 feet of the side yard property lines and may only indicate the name and street address of the child care facility. A sign permit must be obtained from the City Building Department prior to erection of any sign.

Sincerely,


Jennifer Artis
City Engineer

PROPERTY OWNERS LIST

Please type in the boxes below, the owner's name and mailing address for each parcel shown on the 300 foot radius map. Each owner's name on this list must be numbered to correspond with the numbering placed on the map. (Names of owners should be secured from the County Assessor's Office, Courthouse).

Mr. Ron Dale 432 No. E Street Porterville, Ca. 93257 252-160-05	Arc Iris Gifts and Floral Shop 423 n. Sunnyside St. Porterville, Ca. 93257 252-160-36	Mr. Joseph Faure Jr. 375 No. E Street Porterville, Ca. 93257 252-171-05
First Lutheran Church 448 No. E Street Porterville, Ca. 93257 252-160-39	B.J.'s Express Market 90 W. Morton Porterville, Ca. 93257 252-160-33	Mrs. Janie Skofner 389 No. E Street Porterville, Ca. 93257 252-171-08
Mrs. Williams 476 No. E Street Porterville, Ca. 93257 252-160-02	Harris Wayne & Associates 101 W. Morton Ave. Porterville, Ca. 93257 252-160-172-10	Roman Catholic Bishop P.O. Box 1668 Fresno, Ca. 93717 252-171-09
First Lutheran Church 448 No. E Street Porterville, Ca. 93257 252-160-09	Edythe Howelle 392 No. E Street Porterville, Ca. 93257 252-172-05	Saint Ann's Church 385 No. F Street Porterville, Ca. 93257 252-171-02
Mrs. Edythe Howelle 392 No. E Street Porterville, Ca. 93257 252-160-30	Mr. James Howell 384 No. E Street Porterville, Ca. 93257 252-172-04	Saint Ann's Catholic Church 385 No. F Street Porterville, Ca. 93257 252-171-01
Belleview School 197 W. Belleview Ave. Porterville, Ca. 93257 252-160-31	Mr. Gordon Moore 378 No. E Street Porterville, Ca. 93257 252-172-03	
Rolinda Strong 459 No. Sunnyside St. Porterville, Ca. 93257 252-160-11	Mrs. Celestine Laughlin 378 No. E Street Porterville, Ca. 93257 252-172-02	
Miss Nitschke 459 No. Sunnyside St. Porterville, Ca. 93257 252-160-12	Rev. Kenneth Armstrong 364 No. E Street Porterville, Ca. 93257 252-172-01	
Mr. John Fitzpatrick 448 No. Sunnyside St. Porterville, Ca. 93257 252-160-13	Mr. John Smith 364 No. E Street Porterville, Ca. 93257 252-171-07	
Mr. P. Intel 432 No. Sunnyside St. Porterville, Ca. 93257 252-160-14	Mr. Tom Rafferty 364 Graftway Porterville, Ca. 93257 252-171-06	
Mr. Robert Burdick P.O. Box 900 Lindsay, Ca. 93247 252-160-35	Mr. Joseph Skofner 389 No. E Street Porterville, Ca. 93257 252-171-05	

CITY OF PORTERVILLE
DEPARTMENT OF COMMUNITY DEVELOPMENT AND SERVICES
PLANNING DIVISION
ENVIRONMENTAL INFORMATION FORM

Date Filed: 12-1-88

(To be completed by Applicant or Engineer)

For Office Use Only:

Receipt No. _____ Amount: _____
Date: _____ Payer: _____
Received By: _____ Project No.: _____
ERC No.: _____

Note: Failure to answer applicant questions could delay the processing of your application or require you to resubmit your application.

General Information:

1. Name and address of developer or project sponsor: TENNIFER JRTS
420 N. E STREET PORTERVILLE
2. Address of project: 420 NORTH E STREET
3. Name, address, and telephone number of person to be contacted concerning this project: TENNIFER JRTS
420 N. E STREET
782-8008
4. Indicate number of the permit application for the project to which this form pertains: CONDITIONAL USE PERMIT
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: SEE CITY RECORDS
6. Existing zoning district: A-1
7. Proposed use of site (project for which this form is submitted): RECREATION

Project Description:

8. Site size. _____
9. Square footage. _____
10. Number of floors of construction. _____

11. Amount of off-street parking provided. *2 STALLS AND 1 HANDICAPED*
12. Attach plans.
13. Proposed scheduling. *N-A*
14. Associated project. *NONE*
15. Anticipated incremental development. *NONE*
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. *R 3 ZONED*
18. If industrial, indicate type, estimated employment per shift, and loading facilities. *R 3 ZONED - MEETS REQUIRED ZONE REQ. FOR DAYCARE FACILITY*
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project. *---*
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. *A CONDITIONAL USE PERMIT IS REQUIRED BEFORE A PRESCHOOL IS OBTAINED*
- Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

- | | YES | NO |
|---|--------------------------|-------------------------------------|
| 21. Change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours. | ☐ | ☒ |
| 22. Change in scenic views or vistas from existing residential areas or public lands or roads. | ☐ | ☒ |
| 23. Changes in pattern, scale or character of general area of project. | ☐ | ☒ |
| 24. Significant amounts of solid waste or litter. | ☐ | ☒ |
| 25. Change in dust, ash, smoke, fumes or odors in vicinity. | ☐ | ☒ |
| 26. Change in ocean, bay, lake, stream or other water quality or alteration of existing drainage pattern. | ☐ | ☒ |
| 27. Substantial change in existing noise or vibration levels in the vicinity. | ☐ | ☒ |
| 28. Substantial change in existing air quality or temperature. | ☐ | ☒ |
| 29. Substantial change in existing potential for natural resource damage. | ☐ | ☒ |

30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). ☒
31. Substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.). ☒
32. Relationship to a larger project or series of projects. ☒

Environmental Setting:

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted.

SINGLE FAMILY RESIDENCE - ZONE R-3
EXISTING STRUCTURES 1) 2 STORY HOME TO BE CONVERTED
TO PRESCHOOL ON GROUND FLOOR ONLY.
2) CARRIAGE HOUSE - USED AT THIS TIME FOR
STORAGE ONLY

34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted.

TO THE WEST IS BELLVIEW ELEMENTARY SCHOOL
TO THE SOUTH IS MORTON AVE.
TO THE EAST IS FREEMAN AVE LOT 107
TO NORTH IS REINHOLD'S FURNITURE FAMILY HOME, THEN
FIRST LUTHERAN CHURCH

All applicants or engineers must check one of the following boxes:

☒ I hereby authorize the City of Porterville Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Draft Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ I hereby authorize the engineer or surveyor as my representative to authorize the City Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Draft Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

— Please do not proceed with the preparation of an Environmental Impact Report for my project until the City Planning Division has received a written authorization letter from me, or my authorized representative.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

George D. C. 12-1-88
Signature Date

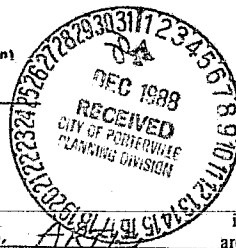
George D. C.
Applicant/Engineer

436 N. E. 10th Ave. 10th Ave. 10th Ave. 10th Ave. 10th Ave.
Address Street City State Zip

800-222-2222
Telephone

MF&M: EIF

APPLICATION FOR CONDITIONAL USE PERMIT NO. _____



TO THE PORTERVILLE BOARD OF ZONING ADJUSTMENT:

The Applicant(s) JENNIFER D. ARTIS & LEONA S. ARTIS is/are
(Please Print or Type Name)

the owner(s) of property situated at 420 No. E. STREET, PORTERVILLE CA 93257
(Street Address)

between F Street and D Street.

Exact legal description of said property being _____
(Use separate sheet if necessary)

a Plot Plan of which 300' radius map, property owners' list are hereto attached and made a part of this application.
(See detailed instructions on Page 3 of this form.)

(A) Above described property is owned by Jennifer & Leona Artis Date Acquired 06-88
(Month Day Year)

(B) If applicant is the lessee, give date property was leased _____
(Month Day Year)

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire _____

(You may attach copy of original printed restrictions in answer to this question after properly underlining those features controlling the type and class of uses permitted thereby.)

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done on, or with, the property.)

Open a preschool on first floor of property (house)
Capacity 24, 2:00 PM - 5:00 PM, Sun - Fri.
Monday - Friday.

NOTE: The basic purpose of the Conditional Use Permit Article of Ordinance No. 707 is to assure that the design, and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare and because of the unique and special characteristics of such uses. Conditional uses are sometimes required to be permitted in zones other than which regularly classified or sometimes are not included within a specific zone.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

Several other schools are located around the property. One being Bellevue Elementary School. Any increase in the noise level will be minor.

2. Principal requirements of intended use:
(Please answer the following statements.)

- (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time. (Seating capacity) 24 children, 2 adult teachers, visiting parents

- (b) Total number of employees that will work on the property. 2 teachers / Directors

- (c) Total number of off-street parking spaces planned 3 (one handicap)

- (d) Maximum height of buildings or structures 2 story home

- (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED.

(Add additional sheets where necessary. These signatures are desirable but not required.)

[illegible]

APPLICANT'S DECLARATION

STATE OF CALIFORNIA)
) ss.
COUNTY OF TULARE)

I (We), JENNIFER ARTIS, Leona Artis being duly sworn,
(Print name in full)

declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at Porterville
this 1 day of December, 1988

Phone No. 782-8028 Signed Ch. W. McPherson, Chairman
420 N. E. Street
Porterville, Ca. 93257
 Mailing Address

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the Porterville City Planning Commission governing the filing of such application.

By _____

Date Received: 2004-01-14

For the Board of Zoning Adjustments

REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. CONDITIONAL USE APPLICATION FORM

2. 300-FOOT RADIUS MAP

3. PROPERTY OWNERS' LIST

4. PLOT PLAN, DRAWINGS OR PHOTOGRAPHS

5. FILING FEE \$300.00

1. The Conditional Use Application Form must be filled out with full answers to every statement and question. The application must be signed by owner or authorized agent under penalty of perjury in the space provided on Page 3.
2. The 300-Foot Radius Map accompanying the application must be a clear tracing to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved and the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or if vacant. The various zones surrounding subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner's name on Property Owners' List (As explained below). (14 COPIES)
3. The Property Owners' List should be typewritten or legibly printed on a form to be obtained from the City, and must include the owner's name and mailing address. Each owner's name on this list must be numbered to correspond with the numbering placed on the aforesaid Map (Names of owners must be secured from City or County Assessor's Office, at the City Hall or County Courthouse). (1 COPY)
4. The Plot Plan must be a clear and accurate tracing of suitable size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel lines clearly shown. Drawings of proposed buildings on a scale large enough to illustrate the subjects under discussion are suggested as exhibits with this application. Photographs of structures are also helpful. (14 COPIES)

When above requirements are met file Application, Map, Plot Plan and Property Owners' List with the Board of Zoning Adjustment, City Hall, Porterville, California. The application must be complete in every respect, with all questions and demands answered, before the Clerk can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application. If the Board of Zoning Adjustment grants the Conditional Use, the Building Inspector can issue a USE PERMIT on the proposal.

This application must be filed at least three weeks before the date of the meeting at which the matter is heard.

CARPORT

CARPORT

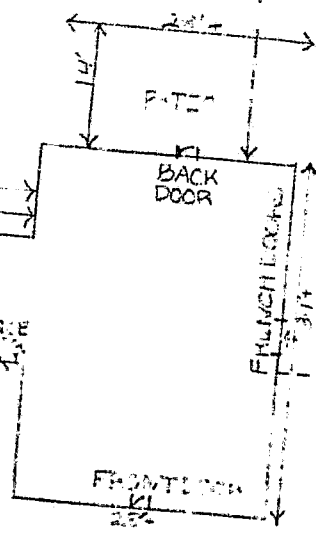
PROPOSED 6' FENCE

GATE

PROPOSED 6' FENCE

NORTH PROPERTY LINE

WOOD FENCE 15' ALONG
MCKIN ST



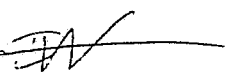
RECEIVED BY THE
COUNTY CLERK

4/20

FILED

December 5, 1988

TO: Building and Fire Departments

FROM: Dennis H. Willshon, Associate Planner 

SUBJECT: 420 North "E" Street - Child Care Facility

COMMENT: On May 18, 1988, the Project Review Committee reviewed a proposal to operate a child care facility at 420 North "E" Street.

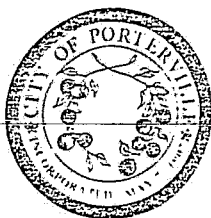
An on-site inspection by the Building and Fire Departments was required.

The applicant has filed the requisite Conditional Use Permit application materials. This project is now ready to proceed to the Environmental Review Committee.

Let me know by Thursday, December 8, 1988 whether the on-site inspections were made and any additional requirements resulting from such.

DNW:dlc

Attachment: PRC letter dated May 23, 1988



CITY OF PORTERVILLE

P.O. BOX 432 • PORTERVILLE, CALIFORNIA 93258 • (209) 784-1400

May 23, 1988

Jennifer Artis
13291 Road 184
Porterville, CA 93257

Re: Conditional Use Permit to allow a Child Care Facility for 36 Children to be
located within the R-3 Zone at 420 North "E" Street
Next Level of Submittal: Final Application for Conditional Use Permit

Dear Ms. Artis:

☐ The Project Review Committee, during the course of its regularly scheduled meeting of _____, has determined that materials and data submitted for city review of the above-referenced project are complete as of this date and the procedural steps for consideration of those items shall commence as of _____.

☒ The Project Review Committee, during the course of its regularly scheduled meeting of May 18, 1988, has determined that materials and data submitted for city review of the above-referenced project are NOT complete to accomplish the next level of submittal shown above. (See Attached).

MEMO: PRO/LTR

Jennifer Artis
May 23, 1988
Page Two

The following topics and requirements were discussed at the Project Review Committee Meeting:

1. Should you decide to purchase the subject residence and pursue City Council approval for operation of a child care center, you must complete and submit, to the Planning Division, the Conditional Use Permit application for conducting a child care center within the R-3 Zone, Environmental Questionnaire and 300 foot Radius Property Owners list (typed on format provided at the meeting with accompanying Assessor's Parcel Map showing the radius circle around the property), and a \$375.00 processing fee. Please include the Assessor's Parcel number for each property on each address label. Upon submittal (and acceptance as complete) of these application materials (provided to you at the Project Review Meeting), it will take six to eight weeks for the application to be considered by the City Council at a noticed Public Hearing.
2. The City Fire Chief relayed the following requirements from the Fire Marshal:
 - a. Child Day Care activities will be allowed only on the ground floor of the structure.
 - b. A fire alarm will be required within the structure.
 - c. All storage and janitor type closets must be of one hour fire resistive construction with all openings protected by 3/4 hour fire resistive assemblies (State Building Code 2-802, 1985 Edition).
 - d. If children under six (6) years of age will be cared for, several other Uniform Building Code requirements will also apply. The City Building Inspector will be able to provide more specific requirements after inspecting the existing structure.
3. The inspection by the Building Inspector (and Fire Marshal) can be arranged by contacting Mr. Bob Oates, Chief Building Inspector. Mr. Oates' office is located in the basement of City Hall, 291 North Main Street and his telephone number is (209) 784-1400, extension 463. A \$55.00 inspection fee will be required prior to the on-site inspection visit.
4. Based on your proposed plan for child care rooms within the existing house and carriage house outbuilding, the four (4) on-site parking spaces located at the easterly property boundary off of the alley, must be retained as parking spaces. Conversion of this existing parking area will not be permitted (Section 2202(A)(19) of the City Zoning Ordinance).
5. Prior to issuance of a City Business License for operating the child care facility, all applicable state and county licenses and requirements must be obtained/met.

Jennifer Artis
May 23, 1988
Page Three

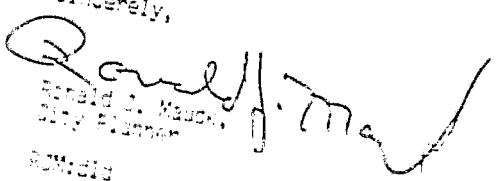
6. In regard to limitation on the number of children that can be cared for at the subject site, Section 401(5)(a) of the City Zoning Ordinance requires a "single play area of not less than 700 square feet, plus an additional 75 square feet for each child in excess of ten (10)" "(Play area shall not be located in any required front or side yard)." Review of your submitted plot plan reveals that you plan to have about 11,000 square feet of rear yard fenced play area, far more than the 2,770 square feet required for 36 children by the Zone Ordinance. Therefore, 36 children can be allowed on the premises in accordance with City Zoning requirements.

7. See attached Conditions of the City Engineer.

8. With 36 children, it may be necessary to make use of a large dumpster type refuse bin rather than use of three (3) 33 gallon trash cans to be picked up twice a week (six (6) cans a week). Should you require the large bin, a 6 foot masonry wall enclosure to be located at the alley, must be constructed by you to City Standards prior to issuance of a Business License. The refuse bin enclosure standards are available from the Building Inspector's office in City Hall.

9. One business identification sign per street frontage, not to exceed 20 square feet in area or 10 feet in height, will be allowed pursuant to Section 2018 (A)(1) of the Zoning Ordinance. Signage will not be allowed within 15 feet of the front or 5 feet of the side yard property lines and may only indicate the name and street address of the child care facility. A sign permit must be obtained from the City Building Department prior to erection of any sign.

Sincerely,


Ronald J. Mason,
City Planner

ROM:dls

ENCLOSURE

December 5, 1988

Rec'd from Pete Dunett

12-6-88

*"Their conditions will be
complied w/ prior to their (F.D. #2)
issuing a state license"*

TO: Building and Fire Departments
FROM: Dennis H. Willshon, Associate Planner
SUBJECT: 420 North "E" Street - Child Care Facility

COMMENT: On May 18, 1988, the Project Review Committee reviewed a proposal to operate a child care facility at 420 North "E" Street.

An on-site inspection by the Building and Fire Departments was required.

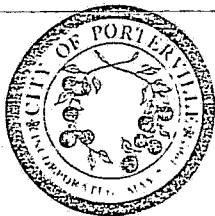
The applicant has filed the requisite Conditional Use Permit application materials. This project is now ready to proceed to the Environmental Review Committee.

Let me know by Thursday, December 8, 1988 whether the on-site inspections were made and any additional requirements resulting from such.

DHW:dld

Attachment: 880 letter dated May 28, 1988

*F. Dept. did not want their
conditions in the C.U.P.
they want to handle them
separately.*



CITY OF PORTERVILLE

P.O. BOX 432 • PORTERVILLE, CALIFORNIA 93258 • (209) 784-1400

May 23, 1988

Jennifer Artis
13291 Road 184
Porterville, CA 93257

Re: Conditional Use Permit to allow a Child Care Facility for 35 Children to be
located within the R-3 Zone at 420 North "E" Street
Next Level of Submittal: Formal Application for Conditional Use Permit

Dear Ms. Artis:

- ☐ The Project Review Committee, during the course of its regularly scheduled meeting of _____, has determined that materials and data submitted for city review of the above-referenced project are complete as of this date and the procedural steps for consideration of these items shall commence as of _____.
- ☒ The Project Review Committee, during the course of its regularly scheduled meeting of May 18, 1988, has determined that materials and data submitted for city review of the above-referenced project are not complete to accomplish the next level of submittal shown above. (See Attached).

MEMO: FRO/LTR

Jennifer Artis
May 23, 1988
Page Two

The following topics and requirements were discussed at the Project Review Committee Meeting:

1. Should you decide to purchase the subject residence and pursue City Council approval for operation of a child care center, you must complete and submit, to the Planning Division, the Conditional Use Permit application for conducting a child care center within the R-3 Zone, Environmental Questionnaire and 300 foot Radius Property Owners list (typed on format provided at the meeting with accompanying Assessor's Parcel Map showing the radius circle around the property), and a \$375.00 processing fee. Please include the Assessor's Parcel number for each property on each address label. Upon submittal (and acceptance as complete) of these application materials (provided to you at the Project Review Meeting), it will take six to eight weeks for the application to be considered by the City Council at a noticed Public Hearing.

2. The City Fire Chief relayed the following requirements from the Fire Marshal:

- a. Child Day Care activities will be allowed only on the ground floor of the structure.
- b. A fire alarm will be required within the structure.
- c. All storage and janitor type closets must be of one hour fire resistive construction with all openings protected by 3/4 hour fire resistive assemblies (State Building Code 2-802, 1985 Edition).
- d. If children under six (6) years of age will be cared for, several other Uniform Building Code requirements will also apply. The City Building Department will be able to provide more specific requirements upon inspecting and clearing structures.

3. The information by the Building Department and Fire Marshal is being provided to you for your information. The Building Department office is located at the City Hall, 100 North Main Street, Room 100, and the telephone number is 222-1234. The Fire Marshal's office is located at the Fire Station, 100 North Main Street, Room 100, and the telephone number is 222-1234. The information is being provided to you for your information.

4. Based on your information, the City Council will be able to make a decision on whether or not to approve the application. The City Council will be able to make a decision on whether or not to approve the application. The City Council will be able to make a decision on whether or not to approve the application.

5. Please be advised that the City Council will be able to make a decision on whether or not to approve the application. The City Council will be able to make a decision on whether or not to approve the application. The City Council will be able to make a decision on whether or not to approve the application.

Jennifer Artis
May 23, 1988
Page Three

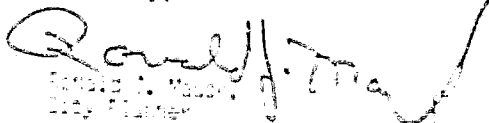
6. In regard to limitation on the number of children that can be cared for at the subject site, Section 401(5)(a) of the City Zoning Ordinance requires a "single play area of not less than 700 square feet, plus an additional 75 square feet for each child in excess of ten (10)" "(Play area shall not be located in any required front or side yard)." Review of your submitted plot plan reveals that you plan to have about 11,000 square feet of rear yard fenced play area, far more than the 2,770 square feet required for 36 children by the Zone Ordinance. Therefore, 36 children can be allowed on the premises in accordance with City Zoning requirements.

7. See attached Conditions of the City Engineer.

8. With 36 children, it may be necessary to make use of a large dumpster type refuse bin rather than use of three (3) 33 gallon trash cans to be picked up twice a week (six (6) cans a week). Should you require the large bin, a 6 foot masonry wall enclosure to be located at the alley, must be constructed by you to City Standards prior to issuance of a Business License. The refuse bin enclosure standards are available from the Building Inspector's office in City Hall.

9. One business identification sign per street frontage, not to exceed 20 square feet in area or 10 feet in height, will be allowed pursuant to Section 2018 (A)(1) of the Zoning Ordinance. Signage will not be allowed within 15 feet of the front or 5 feet of the side yard property lines and may only indicate the name and street address of the child care facility. A sign permit must be obtained from the City Building Department prior to erection of any sign.

Sincerely,


David J. Ma
City Engineer

Enclosure

0035-041-0014-170

Spoke w/ Artis 12-12-88
@ 3:30 p.m. Monday.

Let her know that \$6000.00 was
needed - 4000.00 C.I.P. 2000.00 N.D.
would take the EPS to ERC
either 12-21 or 12-28 & to G/C 1-3-89
if fees pt. immediately.

D/K

S-16 400⁰⁰
S-26 200⁰⁰

CUP 10-88

Neg. Dec. for CUP 10-88

11-24/271
1210(8)

WELLS FARGO BANK

PORTERVILLE OFFICE 259 N. MAIN STREET PORTERVILLE, CA 93257

215

PAY TO THE ORDER OF

City of Porterville 12-16-88

Six Hundred 00/100 \$ 600.00

LEONA S. ARTIS
JENNIFER DAY ARTIS
13291 ROAD 184 781-6895
PORTERVILLE, CA 93257

DOLLARS

MEMO C.U.P. 84mm. Report

⑆ 121000248⑆ 215 0271 282659⑈

CITY OF PORTERVILLE

DEPARTMENT OF FINANCE

No 20402

OFFICIAL RECEIPT

DATE 12-16-88

RECEIVED OF

Artis, Jennifer

THE SUM OF

Six Hundred Dollars & 00/100

\$ 600⁰⁰

IN PAYMENT FOR

S-16 400⁰⁰ CUP 10-88

S-26 200⁰⁰ Neg. Dec. for CUP 10-88

Check # 215

DISTRIBUTION

Account Number

Amount

01-801

\$ 600.00

RECEIVED BY

[Signature]

NOT A RECEIPT
UNTIL VALIDATED

TOTAL

\$ 600.00

DISTRIBUTION OF COPIES:

Original - Publication
Duplicate - Finance/Acc't.
Payable
Triplicate- Issuing Dept.

CITY OF PORTERVILLE
ADVERTISING

DATE: December 20, 1988 AUTHORIZED BY: (DEPT. HEAD)

ORDERING DEPT.: Planning Division

PUBLICATION (NAME): Porterville Recorder (PHONE #): 8732-XXXX 732-7431

DATE(s) TO BE PUBLICIZED: December 22, 1988

SUBJECT: Conditional Use Permit 10-22 Public Hearing Notice

BUDGET ACCOUNT NO.: 61-3020-21

TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES
TO BE ADVERTISED IN LEGAL SECTION
COPY

City of Porterville
Finance Dept./Accounts Payable
P. O. Box 432
Porterville, Ca. 93250



City of Porterville
Finance Dept./Accounts Payable

PUBLIC HEARING NOTICE

CONDITIONAL USE PERMIT 10-88

CONSIDERATION OF APPROVAL OF NEGATIVE
DECLARATION AND CONDITIONAL USE PERMIT

Notice is hereby given, that pursuant to Article Twenty-Nine of the Porterville City Zoning Ordinance, the City Council will conduct a public hearing to consider approval of Conditional Use Permit 10-88 and Negative Declaration to allow a child care facility (pre-school) in the R-3 (Multiple-Family) zone. The site is located on the northeast corner of Morton Avenue and North "E" Street.

The public hearing will be held in the Council Chambers at City Hall on Tuesday, January 3, 1989 at 5:30 p.m., or as soon thereafter as the matter can be heard.

This notice is given in order to provide all interested parties an opportunity to be heard and to present their views on this application. Application materials and environmental documents are on file in the office of the Porterville Planning Division at City Hall and are available for inspection by any and all persons interested therein.

DATED: December 22, 1988

C. G. HUFFAKER
CITY CLERK

CITY OF PORTERVILLE
ENVIRONMENTAL INITIAL STUDY

I. Background:

1. Name of Proponent: Jennifer and Leona Artis
2. Address and Telephone Number of Proponent: 420 North "E" Street
Porterville, CA 93257 (209) 782-8028
3. Date of Checklist Submission: December 15, 1988
4. Agency Requiring Checklist: City of Porterville
5. Contact Person: Ronald Mauck
Telephone Number: 782-7460
6. Project Title: Conditional Use Permit 10-88
7. Address/Location: 420 North "E" Street
8. Project Description: Conditional Use Permit to allow a child
care facility in the R-3 (multiple-family) zone.

9. Identification of the Environmental Setting:

- North: R-3 - single family dwelling, Lutheran Church
South: R-1, R-2, Marton Avenue, existing single family dwellings
Catholic Church
East: R-3, C-3 - Alley, vacant parcels, Southern Pacific Railroad
Convenience market
West: R-3 - North "E" Street, Bellevue Elementary School

The subject site contains an existing two story single family dwelling with a detached carport and out building. It is enclosed by chainlink fencing along the north, east and west with a 6 foot high masonry fence along the south.

10. Project Consistency with Existing Plans and Zoning:

Child care facilities are allowed in the R-3 zone, subject to approval of a conditional use permit. Therefore, the project is conditionally consistent with the General Plan designation of High Density Residential.

II. Environmental Impacts

* Explanation of all "yes" and "no" answers are required to be attached. N/A answers have been deemed to be "not applicable" to this specific project and warrant no further discussion.

	YES	MAYBE	NO	N/A
1. <u>EARTH</u> : Will the proposal result in:				
a. Unstable earth conditions or in changes in geologic substructures?	—	—	—	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	—	—	—	<u>X</u>
c. Change in topography or ground surface relief features?	—	—	—	<u>X</u>
d. The destruction, covering or modification of any unique geologic or physical features?	—	—	—	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	—	—	—	<u>X</u>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	—	<u>X</u>
g. Exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	—	—	—	<u>X</u>
2. <u>AIR</u> : Will the proposal result in:				
a. Substantial air emission or deterioration of ambient air quality?	—	—	—	<u>X</u>
b. The creation of objectionable odors?	—	—	—	<u>X</u>
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	—	—	—	<u>X</u>
3. <u>WATER</u> : Will the proposal result in:				
a. Change in currents, or the course or direction of water movements, in either marine or fresh waters?	—	—	—	<u>X</u>

	YES	MAYBE	NO	N/A
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	_____	<u>X</u>
c. Alterations to the course or flow of flood waters?	_____	_____	_____	<u>X</u>
d. Change in the amount of surface water in any water body?	_____	_____	_____	<u>X</u>
e. Discharge into surface waters or in any alteration of surface water quality, including but not limited to, temperature, dissolved oxygen or turbidity?	_____	_____	_____	<u>X</u>
f. Alteration of the direction or rate of flow of groundwaters?	_____	_____	_____	<u>X</u>
g. Change in the quantity of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	_____	<u>X</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	_____	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	_____	<u>X</u>
4. <u>PLANT LIFE:</u> Will the proposal result in:				
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	_____	_____	<u>X</u>
b. Reduction of the number of any unusual, rare, or endangered species of plants?	_____	_____	_____	<u>X</u>
c. Introduction of new species of plants into an area, or in a manner to the local replenishment of existing species.	_____	_____	_____	<u>X</u>
d. Reduction in acreage of any agricultural crop?	_____	_____	_____	<u>X</u>
5. <u>ANIMAL LIFE:</u> Will the proposal result in:				
a. Change in the diversity of species, or numbers of any species of plants, birds, land animals including reptiles, turtles and amphibians, marine life, etc.	_____	_____	_____	<u>X</u>

	YES	MAYBE	NO	N/A
b. Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	___	<u>X</u>
c. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals?	___	___	___	<u>X</u>
d. Deterioration to existing fish or wildlife habitat?	___	___	___	<u>X</u>
6. <u>NOISE</u> : Will the proposal result in:				
a. Increases in existing noise levels?	<u>X</u>	___	___	___
b. Exposure of people to severe noise levels?	___	___	___	<u>X</u>
7. <u>LIGHT AND GLARE</u> :				
Will the proposal produce new light or glare?	___	___	___	<u>X</u>
8. <u>LAND USE</u> :				
Will the proposal result in a substantial alteration of the present or planned land use of an area?	___	___	<u>X</u>	___
9. <u>NATURAL RESOURCES</u> : Will the proposal result in:				
a. Increase in the rate of use of any natural resources?	___	___	___	<u>X</u>
b. Substantial depletion of any nonrenewable natural resources?	___	___	___	<u>X</u>
10. <u>RISK OF LOSS</u> :				
Will the proposal involve a risk of loss of property or the safety of persons?	___	___	___	<u>X</u>
Will the proposal involve a risk of loss of property or the safety of persons?	___	___	___	<u>X</u>
Will the proposal involve a risk of loss of property or the safety of persons?	___	___	___	<u>X</u>

13. TRANSPORTATION/CIRCULATION: Will the proposal result in:

	YES	MAYBE	NO	N/A
a. Generation of substantial additional vehicular movement?	—	X	—	—
b. Effects on existing parking facilities, or demand for new parking?	X	—	—	—
c. Substantial impact upon existing transportation systems?	—	—	—	X
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	—	X
e. Alterations to waterborne, rail or air traffic?	—	—	—	X
f. Increase in traffic hazardous to motor vehicles, bicyclists or pedestrians?	—	X	—	—

14. PUBLIC SERVICES: Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

	YES	MAYBE	NO	N/A
a. Fire protection?	—	—	—	X
b. Police protection?	—	—	—	X
c. Schools?	—	—	—	X
d. Parks or other recreational facilities?	—	—	—	X
e. Maintenance of public facilities, including roads?	—	—	—	X
f. Other governmental service?	—	—	—	X

15. ENERGY: Will the proposal result in:

	YES	MAYBE	NO	N/A
a. Use of substantial amounts of fuel or energy?	—	—	—	X
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	—	—	—	X

16. UTILITIES: Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

	YES	MAYBE	NO	N/A
a. Water or sewerage?	—	—	—	X

	YES	MAYBE	NO	N/A
b. Communication systems?	—	—	—	<u>X</u>
c. Water?	—	—	—	<u>X</u>
d. Sewer or septic tanks?	—	—	—	<u>X</u>
e. Storm water drainage?	—	—	—	<u>X</u>
f. Solid waste and disposal?	—	—	—	<u>X</u>
17. <u>HUMAN HEALTH:</u> Will the proposal result in:				
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	—	<u>X</u>
b. Exposure of people to potential health hazards?	—	—	—	<u>X</u>
18. <u>AESTHETICS:</u>				
Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?				
	—	—	—	<u>X</u>
19. <u>RECREATION:</u>				
Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?				
	—	—	—	<u>X</u>
20. <u>ARCHAEOLOGICAL/HISTORICAL:</u>				
Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?				
	—	—	—	<u>X</u>
21. <u>MANDATORY FINDINGS OF SIGNIFICANCE:</u>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
	—	—	<u>X</u>	
b. Does the project have the potential to achieve short-term, to the disadvantage of				

YES MAYBE NO

long-term, environmental goals (A short-term impact on the environment is one which occurs in a relatively brief definite period of time while long-term impacts will endure well into the future)?

— — X

c. Does the project have impacts which are individually limited, but cumulatively considerable (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant)?

— — X

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

— — X

III. DISCUSSION OF ENVIRONMENTAL EVALUATION

IV. DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

— I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

— I find the proposed project MAY have a significant effect on the environment. Action to be determined by the Environmental Review Committee.

December 21, 1988

Date

Ronald J. Necker, City Planner

MF&V: EIC

Revised: August 14, 1986

DISCUSSION OF ENVIRONMENTAL EVALUATION

6. a - Yes

Impact:

The introduction of 24 two to five year old children into the neighborhood could result in an increase in existing noise levels.

Mitigation:

The hours of operation (6:00 a.m. to 6:00 p.m.) should preclude many effects of this limited congregation of preschool children (24 total). Additionally, supervision of the children when outdoors will assist in limiting the amount of noise generated. Should substantiated complaints relative to excessive noise arise, potential limitations on the hours of operation and/or outdoor activities may be instituted. Additionally, since the yard area south of the existing structure is substantially greater than that on the north, outdoor activities should be concentrated on this portion of the site; providing further separation from the existing single-family dwelling on the north.

8. - No

The site is presently developed and contains an existing single-family dwelling. It is bounded by Morton Avenue on the south; a four lane arterial. Belleview Elementary School is situated west of the site, separated by North "E" Street with a church being located north of the site separated by one single-family dwelling.

The proposal, while being consistent with the General Plan designation of High Density Residential, would result in a change in the existing site specific land use; conversion of a single-family dwelling to a child care facility. Due to the location of the site, including its proximity to an existing elementary school and church combined with the separation afforded to it by having three (3) sides fronting on public rights-of-way, the proposed use should not result in a significant land use conflict. Additionally, the proposed hours of operation from 6:00 a.m. to 6:00 p.m. should preclude many noise related deleterious effects from impacting surrounding residential uses. Therefore, this effect is deemed to be insignificant.

13. a - No

13. b - No

Impact:

Conversion of the existing single-family dwelling to a child care facility will result in an increase in the number of vehicles parked on the site. This increase in vehicle traffic is expected to be minimal and will not result in a significant impact on traffic and noise levels in the neighborhood.

Mitigation:

Four parking spaces located along the site's easterly boundary fronting on the alley are proposed in conformance with the requirements of Article 22 of the Zoning Ordinance. The estimated increase in vehicle trips will be approximately 52 trips per day. Staggered pick-up and delivery times of the children should lessen this potential effect. Additionally, this minor increase in traffic will not be noticed on the arterial (Morton Avenue) south of the site. Lastly, the dual frontage of the site along North "E" Street and alley will enhance the ability of site oriented traffic to access such from various points. Potential hazards to traffic and pedestrians can be mitigated through close monitoring of the children when outdoors in the fenced play area. Also, the ability to access the site from two separate points should further lessen this potential effect to an acceptable level.

PRCC:CUP10-88.EIS

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PORTERVILLE, CA 93257



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CITY OF PORTERVILLE
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DATE: December 20, 1988 AUTHORIZED BY: (PT. HEAD)
ORDERING DEPT.: Planning Division
PUBLICATION (NAME): Porterville Recorder (PHONE #): XX22XX2 782-7460
DATE(s) TO BE PUBLICIZED: December 22, 1988
SUBJECT: Conditional Use Permit 10-88 Public Hearing Notice
BUDGET ACCOUNT NO.: 01-3020-21
☐ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES
☒ TO BE ADVERTISED IN LEGAL SECTION
COPY

Please See Attached

CITY OF PORTERVILLE
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CITY OF PORTERVILLE
PLANNING DIVISION

**In the Superior Court of the State of California
In and for the County of Tulare**

DECLARATION OF PUBLICATION

State of California

ss.

County of Tulare

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk

of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court order No. 42369 as entered in Book 57 Page 384 of said Court; and that said newspaper is printed and published every day except Sunday and certain holidays in the City of Porterville in said County of Tulare; and that the Public Hearing Notice Conditional Use Permit 10-88 Consideration of Approval of Negative Declaration and Conditional Use Permit

of which the copy annexed on the margin hereof is a true printed copy was published in said newspaper in the issues of December 22, 1988

and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra thereof).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 22, 1988 at Porterville, California

Declarant:

PUBLIC NOTICE

**PUBLIC HEARING NOTICE
CONDITIONAL USE
PERMIT 10-88
CONSIDERATION OF
APPROVAL OF NEGATIVE
DECLARATION AND
CONDITIONAL
USE PERMIT**

Notice is hereby given, that pursuant to Article Twenty-Nine of the Porterville City Zoning Ordinance, the City Council will conduct a public hearing to consider approval of Conditional Use Permit 10-88 and Negative Declaration to allow a child care facility (pre-school) in the R-3 (Multiple-Family) zone. The site is located on the northeast corner of Morton Avenue and North "E" Street.

The public hearing will be held in the Council Chambers at City Hall on Tuesday, January 3, 1989 at 5:30 p.m., or as soon thereafter as the matter can be heard.

This notice is given in order to provide all interested parties an opportunity to be heard and to present their views on this application. Application materials and environmental documents are on file in the office of the Porterville Planning Division at City Hall and are available for inspection by any and all persons interested therein. DATED December 22, 1988
G. G. HUFFAKER
CITY CLERK

Ex- 2289



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NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

X Tulare County Clerk
County Civic Center
Visalia, California 93291

FROM: City of Porterville
P. O. Box 432
Porterville, California 93258

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JAN 6 1989

SUBJECT: Filing of Notice of Determination in compliance with Section 21103 or
21152 of the Public Resources Code.
JAY C. BAYLESS, CLERK
BY LILLIE ANN NEGRETE - MARTINEZ DEPUTY

Conditional Use Permit 10-88
Project Title

N/A Ronald Mauck (209) 782-7460
State Clearinghouse Number Contact Person Telephone Number
420 North "E" Street, Porterville, California
Project Location

Conditional Use Permit to allow a child care facility in the R-3 Zone
Project Description

This is to advise that the City of Porterville (Lead
Agency/Responsible Agency) has approved the above-described project and has made the
following determination regarding the above-described project:

1. The project will, X will not, have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the
provisions of C.E.Q.A.
- X A Negative Declaration was prepared for this project pursuant to the
provisions of C.E.Q.A.

This is to certify that the final EIR or Negative Declaration with comments and
responses and record of project approval is available to the general public at:
Planning Division City of Porterville, 201 N. Main Street, Porterville, CA 93257

3. Mitigation measures X were, were not, made a condition of the approval of
the project.
4. A statement of Overriding Considerations was, X was not, adopted for this
project.

Date Received for Filing

Ronald J. Mauck
Signature

City Planner

MS&M: NCD (Revised 1/87)

CITY COUNCIL AGENDA: JANUARY 3, 1989

PUBLIC HEARING - STAFF REPORT

SUBJECT: CONDITIONAL USE PERMIT 10-88

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DIVISION - PLANNING DIVISION

COMMENT: The proposed Conditional Use Permit will allow for the conversion of an existing single family dwelling in the R-3 (multiple-family) zone to a child care facility. Total enrollment will be 24 children ranging from 2 to 5 years old. The hours of operation, will extend from 6:00 a.m. to 6:00 p.m., Monday through Friday.

The site is located on the northeast corner of Morton Avenue and North "E" Street, due east of Belleview Elementary School.

The location of the site and large open area make it well suited for the proposed use while providing adequate separation from the sole contiguous residence to the north.

RECOMMENDATION: It is recommended that the City Council adopt the draft resolutions approving the Negative Declaration prepared for this project and Conditional Use Permit 10-88.

ATTACHMENTS:

- 1) Complete Staff Report

CITY COUNCIL AGENDA: JANUARY 3, 1989

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 10-88

APPLICANT: Jennifer and Leona Artis
420 North "E" Street
Porterville, CA 93257

LOCATION: Northeast corner of Morton Avenue and North "E" Street.

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to allow a child care facility (pre-school) in the R-3 (Multiple-Family) zone.

PROJECT DETAILS: The subject site contains an existing two story residence, detached carport and out-building and encompasses approximately 15,000 square feet. It is proposed that the pre-school will operate only on the first floor.

There will be a total enrollment of 24 children with two full-time personnel. The hours of operation will be from 6:00 a.m. to 6:00 p.m., Monday through Friday.

The site is fully enclosed by 5' to 6' high masonry/wood and chain link fencing. Three paved off-street parking spaces have been provided along the site's alley frontage.

GENERAL PLAN AND LAND USE DESIGNATION: The site is designated as High Density Residential which is implemented through R-3 zoning. Child care facilities are allowed in the R-3 zone, subject to approval of a Conditional Use Permit, therefore, this project is conditionally conforming with the Land Use Designation.

DATE OF LAST GENERAL PLAN AMENDMENT: November 2, 1982 (Recombination).

SUBJECT SITE AND SURROUNDING AREA ZONING AND LAND USE:

Site: R-3 - existing two story single-family dwelling, detached carport and out-building.
North: R-3 - single family dwelling, Lutheran Church
South: R-1, R-2 - Morton Avenue, existing single family dwelling, Catholic Church
East: R-3, C-3 - alley, vacant parcels, Northern Pacific Railroad
West: R-3 - North "E" Street, Bellevue Elementary School

ORDINANCE CHARACTERISTICS: Section 4016/11 of the Zoning Ordinance requires that a single play area of 10,000 sq. ft. be provided, plus an additional 75 square feet per child in excess of 10 children provided. The total enrollment of 24 children necessitates a play area of 11,500 square feet. Approximately 8,500 square feet of play area has been provided.

Three off-street parking spaces are required with five spaces being provided; 2 within the carport and 3 south of the out-building.

One sign, not to exceed 20 square feet, is allowed pursuant to Section 2018A(1) of the Zoning Ordinance. Said sign shall not exceed 10 feet in height nor be located within the requisite front or side yard areas. The sign may only indicate the name and street address of the subject child care facility.

ENVIRONMENTAL: The Environmental Review Committee accepted as complete a Negative Declaration for this project on December 21, 1988.

STAFF ANALYSIS: The provision and necessity of adequate licensed child care facilities is essential to the economic vitality of a modern community; irrespective of its size. The subject site is appropriately located for the proposed use. Additionally, there is adequate and efficient access to the site to allow safe pick-up and delivery of the children without resulting in the potential creation of traffic hazards.

ALTERNATIVES TO PROJECT AND EFFECT OF ALTERNATIVES:

1. No project. The site would remain as a single-family residential dwelling/use on a multiple-family zoned and designated lot. The proximity of the subject dwelling to Morton Avenue, a four lane arterial street and Belleview Elementary School is not conducive to the low level of ambient noise which most single family dwellings/uses require.
2. Approve the project. A necessary and essential aspect which is quite often overlooked in the City's economic development program is that of adequate, safe and accessible day-care. The site's dual frontage on North "E" Street and the alley provides for efficient pick-up and delivery of the children. Additionally, the site is too small to economically support multiple-family development.

ASSEMBLY BILL 884 TIME FRAME: Section 65950 of the Government Code requires that the Lead Agency must approve or disapprove a project within one year from the date which the Lead Agency accepted the project as being complete. Sections 21100.2 and 21151.5 of the Public Resources Code requires State and Local agencies to complete and certify Environmental Impact Reports within one year and completion of Negative Declaration within 105 days.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: December 1, 1988

DATE ACCEPTED AS COMPLETE: December 21, 1988

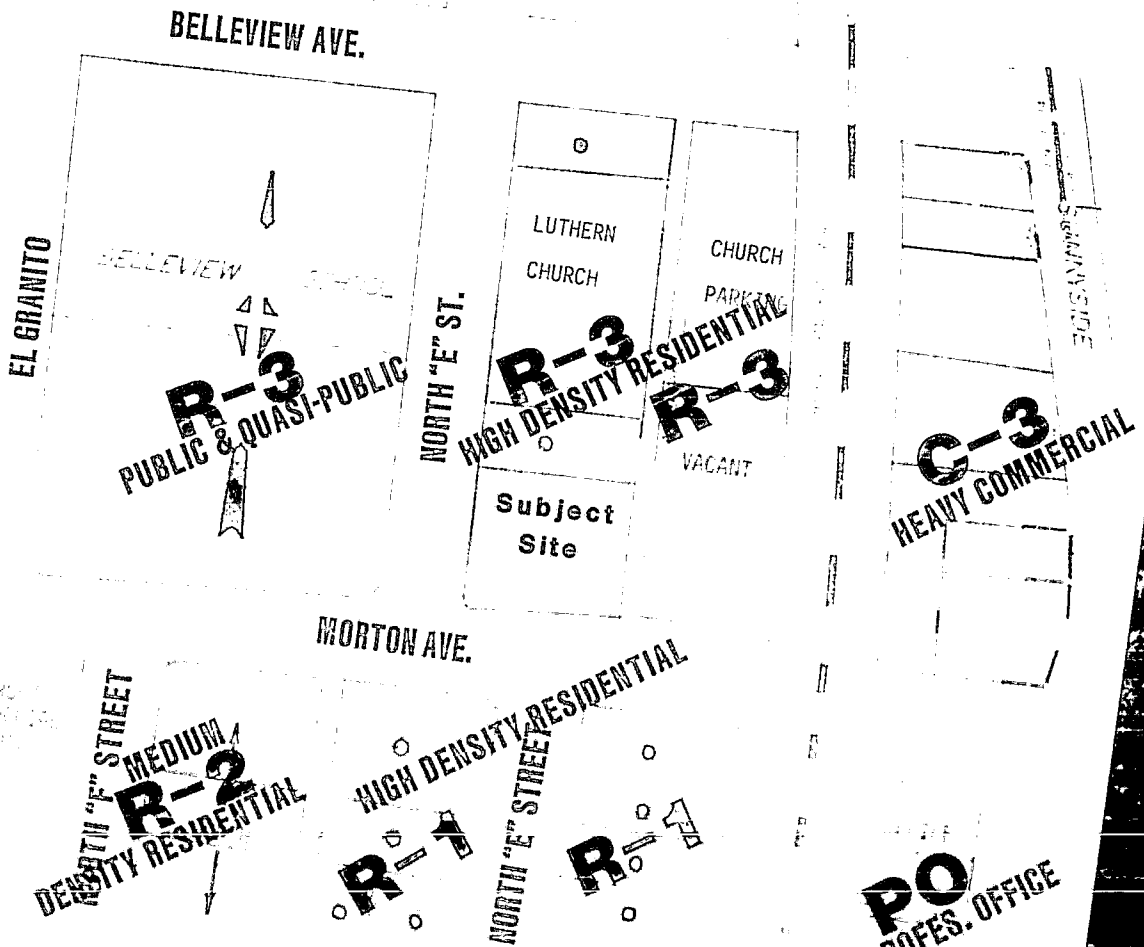
DEADLINE TO PROCESS: Negative Declaration - April 5, 1989
Environmental Impact Report - December 21, 1989

RECOMMENDATION: It is recommended that the City Council adopt the draft resolutions approving the Negative Declaration prepared for this project and Conditional Use Permit 10-88.

ATTACHMENTS:

- 1) General Plan, Zoning and Land Use Map
- 2) Site Plan
- 3) Application
- 4) Negative Declaration
- 5) Draft Resolutions

CONDITIONAL USE PERMIT NO. 10-88



**LAND USE, ZONING &
GENERAL PLAN DES.**

LEGEND
O - SINGLE FAMILY USE

NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

PROJECT TITLE: Conditional Use Permit 10-88
ADDRESS/LOCATION: Northeast corner of Morton Avenue and North "E" Street
(420 North "E" Street)

PROJECT APPLICANT: Jennifer and Leona Artis

PROJECT DESCRIPTION: Conditional Use Permit to allow a child care facility in
the R-3 (Multiple-Family) Zone

CONTACT PERSON: Dennis H. Willshon (209) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The project does not have possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of possible future projects.
4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation required ☒ none. The project is consistent with the approval of the project.

On September 21, 1984, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, CA 93257.

Dated: September 21, 1984

Approved: _____
Dennis H. Willshon
Environmental Review Committee

WGM: NED CES

RESOLUTION NO. 10-89

ENVIRONMENTAL DOCUMENT/NEGATIVE DECLARATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVING A NEGATIVE
DECLARATION FOR CONDITIONAL USE PERMIT 10-88 LOCATED ON
THE NORTHEAST CORNER OF MORTON AVENUE AND NORTH "E" STREET

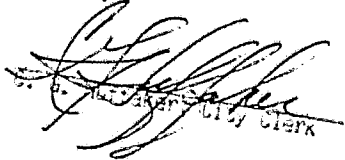
WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 3, 1989, conducted a public hearing to consider a Conditional Use Permit to allow a child care facility (pre-school) in the R-3 (Multiple-Family) zone, located on the northeast corner of Morton Avenue and North "E" Street; and

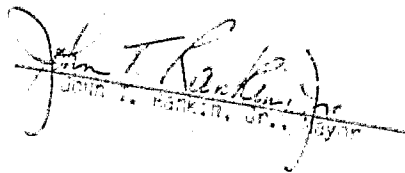
WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for Conditional Use Permit 10-88:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act and the City's CEQA Guidelines;
2. That this project will not have a significant effect on the environment;
3. That the City Council is the decision-making body for this project;
4. That the Negative Declaration prepared for this project was made available for public review and comment; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Conditional Use Permit 10-88.

ATTEST:


City Clerk


John T. Barkin, Jr., Mayor

RESOLUTION NO. 11-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 10-88 TO ALLOW A CHILD CARE FACILITY IN THE R-3 ZONE, LOCATED ON THE NORTHEAST CORNER OF MORTON AVENUE AND NORTH "E" STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 3, 1989, conducted a public hearing to consider Conditional Use Permit 10-88, being a request to allow a child care facility (pre-school) in the R-3 (Multiple-Family) Zone, located on the northeast corner of Morton Avenue and North "E" Street (420 North "E" Street); and

WHEREAS: The R-3 Zone provides for the development and/or conversion of residential dwellings for child care facilities, subject to approval of a Conditional Use Permit; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan.
2. That the design and improvements of the proposed project is consistent with the General Plan.
3. That the site is physically suitable for the type and density of development proposed.
4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
5. That a Negative Declaration is consistent with the California Environmental Quality Act and proposed for the project.
6. That the proposed location of the project is in the community area which is well served by public facilities and is not detrimental to the public health, safety or welfare, or substantially increase the population or development in the vicinity.
7. That the standards of a suitable facility have been met.

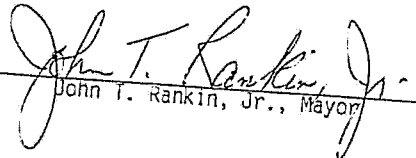
distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

8. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, and distances between structures will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

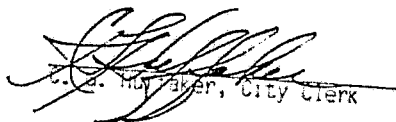
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 10-88, subject to the following conditions:

1. The applicant shall pay all applicable fees in accordance with the Municipal Code and State law.
2. The site shall be operated and maintained in conformance with the Zoning Ordinance of the City of Porterville, including on-site signage, etc.
3. The applicant shall maintain the site in a neat and viable condition.
4. The proposed child care facility shall not be allowed to become a nuisance, i.e., result in the generation of verifiably excess noise levels.
5. To the extent practicable, outdoor activities shall be mainly conducted on the southerly portion of the site.
6. The hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday. Should significant citizen complaints arise which can be substantiated through staff investigation relative to excess noise, a limitation of the hours of operation of the subject facility may be considered by the City Council pursuant to the provisions of Section 2400, et seq. of the Zoning Ordinance.
7. The applicant shall comply with all applicable local, county and state laws and licensing provisions relative to the operation of child care facilities.
8. A "back flow" prevention device shall be installed on the water service pursuant to City Council Resolution No. 9616.

9. Should trash bin service become necessary, a trash bin enclosure, built to City Standards with either masonry or wood fencing shall be installed along the alley frontage in a location designated by the City Field Services Manager.
10. Child care activities shall be limited to the first floor of the dwelling pursuant to the directive of the Fire Chief.
11. The on-site fencing shall be maintained in a safe and efficient order.
12. A conscientious effort shall be maintained to preclude flying objects, such as balls/frisbees, etc., from landing in the Morton Avenue right-of-way.


John T. Rankin, Jr., Mayor

ATTEST:


C. G. Haysaker, City Clerk

PORTERVILLE

459b No. Sunnyside St.

Porterville, Ca. 93257

252-160-11

Cindy Nitzsche
459b No. Sunnyside St.
Porterville, Ca. 93257

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535
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Mr. & Mrs. Howells
392 No. E Street
252-160-30

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1400 Tenth Street, Room 121
Sacramento, California 95814
Porterville
Box 1

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P. O. Box 432
Porterville, California 93258

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County Civic Center
Visalia, California 93291
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BY BAYLESS, CLERK

BY SAF. O. BAYLESS, CLERK DEPUTY
LILIE ANN NEGRETE - MARTINEZ

Conditional Use Permit 10-88

Conditional Use Permit 10-88

State Clearinghouse Number Ronald Mauck
420 North "E" Street
Project

Wharehouse Number	Ronald Mauck
Contact Person	
Project Location	420 North "E" Street, Porterville, California
Conditional Use Permit	
Project	

(209) 782-7460
telephone number

Project Description	Product Person	Relay
Conditional Use Permit to allow a child care facility in the R-3 Zone	Porterville, California	(209)

This is to advise that the _____ City of Porterville _____ (Lead Agency/Responsible Agency) has approved the above-described project and has made the following determination regarding the above-described project:

1. The project _____ will, ☒ will not, have a significant effect on the environment.

_____ An Environmental Impact Report was prepared for this project.

_____ A negative declaration was prepared for this project.

1. The project _____ will, X will not, have a significant effect on the environment.
2. _____ An Environmental Impact Report was prepared for this project.

_____ will, X will not, have a significant effect on the environment.
An Environmental Impact Report was prepared for this project.
Provisions of C.R.C.A.
X A Narrative Explanation
Provisions of C.R.C.A.

[illegible]

1. A copy of the report was furnished to the Bureau for this project pursuant to the provisions of the Act.

2. It is noted that the First City National Bank, located at 241 N. Main Street, Porterville, California 93207, is a member of the Federal Reserve System and is a member of the Federal Reserve Bank of San Francisco.

3. The following measures were taken, were not, made a condition of the loan, and the following measures were not, made a condition of the loan:

4. A copy of the report was furnished to the Bureau for this project pursuant to the provisions of the Act.

3. Investigative measures ☒ were, _____ were not, made a condition of the approval of the project.

4. A statement of overriding considerations _____ were, _____ were not, made a condition of the approval of the project.

4. A statement of overriding considerations _____ was, _____ was not, was a condition of the approved project. _____ was, _____ was not, satisfied for this project. _____ was, _____ was not, satisfied for this project.

NO POSTAGE NEEDED

~~City Planner~~

RESOLUTION NO. ____-2025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
MODIFICATION TO CONDITIONAL USE PERMIT 10-88 (RESOLUTION 11-89)
AND CLASSIFICATION OF A LEGAL NON-CONFORMING USE (CLASS I)
FOR KRAYOLA KORNER**

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 3, 1989, conducted a public hearing and approved a Conditional Use Permit 10-88 for a childcare facility at 420 N. E Street (APN 252-160-006); and

WHEREAS: the applicant wishes to expand the existing main building and accessory structure to facilitate the addition of a kitchen, patio, balcony, classroom, a breakroom, and restrooms; and

WHEREAS: The existing and proposed use falls within the definition of “day care center”, which use is no longer permitted or conditionally-permitted in the RM-3 zone district; and

WHEREAS: pursuant to Porterville Development Ordinance Section 307.06, the Council may classify certain non-permitted uses as either Class I or Class II Nonconforming Uses subject to criteria; and

WHEREAS: A ten (10) day Public Hearing notice was posted of the Porterville Recorder on November 21, 2025, and mailed to the adjacent properties within a 300-foot radius of the subject site; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 2, 2025, conducted a public hearing to consider approval of a Modification Conditional Use Permit 10-88 for expansion of use and classification of a legal non-conforming use; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to this matter; and

WHEREAS: On November 12, 2025, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality act per CEQA Guidelines Section 15301 Existing Facilities; and

WHEREAS: The City Council makes the following findings pursuant to Porterville Development Code Section 307.06 for a Class I Nonconforming Use, the evidence for said findings substantiated in the record:

- 1) The existing nonconforming use was legally established;

- 2) The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
- 3) The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City Plan;
- 4) The proposed use will not depress the value of nearby properties; and
- 5) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

WHEREAS: The City Council made the following findings pursuant to Porterville Development Code Section 604.04, the evidence for said findings substantiated in the record:

- A. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the general plan and any other applicable plan that the city has adopted.
- B. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the general plan, this development ordinance and with any other applicable plan adopted by the city council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

1. The project is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15301, Existing Facilities.
2. The use of the site and structures as a day care facility is hereby classified as a Class I Nonconforming Use.
3. Conditional Use Permit 10-88 is hereby modified to allow expansion of the existing use as described in the record for this application.
4. The existing conditions of approval for Conditional Use Permit 10-88 shall remain in full force and effect unless expressly or impliedly superseded by approval of this modification. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council.
5. The development shall comply with the Porterville Municipal Code, Chapter 21 Development Code and conditions from the Project Review Committee (PRC) meeting held on September 10, 2025 and as outlined in the Project Review Committee (PRC) letter for PRC 2025-040.

6. The cumulative floor area for accessory structure shall not exceed 1422 square feet, as approved by the Zoning Administrator in conformance with Porterville Municipal Code (Development Code) Section 602.04.

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:
Rich Tree, City Clerk

BY _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Adoption of an Ordinance Approving a Development Agreement Between the City of Porterville and Cannabis Express, Inc. for the Relocation of a Retail Cannabis Dispensary to 1432 W. Olive Avenue, Unit A

SOURCE: City Manager's Office

COMMENT: On March 18, 2025, the City Council approved the request from Premium Blossom (Cannabis Express, Inc.) to relocate its existing cannabis dispensary from 200 N. Main Street to 1432 W. Olive Avenue, Unit A. As part of that action, the City Council directed staff to prepare a Development Agreement and accompanying ordinance to allow Cannabis Express to begin the State of California licensing process for the new location.

Under Chapter 15, Article VII of the Porterville Municipal Code and Government Code Section 65864 et seq., a cannabis business must have an approved Development Agreement tied to the specific property where the activity occurs. Because Development Agreements run with the land, the prior agreement for the Main Street location cannot be transferred. Therefore, a new Development Agreement must be adopted by ordinance for the Olive Avenue site.

Cannabis Express will not operate from both locations. Once the State issues all required approvals and the Olive Avenue location is ready for operation, the existing Main Street location will cease operations, and the new Development Agreement will govern all activity moving forward.

The City Attorney has prepared a draft ordinance that attaches the new Development Agreement as Exhibit A and includes the required statutory findings. The ordinance also includes CEQA findings under CEQA Guidelines section 15303 New Construction or Conversion of Small Structures and 15301 Existing Facilities, with the tenant improvement work qualifying as categorically exempt. A public hearing is required prior to introduction of the draft ordinance.

RECOMMENDATION: That the City Council:
1. Conduct a Public Hearing to receive public testimony

regarding the proposed Development Agreement for the relocation of Cannabis Express, Inc. to 1432 W. Olive Avenue, Unit A;

2. Introduce and waive the first reading of the draft ordinance approving the Development Agreement between the City of Porterville and Cannabis Express, Inc.; and

3. Direct staff to place the ordinance on a future agenda for second reading and adoption once formal ordinance numbering is assigned.

ATTACHMENTS:

1. Draft Development Agreement
2. Draft Ordinance

Appropriated/Funded:

Review By:

Department Director:
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

RECORDING REQUESTED BY

City of Porterville

AND WHEN RECORDED MAIL TO:

City of Porterville

291 N. Main Street

Porterville, CA 93257

Attention: City Manager

=====

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Recording Fee Exempt per Government Code
§6103

**COMMERCIAL CANNABIS DISPENSARY DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND
CANNABIS EXPRESS, INC. FOR RETAIL DISPENSARY AT 1432 W. OLIVE, UNIT A**

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this _____ day of _____, 2025, (the "Execution Date"), by and between the **CITY OF PORTERVILLE**, a California municipal corporation ("City") and **PREMIUM BLOSSOM**, also known as **CANNABIS EXPRESS, INC.** ("Owner"). City and Owner are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." The Parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement:

RECITALS

WHEREAS, the State of California enacted California Government Code Sections 65864 et seq. ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having legal or equitable interests in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction;

WHEREAS, the purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the Owner, and to meet certain public purposes of the local government;

WHEREAS, the City has adopted Municipal Code Article 609, establishing the procedures and requirements for the consideration of development agreements with the City;

WHEREAS, Owners currently hold legal or equitable interest in real property considered in this Agreement which has a development area approximately 1,320 square feet located at 1432 W. Olive, Unit A, City of Porterville, State of California (the "Site"). The Site includes Assessor's Parcel Number: 251-291-017, and is more fully described in Exhibit A and shown on the map in Exhibit B. Both exhibits being attached hereto and incorporated herein by this reference;

WHEREAS, presently, the owner and CEO of Premium Blossom, also known as Cannabis Express, Inc., Darin Garrett, owns the site/real property, and wishes to relocate his current licensed cannabis dispensary, located at 200 North Main Street, City of Porterville, to the above stated location for the purpose of commercial cannabis related activities, specifically the development and operation of a commercial cannabis dispensary. Such Commercial Cannabis facilities shall operate in accordance with all applicable provisions of Business and Professions Code §§26000-26231.2; California Health and Safety Code Safety Code §§ 11357-11362.9 and 11362.7- 11362.85; Revenue and Taxation Code §§ 34010-34021.5; Vehicle Code §§ 2429.7 and 23222; Water Code §§ 1831, 1847, and 13276; the City of Porterville Municipal Code as it applies to such facilities (collectively the "Applicable Cannabis Laws"), and all Resolutions and procedures adopted or authorized by the City in accordance with those laws and regulations. Prior to operating a commercial dispensary Owner shall be required to obtain a Commercial Cannabis Permit from the City, and all related permits and licenses prior to the operation of same, pursuant to Chapter 15, Article VII and Chapter 21, Article 609 of the Porterville Municipal Code.

WHEREAS, Owner has obtained or will obtain a California State License issued, pursuant to Applicable Cannabis Laws, to operate a commercial storefront dispensary at the Site. The definition of "Property Owner" hereunder shall mean and refer to the fee simple owner of the property. The definition of "Owner" hereunder shall mean and refer to any authorized tenant of the Site to the extent such party holds or is covered by a Commercial Cannabis Permit;

WHEREAS, Owner has applied to this City for a Commercial Cannabis Permit (*hereinafter* "CCP") to conduct Commercial Cannabis Activities at the proposed site. No such activities are allowed or authorized without a Development Agreement, a Commercial Cannabis Permit, and all requirements pursuant to the above-referenced City regulations.

WHEREAS, Owner presently intends to develop and open a commercial storefront dispensary on the Site consistent with the Applicable Cannabis Laws and Project Approvals (known as the "Project").

WHEREAS, the Project will consist of: one commercial tenant space totaling approximately 1,320 square feet within an existing building.

WHEREAS, in 2019, Ordinance Nos. 1853 and 1854 came into effect authorizing specified Commercial Cannabis Activities within the City of Porterville, in strict compliance with related State of California laws, regulations and policies, under specified conditions and provisions;

WHEREAS, all procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 et seq. have been satisfied;

WHEREAS, the City has given public notice of its intention to adopt this Agreement and has conducted public hearings thereon pursuant to California Government Code §65867. The City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses and programs specified in City's General Plan, zoning code and municipal ordinances;

WHEREAS, the City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner(s) has represented to City that it would not consider or engage in the Project absent City approving this Agreement;

WHEREAS, the City agrees that Owner's land use entitlements for the Project shall vest for the term of this Agreement as described below;

WHEREAS, in conjunction with the City's applicable ordinances and resolutions, the Zoning Administrator of the City reviewed, considered and recommended environmental clearance and recommended approval of the execution of this Agreement to the City Council. The Zoning Administrator found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the City's zoning laws; in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City;

WHEREAS, after conducting a duly noticed hearing on _____, in conjunction with the City's applicable ordinances and resolutions, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the City's zoning laws; in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Porterville and its residents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

1. Government Code and Municipal Code Required Elements

- Description of Property. Land situated in the City of Porterville, County of Tulare, State of California; whose street address is 1432 W. Olive Avenue, Unit A, City of Porterville, State of California (the "Site"). The Site includes Assessor's Parcel Number: 251-292-017.

- Owner and Other Person with Legal or Equitable Interest.

Owner: Darin Garrett

Nature of Interest: *Owner*

If Owner is not the fee simple owner of the Site, check box below:

[X] Owner represents and warrants that the property owner has consented in writing to the execution and recordation of this Agreement against the Site. See attached Landlord Consent agreement, incorporated herein by this reference (Exhibit A).

- Permitted Uses. The subject property may be used for commercial storefront cannabis dispensary as presently authorized under City Chapter 15, Article VII of the Porterville Municipal Code, §§ 15-85 through 15-105 and Chapter 21, Section 301.23, and 609.01 through 609.11, and for any other use as authorized under applicable provisions of the Porterville Municipal Code.
- Zoning. Owner shall guarantee that such activities outlined in Owner's Commercial Cannabis Permit Application ("Application") conducted pursuant to this Agreement and under the Commercial Cannabis Permit shall comply with the City's municipal code, including the above-referenced zoning regulations and any and all development and construction requirements contained therein. Owner shall not conduct any business under this Agreement or under the Commercial Cannabis Permit without having obtained all necessary permits, licenses, and approvals from the City and State of California.
- Reservation or Dedication of Land for Public Purposes. If needed, sufficient roadway, sidewalk, and utility easements shall be reserved or dedicated to City for such purposes.

2. Term

This Agreement shall commence on the date the Ordinance approving this Agreement goes into effect (the “Effective Date”) and it shall end fifteen 15 years from the starting date, and it shall remain in full force and effect so long as the subject property has been developed and is used for a commercial cannabis facility as authorized under City Municipal Code Chapter 15 Article VII, and Section 301.23; provided, however, that such use must be commenced and begin operating within two (2) years of the Effective Date, and said operations/use is not abandoned for a period of more than ninety (90) days. Furthermore, cannabis operations shall not commence unless and until all cannabis operations have ceased at the 200 N. Main Street location, and Owner has authorized the City to record a Notice of Termination of the Development Agreement associated with that location. This Agreement shall be extended for up to 1 additional 5-year period following the expiration of the initial fifteen (15) year term upon the occurrence of all of the following:

The Owner shall give written notice to the City no later than one hundred twenty (120) days before the expiration of the initial fifteen year term that the Owner desires to extend this Agreement for an additional 5-year period;

(i) The Owner shows adequate evidence to the City that it has a legal and/or equitable interest in the Property and/or will have such interests for the duration of the extended term of the Agreement;

(ii) The Owner shall deposit all fees required by the City necessary for processing the extension request and drafting necessary documentation;

(iii) The Owner shall be in compliance with all provisions of the City’s Municipal Code, and all terms imposed by the City-issued Commercial Cannabis Permit; and

(iv) The Owner shall not be in default of any provision of any agreement between City and Owner relative to the development of the Property or of any condition of approval imposed upon any entitlement granted by the City relative to the development of the Property for which Owner has been given a written notice to cure by the City and for which Owner has not cured or commenced to cure such default within thirty (30) days, if and as provided by such agreement or condition of approval.

3. **General Business/Store and Offices** – The facility will maintain hours of operation consistent with Section 15-87.L. of the Municipal Code, with generally a minimum of eight employees per shift. The parties may agree to a different number if warranted by the business volume.

4. **Parking/Loading, and Drive-through Access.** The proposed project is located in CG (General and Service Commercial) Zone District, parking/loading and drive through access is required to comply with Municipal Code, Chapter 21 Development Code Section 304 On-Site Parking and Loading. The project complies with the CALGreen Tier 1 by incorporating storm water pollution prevention measures, installing energy- and water-efficient equipment, and planting native and drought-tolerant landscaping at the front of the property. Owner shall comply with all drive-through requirements as set forth by applicable regulations and/or as required by the City, including but not limited to Municipal Code, Chapter 21 Development Code, Sections 203.04.C.2.f., 300.10.D., 303, 304.04.H, 304.10 and 700.02.
5. **Security:** The project will secure the facility against unauthorized entry by installing security lights on the exterior of the building to illuminate the side areas and parking area, installing commercial-grade locks, installing an alarm and video surveillance system, establishing procedures for identifying authorized persons, establish inventory controls, and install a secure surveillance vault to maintain the integrity of records. Further, the project shall have a separately secured, limited access area, where all persons must be at least 21 years of age and have a business reason for entering the area; non-employees with authorized access must be escorted, and an access log must be maintained. In addition, the applicant will provide an operational security plan in compliance with applicable City Regulations and policies.
6. **Owner's Site and Floor Plans**
 - Owner's site plan and floor plan for the facility are attached hereto as Exhibit B and incorporated into the Application.
 - A preliminary landscape plan shall be prepared and reviewed and approved by the City Manager, the Community Development Director, the Engineering and Project Management Director, and/or their respective designees. A final landscape plan shall be prepared and submitted in conjunction with building and site improvement plans prior to issuance of building permits for construction activities.
 - An exterior signage plan shall be prepared and reviewed and approved by the appropriate City staff in accordance with the procedures and requirements of the Porterville Municipal Code. Owner agrees that it will not use the words "Cannabis" or "Marijuana" (or any forms or derivatives of the words) in the business name signage.
7. **Facility Operations**
 - Standard Operating Procedures. Owner is a lawful entity that will only transact business with other legally permitted persons and entities under the California Cannabis Laws. Prior to operating a dispensary, Owner shall be required to obtain a Commercial Cannabis Permit, and all requirements pursuant to said permit, from the City pursuant

to the City Municipal Code. Further, and notwithstanding anything to the contrary, Owner may operate such cannabis-related activities as permitted in accordance with California state laws and regulations, as may be amended, including without limitation, as long as such activity is not inconsistent with this Development Agreement, the City-issued Commercial Cannabis Permit, and the Porterville Municipal Code.

During the term of its Commercial Cannabis Permit and the term of this Agreement, Owner shall lawfully operate in accordance with all state and local laws. Owner shall employ exemplary operating procedures to comply with state and local laws. Owner's facility shall employ safety and security measures for the safety and security of its employees, visitors, vendors, and neighboring communities and properties.

Owner shall fully comply with the minimum Operating Standards regulating the proposed Commercial Cannabis Activity as set forth in Chapter 15, Article 7, Sections 15-85 through 15-105 of the Porterville Municipal Code, and those required by the City Development Code.

- Security Plan. Owner shall secure approval of its proposed security plan by the City prior to operating, and has attached its draft plan as Exhibit C. The security plan shall include, at a minimum and as appropriate, provisions for video surveillance, perimeter fencing and/or security, protection of the building(s) from vehicle intrusion, cash handling procedures, internal accounting controls, product handling and storage procedures, and a professionally monitored alarm system. Equipment and systems used for video surveillance and building alarms shall be approved by City. See Porterville Municipal Code Section 15-87, subsections (N) and (O), for minimum security requirements.

Video surveillance shall include, at a minimum, all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where cannabis products are handled, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public and to ensure cannabis products are received, handled, stored, and sold in compliance with applicable state and local laws and regulations. The video surveillance system shall be web-based with direct access provided to the City of Porterville Police Department upon request.

The security system shall also include sensors to detect entry and exit from all secure areas, panic buttons in appropriate locations, and a professionally monitored alarm system with glass breakage sensors and motion detectors.

Owner shall employ or contract with properly trained and licensed security personnel to protect the welfare and safety of Owner and employees, and to ensure public safety to the neighboring community. Owner shall use security personnel during all hours of business operations. Security personnel may be armed so long as proper licensing and

insurance requirements are followed and met.

Further, the project shall have a separately secured, limited access area, where all persons must be at least 21 years of age and have a business reason for entering the area; non-employees with authorized access must be escorted, and an access log must be maintained. The (nonlimited access) reception area shall be completely separated and secured from the dispensary operations, and shall be operated in conformity with all applicable laws and regulations, and by an employee at least 21 years of age, with concurrent monitoring by onsite security personnel.

- Fire Department Approval. Owner shall not operate any facility, and no permit, license, or other approval issued by City shall be valid unless and until the Porterville Fire Department has approved Owner's site plan, floor plan, safety plan, and any other plans that require its approval.
- Possession of Firearms. Except for licensed and bonded security personnel, no person employed or contracted by Owner shall be in possession of any firearm while on the premises or location without having first obtained a license from the appropriate state or local agency authorizing the person to be in possession of such firearm. Every such person in possession of a firearm while on the premises or location must provide the City Manager and the Porterville Police Department, ten (10) days before bringing the firearm onto the premises, with the following:
 - 1) A copy of the license issued to the person by the appropriate state or local agency authorizing him or her to possess such firearm;
 - 2) A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency);
 - 3) A copy of his or her California driver's license or California identification card; and
 - 4) Any other information reasonably required by the Porterville Police Department to show that the individual is in compliance with the provisions of all laws regarding the possession and use of a firearm.
- Identification Display. Each owner, manager, employee, and individual member engaged in the operation of the business shall at all times while engaged in the duties of his or her position wear in plain sight, on his or her person and at chest level, a valid identification badge, issued by Owner.
- Employee Background Checks and Procedures for Inventory Control to Prevent Non-Medical Diversion of Medical Cannabis. Only employees who receive the required background clearance pursuant to Section 15-89 of the Porterville Municipal Code shall

be permitted to enter Owner's facility. Each employee will have to meet a criminal background investigation as required by the City, which at minimum shall include a LiveScan criminal history check, which City shall make a good faith effort to facilitate within a reasonable time following the issuance of a Commercial Cannabis Permit(s) or license(s) to Owner.

Owner shall take all necessary and reasonable steps to prevent the sale or distribution of any of its cannabis products to minors; prevent revenue from the sale or distribution of its cannabis and/or infused products from going to criminal enterprises, gangs and cartels; prevent the diversion of cannabis from California to any other state; prevent state-authorized cannabis activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevent violence and the use of firearms in the sale of cannabis; discourage and educate against drugged driving and the exacerbation of other adverse public health consequences associated with cannabis use; disavow growing cannabis on public lands that creates attendant public safety and environmental dangers posed by such illegal uses; and discourage and educate against cannabis possession or use on federal property.

- Point of Sale Tracking System. Owner shall maintain an inventory control and reporting system that accurately documents the cannabis products. The inventory control and reporting system shall comply with the track and trace program required by California Cannabis Law and regulations issued thereunder.

Owner shall employ an electronic point of donation/sale system approved by the State of California for all point of donations/sales tracking from seed or inception to product distribution to other licensed commercial cannabis facilities. Such approved system shall track all commercial cannabis products, each edible, harvested flower, and/or manufactured concentrate, as well as gross sales (by weight and sale). Owner's point of sale system shall have the capacity to produce historical transactional data in accordance with City's requirements.

- Record Keeping. Owner shall maintain records for all commercial cannabis and/or infused products. Owner shall comply with all record-keeping responsibilities that are set forth in Section 15-87(O) of the Porterville Municipal Code, including complete and up-to-date records regarding the amount of commercial cannabis delivered and sold, and applicable State law.
- Commercial cannabis sales shall not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; or be hazardous due to use or storage of materials, processes, products, or wastes.

Owner shall store its commercial cannabis and/or commercial cannabis products in a locked safe room with T-card identification access for management only. The safe room

shall be constructed of fire-rate walls with numerous cameras installed to view all entries and exits from the safe room, as well as all other activities performed within Owner's facility. Owner will not conduct outdoor operations except as related to lawful delivery and transportation of commercial cannabis and infused products. Owner will not store commercial cannabis or related products in its delivery vehicle(s) outside normal operating hours of the facility.

Any excess or contaminated product will be securely stored on-site until it is properly disposed. Disposal may include composting, incineration, land-fill disposal through the local waste management hauler, or other disposal methodology in accordance with state and county health and safety codes and regulations.

- Description of Banking Plan. Owner shall seek to open a bank account under the name of Owner or its associated management company to provide transparency for funds received, operational costs, including payroll, tax payments to the state and federal governments. Should a bank account not be forthcoming, Owner shall implement other industry standard banking and/or other industry standard transactional mechanisms.
- Transportation and Delivery Plan. Owner shall comply with all state and local law regarding transportation and delivery, including the rules governing delivery service. Owner shall retain a list of names and cellular contact numbers for all employees engaged in transportation and/or delivery of commercial cannabis products and provide it to the applicable oversight authority, keeping the list current and up to date.

Owner will keep complete and up-to-date records documenting each delivery, including the amount/product(s) provided, the date and time provided, the name of the employee making the delivery, the name and address of the individual corporation to whom delivery is made, and the amount of the related sale/ monetary transaction.

8. Community Relations, Employment, and Wages

- Public Outreach and Education Program. The Owner shall coordinate and cooperate with City and any other Owners of commercial cannabis dispensaries located within City of Porterville in the establishment and implementation of appropriate public outreach and education programs. The public outreach and education programs shall be approved by City.
- Community Benefits Program. The Owner shall coordinate and cooperate with the City and other Owners of commercial cannabis facilities located within the City of Porterville in the City Council's establishment and implementation, and the Owners' funding of a community benefits program which could include (but is not limited to) such items as senior citizen programs, City beautification efforts, funding for enforcement against illegal cannabis operations, public safety, housing programs, economic

development, infrastructure, capital improvements, including expansion and/or improvement to existing facilities or other physical improvements that provide a benefit to the community, support of holiday and special community events, and support of local public service, public safety, and special social and community organizations. This community benefits program may be implemented by the City. The City may invite public participation in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the entity implementing this community benefits program. All projects under the community benefits program must be approved by the City.

Owner agrees, as a business expense, to pay the City the yearly sum of \$30,000.00 or 1% of Owner's annual gross receipts, whichever amount is greater, from the commercial operation on the Premises. Unless otherwise agreed to in writing by the parties the above amount shall be paid over the course of the calendar year on a quarterly basis, with payments due within 30 days of the end of each quarter. The first payment shall be due at within 30 days of the end of the first quarter for which the commercial operation at the Premises was operational and prorated to account for when during the quarter the opening occurred.

- Designation of Community Relations Liaison. At the time of this Agreement, Owner's day-to-day operations managers, a Community Relations Liaison will be designated in writing, and _____ will be responsible for community inquiries and complaints and on-site management during normal business hours. The Owner shall provide prior written notice to the City of all subsequent designated operations managers and Community Relations Liaisons.
- Interface with City of Porterville Police / Inspections. Owner's day-to-day operations manager, and/or the Owner's Community Relations Liaison will interface with the Porterville Police Department's assigned designee to ensure its operation complies with state and local laws and regulations. The City Manager, or designee, or the Porterville Police Department's assigned designee acting at the City Manager's request and per his specific and limiting instructions, shall have the right to enter all Premises from time to time unannounced during hours of operation for the purpose of making reasonable inspections to observe and enforce compliance with this Agreement and state and local laws and regulations, without the requirement of a search warrant, subpoena, or court order, and subject to appropriate cost recovery fees set forth in this Agreement, or adopted by the City. See Porterville Municipal Code Section 15-87, 15-96.
- Local Recruitment, Hiring, and Training Programs. Owner is committed to making a good-faith effort to recruit, hire, and train City residents for employment by Owner. A good-faith effort means Owner shall take the following or similar actions to recruit and employ City residents: 1) Contact local recruitment sources, including the Employment Connection, to identify qualified individuals who are City (or City area) residents, 2) Advertise for qualified City residents in trade papers and newspapers of general

circulation in the area, and 3) Develop a written plan to recruit and employ City residents as a part of the its workforce. The Owner commits to a local annual hiring goal of 50% of total operational jobs for permanent and apprentice employees. This goal shall apply horizontally, across all departments and managerial positions. The Owner shall not be penalized or deemed in default under this Agreement if it is unable to achieve such a goal. "Local" is defined as within a 3-mile radius of the boundaries of the City's boundaries. The Owner shall contact and work with a job referral agency (e.g. the Employment Connection) assigned by the City Manager to implement a local hiring policy for permanent and apprentice employees. The purpose of the hiring policy is to facilitate the training and employment of local and disadvantaged job applicants for jobs within the City's jurisdiction, and 3-mile radius of City boundaries. Applicants for jobs shall not be disqualified from hiring solely on the basis of an arrest or conviction for a Cannabis-related crime that occurred prior to November 8, 2016, and could have been prosecuted as a misdemeanor or citation under current California law. The Owner shall report on compliance with the local hiring goals as part of its annual audit report.

9. **Public Art Feature/Element.** Owner agrees to provide a historical/artistic feature as a component of its project, located at or near the Property (for example, the completion of a mural located on the second story of the building along Putnam Avenue). The artistic feature will be subject to the review of the City Cannabis Ad Hoc Committee and City of Porterville Arts Commission, and the approval of the City Council, prior to the commencement of work on the feature. Work on the feature must be commenced within two years of the opening of the business.

10. **Indemnification Agreement by each Cannabis Permittee**

Pursuant to Porterville Municipal Code Section 15-87(T), to the fullest extent permitted by local, state and/or federal law, the City of Porterville shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Permit or executed a Development Agreement pursuant the Municipal Code, or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any Commercial Cannabis Permit and to the execution and approval of a Development Agreement, the Owner shall be required to meet all the conditions enumerated in Porterville Municipal Code Sections 15-85 through 15-105, before this Agreement may be executed, and before they can receive the Commercial Cannabis Permit. The City Manager shall require the Owner and Property Owner/each Commercial Cannabis Permittee to execute a separate Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Commercial Cannabis Permit, the Commercial Cannabis Permittee's Commercial Cannabis Activities, and any action taken by the Cannabis Permittee, and/or arising out of Owner's or Property Owner's obligations under this Agreement. The Indemnification Agreement shall include the defense of the City and reimbursement of all fees, costs and expenses incurred by the City related to any action arising from this Agreement. Attached as Exhibit E, and incorporated herein by this reference, is true and correct copy of a fully executed

Indemnification Agreement.

11. Fees, Costs, and Taxes

- **Permit Fees.** Owner agrees to pay all permit fees and charges authorized and referenced in the Municipal Code, all amounts adopted by City Council and as required by applicable laws and regulations, and any fees set forth in this Agreement. Permit application, processing, and renewal fees shall be due and payable at the time application is made or renewed.
- **Cannabis Business Tax.** Owner shall comply with all provisions of Ordinance No. 1875, and Porterville Municipal Code Chapter 22, Article VI, which requires every person engaged in a Commercial Cannabis Business in the City to pay an annual Commercial Cannabis Business tax at a rate established by resolution of the City Council, but no more than 10% of annual gross receipts. Resolution No. 99-2020, adopted by the City Council on December 15, 2020, has currently set the rate at 7% of annual gross receipts per fiscal year.

Copies of Tax Filings. Owner shall additionally provide the City with courtesy copies of each and every report Owner is required to provide to the County of Tulare or the State of California for sales, use, or other tax purposes at the time such filings are made.

12. Insurance

- **Insurance.** Owner shall require all persons doing work on the Project, including its contractors and subcontractors (collectively, “Owner” for purposes of this Article 6 only), to obtain and maintain insurance of the types and in the amounts described in this section and its subsections with carriers reasonably satisfactory to City.
- **General Liability Insurance.** Owner shall maintain commercial general liability insurance or equivalent form with a limit of not less than One Million Dollars (\$1,000,000) per claim and One Million Dollars (\$1,000,000) each occurrence. Such insurance shall also:
 - 1) Name City, its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives as “Additional Insureds” by endorsement with respect to performance of this Agreement. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed additional insured.
 - 2) Be primary with respect to any insurance or self-insurance programs covering City, its officials, employees, agents, and representatives.
 - 3) Contain standard separation of insured provisions.

- **Automotive Liability Insurance.** Owner shall maintain business automobile liability insurance or equivalent form with a limit of not less than One Million Dollars (\$1,000,000) for each accident for the vehicles Owner operates in connection with its cannabis business. Such insurance shall include coverage for owned, hired, and non-owned automobiles. Such insurance shall also:

- 1) Name City, and work in good faith with the City and the insurers to name additional insureds as deemed reasonably necessary. "Additional Insureds" by endorsement with respect to performance of this Agreement. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed additional insureds;

- 2) Be primary with respect to any insurance or self-insurance programs covering City, its officials, employees, agents, and representatives;

- 3) Contain standard separation of insured provisions.

- **Workers' Compensation Insurance.** Owner shall take out and maintain during the term of this Agreement, workers' compensation insurance for all of Owner's employees employed at or on the Project, and in the event any of the work is subcontracted, Owner shall require any general contractor or subcontractor similarly to provide workers' compensation insurance for such contractor's or subcontractor's employees, unless such employees are covered by the protection afforded by Owner. In case any class of employee engaged in work on the Project is not protected under any workers' compensation law, Owner shall provide and shall cause each contractor and subcontractor to provide adequate insurance for the protection of employees not otherwise protected. Owner hereby indemnifies City for any damage resulting from failure of Owner, its agents, employees, contractors, or subcontractors to take out or maintain such insurance. Workers' compensation insurance with statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000) each accident shall be maintained.

- **Other Insurance Requirements.** Owner shall do all of the following:

- 1) Prior to taking any actions under this Agreement, furnish City with properly executed certificates of insurance that clearly evidenced all insurance required in this Article, including evidenced that such insurance will not be canceled, allowed to expire, or be materially reduced in coverage without thirty (30) days prior written notice to City.

- 2) Provide to City, upon request, and within seven (7) calendar days of said request, certified copies of endorsements and policies, and properly executed certificates of insurance evidencing the insurance required herein.

- 3) Replace or require the replacement of certificates, policies and endorsements for any insurance required herein expiring prior the termination of this Agreement.
- 4) Maintain all insurance required herein from the Effective Date of this Agreement to the earlier of the expiration of the term or the mutual written termination of this Agreement.
- 5) Place all insurance required herein with insurers licensed to do business in California with a current Best's Key Rating Guide reasonably acceptable to City.

13. Termination

- Termination Upon End of Term. This Agreement shall terminate upon the expiration of the term, unless it is terminated earlier pursuant to the terms of this Agreement. This Agreement shall also terminate in the event that Owner fails to commence operations as specified in Section 2 above. Upon termination of this Agreement, City shall record a notice of such termination and this Agreement shall be of no further force or effect except as otherwise set forth in this Agreement.
- Termination for Default. This Agreement may be terminated upon the Owner's default, in accordance with Section 16 below.
- Effect of Termination on Owner's Obligations. Termination of this Agreement shall eliminate any further obligation of Owner to comply with this Agreement, or some portion thereof, if such termination relates to only part of the Site or Project. Termination of this Agreement, in whole or in part, shall not, however, eliminate the rights of Owner to seek any applicable and available remedies or damages based upon acts or omissions occurring before termination.
- Effect of Termination on City's Obligations. Termination of this Agreement shall eliminate any further obligation of City to comply with this Agreement, or some portion thereof. Termination of this Agreement shall not, however, eliminate the rights of City to seek any applicable and available remedies or damages based upon acts or omissions occurring before termination.
- Survival After Termination. The rights and obligations of the Parties set forth in this Agreement which, by its express terms or nature and context is intended to survive termination of this Agreement, will survive any such termination.

14. Resources Efficiency

Owner shall endeavor to reduce its environmental impact when possible. The design of the facility shall include reasonable water and energy conservation measures in accordance with applicable State regulations.

15. Standard Conditions for Construction

During any on-site construction activities related to development of the project site and any buildings thereon, or renovation or remodeling of existing buildings, Owner shall comply with all state and local building and construction laws, regulations, and guidelines. The Project shall comply with the applicable parking standards established by the City for these particular cannabis activities.

16. Defaults and Remedies

- Remedies in general. It is acknowledged by the parties that City would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof, except as hereinafter expressly provided. Subject to extensions of time by mutual consent in writing, failure to delay by either party to perform any term or provision of this Agreement beyond a reasonable notice and cure period shall constitute a default and constitute grounds to terminate the Agreement and/or pursue available legal remedies. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party not less than thirty (30) day notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured during any such thirty (30) day period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings. Notwithstanding the foregoing to the contrary, if the alleged default is of such a nature that it cannot be cured within thirty (30) days, the alleged defaulting party shall not be deemed in default as long as such party commences to cure such default within such thirty (30) day period and thereafter diligently prosecutes such cure to completion.

After notice and expiration of the thirty (30) day period, the other party to this Agreement, at its option, may terminate this Agreement and/or institute legal proceedings pursuant to this Agreement.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement including but not limited to the termination of this Agreement, except that City shall not be liable in monetary damages, unless expressly provided for this Agreement, to Owner, to any mortgagee or lender, or to any successors in interest of Owner or mortgagee or lender, or to any other person, and Owner covenants on behalf of itself and all successors in interest to the Property or any portion thereof, not to sue for damages or claim any damages:

- 1) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- 2) For the impairment or restriction of any right or interest conveyed or provided under, with, or pursuant to this Agreement, including, without limitation, any impairment or restriction which Owner characterizes as a regulatory taking or inverse condemnation; or
- 3) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

Nothing contained herein shall modify or abridge Owner's rights or remedies (including its rights for damages, if any) resulting from the exercise by City of its power of eminent domain. Nothing contained herein shall modify or abridge Owner's rights or remedies (including its rights for damages, if any) resulting from bad faith intentional acts, the grossly negligent or malicious acts of City and its officials, officers, agents and employees. Nothing herein shall modify or abridge any defenses or immunities available to City and its employees pursuant to the Government Liability Act and all other applicable statutes and decisional law.

Except as set forth in the preceding paragraph relating to eminent domain, Owner's remedies shall be limited to those set forth in this Section.

Notwithstanding anything to the contrary contained herein, City covenants as provided in Civil Code Section 3300 not to sue for or claim any consequential damages or, in the event all or a portion of the Property is not developed, for lost profits or revenues which would have accrued to City as a result of the development of the Property.

- Specific Performance. The parties acknowledge that money damages and remedies at law are inadequate, and specific performance and other non- monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

- 1) Except as provided in this Agreement, money damages are unavailable against City.
- 2) Due to the size, nature and scope of the Project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, Owner may be foreclosed from other choices it may have had to use the Property or portions thereof. Owner has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing

the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate Owner for such efforts; the parties acknowledge and agree that any injunctive relief may be ordered on an expedited, priority basis.

- Release. Except for those remedies set forth in this Agreement, Owner, for itself, its successors and assignees, hereby releases City, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, based or asserted, pursuant to Article 1, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon City because it entered into this Agreement or because of the terms of this Agreement.

Owner acknowledges that it may have suffered, or may suffer, damages and other injuries that are unknown to it, or unknowable to it, at the time of its execution of this Agreement. Such fact notwithstanding, Owner agrees that the release provided in this Section shall apply to such unknown or unknowable claims and damages. Without limiting the generality of the foregoing, Owner acknowledges the provisions of California Civil Code Section 1542, which provide:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

Owner hereby waives, to the maximum legal extent, the provisions of California Civil Code Section 1542 and all other statutes and judicial decisions of similar effect.

- Termination of Agreement for Default of City. Owner may terminate this Agreement in the event of a default by City in the performance of a material term of this Agreement and only after providing written notice to City of default setting forth the nature of the default and the actions, if any, required by City to cure such default and, where the default can be cured, City has failed to take such actions and cure such default within sixty (60) days after the effective date of such notice or, in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default. Notwithstanding anything to the contrary, in the event that Owner deem it is necessary and/or advisable to cease operations in Porterville, then Owner may terminate this Agreement, and such termination shall be effective upon the date of written notice to the City.

- **Attorneys' Fees and Costs.** In any action or proceeding between City and Owner brought to interpret or enforce this Agreement, or which in any way arises out of the existence of this Agreement or is based upon any term or provision contained herein, the "prevailing party" in such action or proceeding shall be entitled to recover from the non-prevailing party, in addition to all other relief to which the prevailing party may be entitled pursuant to this Agreement, the prevailing party's reasonable attorneys' fees and litigation costs, in an amount to be determined by the court. The prevailing party shall be determined by the court in accordance with California Code of Civil Procedure Section 1032. Fees and costs recoverable pursuant to this Section include those incurred during any appeal from an underlying judgment and in the enforcement of any judgment rendered in any such action or proceeding.
- **Owner Default.** No building permit shall be issued or building permit application accepted for any structure on the Property after Owner is determined by City to be in default of the terms and conditions of this Agreement until such default thereafter is cured by Owner or is waived by City. If City terminates this Agreement because of Owner's default, then City shall retain any and all benefits, including money or land received by City hereunder.

17. Third Party Litigation

- **General Plan Litigation.** City has determined that this Agreement is consistent with its General Plan. Owner has reviewed the General Plan and concurs with City's determination.

City shall have no liability under this Agreement or otherwise for any failure of City to perform under this Agreement, or for the inability of Owner to develop the Property as contemplated by the Agreement, which failure to perform or inability to develop is as the result of a judicial determination that the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law, or that this Agreement or any of City's actions in adopting it were invalid, inadequate, or not in compliance with the law.

- **Hold Harmless Agreement.** To the fullest extent permitted by law, Owner hereby agrees to, and shall hold City, its elective and appointive boards, commissions, officers, agents, attorney's, contractors, consultants and employees harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Owner or Owner's contractors, subcontractors, agents, or employees' operations under this Agreement, whether such operations be by Owner, or by any of Owner's contractors, subcontractors, agents, or employees operations under this Agreement, whether such operations be by Owner, or by any of Owner's contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for Owner or any of Owner's contractors or subcontractors. Owner agrees to and shall defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or

in equity for damage caused, or alleged to have been caused, by reason of any of the aforesaid operations.

- Indemnification. To the fullest extent permitted by law, Owner shall defend, indemnify, and hold harmless City and its elective and appointive boards, commissions, officers, agents, attorney's, contractors, consultants and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following: (i) this Agreement and the concurrent and subsequent permits, licenses and entitlements approved for the Project or Property; (ii) the environmental impact report, mitigated negative declaration or negative declaration, as the case may be, prepared in connection with the development of the Property; (iii) any claims based on or alleging inverse condemnation by any person or entity with an interest in the Property; and (iv) the proceedings undertaken in connection with the adoption or approval of any of the above. In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision of this Agreement or any portion thereof as set forth herein, the parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, City, at its sole option, may tender the complete defense of any third-party challenge as described herein. In the event City elects to contract with special counsel to provide for such a defense, City shall meet and confer with Owner regarding the selection of counsel, and Owner shall pay all costs related to retention of such counsel. This Indemnification is provided in addition to that set forth in Section 10.

- Environmental Contamination. To the fullest extent permitted by law, Owner shall indemnify and hold City, its elective and appointive boards, commissions, officers, agents, attorney's, contractors, consultants and employees free and harmless from any liability, based or asserted, upon any act or omission of Owner, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors, excepting and acts or omissions of City as successor to any portions of the Property dedicated or transferred to City by Owner, for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and Owner shall defend, at its expense, including attorneys' fees, City, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. City may in its discretion participate in the defense of any such claim, action or proceeding. This Indemnification is provided in addition to that set forth in Section 10.

The provisions of this Section do not apply to environmental conditions that predate Owner's ownership or control of the Property or applicable portion; provided, however, that the foregoing limitation shall not operate to bar, limit or modify any of Owner's

statutory or equitable obligations as an owner or seller of the Property.

- **City to Approve Counsel.** With respect to this Section, City reserves the right to approve the attorney(s) which Owner selects, hires or otherwise engages to defend City hereunder, which approval shall not be unreasonably withheld.
- **Accept Reasonable Good Faith Settlement.** With respect to this Section, City shall not reject any reasonable good faith settlement. If City does reject a reasonable, good faith settlement that is acceptable to Owner, Owner may enter into a settlement of the action, as it relates to Owner, and City shall thereafter defend such action (including appeals) at its own cost and be solely responsible for any judgment rendered in connection with such action. This Section applies exclusively to settlements pertaining to monetary damages or damages which are remedial by the payment of monetary compensation. Owner and City expressly agree that this Section does not apply to any settlement that requires an exercise of City's police powers, limits City's exercise of its police powers, or affects the conduct of City's municipal operations.
- **Survival.** The provisions of this Section inclusive, shall survive the termination or expiration of the Agreement.

18. California Environmental Quality Act

Owner shall pay all fees and reimburse City for any and all costs incurred by City related to project review under the California Environmental Quality Act (CEQA), Public Resources Code, §§21000-21189.3, and the Guidelines for California Environmental Quality Act, California Code of Regulations, Title 14, §§15000-15387. If reasonably requested by City, Owner shall conduct and pay for any required CEQA reviews and analyses. The City has found that the proposed Project is Categorical Exempt from California Environmental Quality Act (CEQA) requirements under provisions of CEQA Guidelines Section 15301 (Existing Facilities) and 15303 (New Construction or Conversions of Structures). This exemption applies to projects characterized as conversion of an existing structure from one use to another in conjunction with minor changes to the facility, including construction of drive thru facility meeting the conditions described in Section 15303.

19. Rules, Regulations, and Official Policies

Except as otherwise provided in this Agreement, the rules, regulations, and official policies of City governing permitted uses of the land, governing density, and governing the design, improvements, and construction standards and specifications applicable to the development of the Project subject of this Agreement, shall be those rules, regulations, and official policies of City in force at the time of the execution of this Agreement. This Agreement does not prevent City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor does this Agreement prevent City from denying or

conditionally approving any subsequent development project application based on such existing or new rules, regulations, or policies.

20. Commercial Cannabis Permit Conditions of Approval

Owner shall comply with all conditions of approval of the City-issued Commercial Cannabis Permit.

21. Periodic Reviews

This Agreement shall be subject to annual review. Owner shall demonstrate good faith compliance with the terms of this Agreement. If, as a result of such periodic review, City finds and determines, based on substantial evidence, that Owner, or successor in interest thereto, has not complied in good faith with the terms or conditions of this Agreement, City may terminate or modify this Agreement (except no modification shall increase Owner's liability nor reduce Owner's rights), provided that City shall first provide Owner notice of its intent to terminate, with a detailed explanation as to why, and provide Owner the reasonable right to cure the same.

- **Periodic Review.** City Council shall review this Agreement annually, on or before each anniversary of the Effective Date, in order to ascertain Owner's good faith compliance with this Agreement. During the periodic review Owner shall be required to demonstrate good faith compliance with the terms of the Agreement, through submitting an annual monitoring report, records, or equivalent written materials to the Community Development Department. The Department may schedule a hearing on the periodic review of the Development Agreement on or following the anniversary of the Effective Date, but Owner has no obligation to compel such hearing, and no implication will be made to Owner's detriment if a hearing is not in fact held. Owner shall document any request for an extension of the term due to delays beyond the control of Owner (see Section 25, "Force Majeure").
- **Conditional Use Permit.** For all intents and purposes, the Commercial Cannabis Permit to be issued under this Agreement shall be treated as if it were a Conditional Use Permit issued to Owner for the establishment and operation of its business. The operation of the business at all times shall be required to comply with the terms of this Agreement.
- **Special Review.** City Council may order a special review of compliance with this Agreement at any time. The Community Development Director or his or her designee shall conduct such special review. During a special review, Owner shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on Owner.
- **Review Hearing.** At the time and place set for the review hearing, Owner shall be

given an opportunity to be heard. If City Council finds, based upon substantial evidence, that Owner has not complied in good faith with the terms or conditions of this Agreement, City Council may terminate this Agreement notwithstanding any other provision of this Agreement to the contrary, or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of City. The decision of City Council shall be final, subject only to judicial review pursuant to Code of Civil Procedure Section 1094.5.

- **Certificate of Agreement Compliance.** If, after a periodic or special review, Owner is found to be in compliance with this Agreement, and if Owner requests it, City shall issue a Certificate of Agreement Compliance ("Certificate") to Owner stating that after the most recent periodic or special review, and based upon the information known or made known to the Planning Director and City Council, that (i) this Agreement remains in effect and (ii) Owner is not in default.

City shall not be bound by a Certificate if a default existed at the time of the periodic or special review, but was concealed from or otherwise not known to the Planning Director and City Council, regardless of whether the Certificate is relied upon by assignees or other transferees or Owner.

- **Failure to Conduct Review.** City's failure to conduct a periodic review of this Agreement shall not constitute a breach of this Agreement.

22. Assignment

Assignment by Owner. Owner shall not transfer, delegate, sublet or assign its interest, rights, duties, and obligations under this Agreement, unless and except for as specifically authorized in this Section. Any assignment, delegation, or subletting inconsistent with the terms and conditions of this Agreement shall be null and void.

Limited Assignment Authorization. During the term of this Agreement or the legal extension of this Agreement as authorized in Section 2 above, and solely in the event of Darin Garrett's death, or his complete and permanent physical or mental incapacity, this Agreement and its interests, rights, duties and obligations shall be solely assignable to _____ Garrett, provided that _____ Garrett holds an authorized position with Cannabis Express, Inc., and is eligible under, and has complied with (and continues to comply with) all applicable laws, regulations and license transfer requirements related to the operation of the business.

23. Operating Commercial Cannabis Facility

Any party to this Agreement, shall not operate a commercial cannabis facility authorized under the municipal code unless it is the holder of a valid applicable State Cannabis License and a Commercial Cannabis Permit issued by City in accordance with the procedures and requirements of Chapter 15, Article VII of the Porterville Municipal Code.

24. Notice

Any notice or communication required hereunder between City and Owner must be in writing, and may be given either personally, by registered or certified mail (return receipt requested), or by Federal Express, UPS or other similar couriers providing overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered, as shown on a receipt issued by the courier. Any Party hereto may at any time, by giving ten (10) days written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to City: City of Porterville
291 North Main St.
Porterville, CA 93257
Attention: City Manager

and City Attorney, Porterville
McCormick, Kabot & Lew
4010 S. Demaree Street
Visalia, CA 93277

If to Owner: Cannabis Express, Inc.
c/o Darin A. Garrett, CEO
200 Main Street
Porterville, CA 93257

25. Miscellaneous Provisions

- **Amendment or Cancellation.** This Agreement may be amended, or canceled in whole or in part, only by the written mutual consent of the parties to this Agreement or their successors in interest.
- **Waiver.** Waiver by City of any one or more of the terms or conditions of this Agreement shall not be construed as waiver of any other term or condition under this Agreement.

- **Enforcement/Reserved Powers.** Unless amended or canceled pursuant hereto, this Agreement shall be enforceable by any party hereto, or successor in interest thereto, notwithstanding any subsequent change in any applicable general or specific plan, zoning, subdivision or building regulation, or municipal code amendment adopted by City that conflicts with the terms of this Agreement. However, this Agreement is subject to the City's "Reserved Powers." For purposes of this Agreement, "Reserved Powers" means the rights and authority excepted from this Agreement's restrictions on the City's police powers and which are instead reserved to the City. The Reserved Powers include the powers to enact regulations or take future discretionary actions after the Effective Date of this Agreement that: (1) are necessary to protect the public health and safety, and are generally applicable on a City-wide basis (except in the event of natural disasters as found by the City Council such as floods, earthquakes and similar acts of God); (2) are amendments to California Marijuana Laws or California Uniform Codes, as adopted by the City of Porterville, and/or the Porterville Municipal Code, as applicable, regarding the construction, engineering and design standards for private and public improvements to be constructed on the Site; (3) are necessary to comply with state or federal laws and regulations; or (4) involve sign and parking ordinances and guidelines, changes to the City's zoning laws, Specific Plan or the City's General Plan, whether adopted previous or subsequent to the Effective Date of this Agreement).

If any City ordinance, rule or regulation or addition to the Porterville Municipal Code is enacted or imposed by a citizen-sponsored initiative or referendum after the Effective Date that would conflict with this Agreement or an associated Commercial Cannabis Permit, business license or other authorizations and City approvals, or reduce development rights or assurances provided to the Owner in this Agreement, then such changes, additions or deletions to the Porterville Municipal Code shall not be applied to the Site or Project; provided, however, the parties acknowledge that the City's approval of this Agreement is a legislative action subject to referendum. The parties shall cooperate with each other and undertake such reasonable actions as may be appropriate to ensure this Agreement remains in full force and effect and is implemented in accordance with its terms and to the fullest extent permitted by state or federal law.

Notwithstanding anything to the contrary in this Agreement, site improvements contemplated by this Agreement shall be completed pursuant to the City's development standards and design guidelines.

- **Joint and Several Liability.** Cannabis Express Inc. shall be jointly and severally liable for any amount due under this Agreement, and any breach of this Agreement of failure to pay by one Party shall also constitute a breach of this Agreement by the other Party.
- **Severability.** If any part of this Agreement is found to conflict with applicable state laws or regulations, such part shall be inoperative, null, and void insofar as it

conflicts with said laws or regulations, or modified or suspended as may be necessary to comply with such state laws or regulations, but the remainder of this Agreement shall continue to be in full force and effect.

- Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The execution of this Agreement may be by actual, facsimile, or electronic signature.
- Jurisdiction. The law governing this Agreement shall be that of the State of California. The parties agree that this Agreement is entered into and to be performed in Tulare County, California.
- Disclaimer. Despite California's commercial cannabis laws and the terms and conditions of this Agreement, or any Commercial Cannabis Permit issued pertaining to Owner or the property specified herein, California commercial cannabis possessors or business operators may still be subject to arrest by state or federal officers and prosecuted under state or federal law. The Federal Controlled Substances Act, 21 USC § 801, prohibits the manufacture, distribution, and possession of cannabis without any exemptions for medical use.
- Force Majeure. If delays are caused by unforeseen events beyond the control of Owner, such delays will entitle Owner to an extension of time as provided in this section. Such unforeseen events ("Force Majeure") shall mean war, insurrection, acts of God, local, state or national emergencies, strikes and other labor difficulties beyond the party's control, or any default by City hereunder, which Force Majeure event substantially interferes with the development, construction or operation of the Project.
- Constructive Notice and Acceptance. Every person who after the Effective Date and recording of this Agreement owns or acquires any right, title, or interest to any portion of the Site, is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Site, and all rights and interests of such person in the Site shall be subject to the terms, requirements, and provisions of this Agreement.
- Binding Effect of Agreement. The Parties agree that the Recitals above are true and correct and intend to be bound by same. Except as otherwise provided, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all authorized successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide constructive notice thereof, the City Clerk will record this Agreement with the Tulare County Recorder within the period required by Government Code Section 65868.5.

- Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between the City and the Owner is that of a government entity regulating the development of private property and the owner of such property.

- Changes to Project. The parties acknowledge that changes to the Project or Development Plans and related approvals may be appropriate and mutually desirable to carry out the intent and purpose of this Agreement. This Agreement shall not prevent the City from applying, with the consent or at the request of the Owner, *Subsequent Land Use Regulations* or *Subsequent Development Approvals* that do not directly conflict with the Project, Site or Development Plan authorized under this Agreement. The granting of one such change or request shall not obligate the City to grant other similar changes or requests. As used herein, "*Subsequent Development Approvals*" include, without limitation, all excavation, grading, building, construction, demolition, encroachment or street improvement permits, occupancy certificates, utility connection authorizations, or other non-discretionary permits or approvals necessary, convenient or appropriate for the Project. As used herein, "*Subsequent Land Use Regulations*" means ordinances, resolutions and codes adopted or approved by the City after the Effective Date of this Agreement governing the development and use of the land, including general plan amendments, zone changes, variances or conditional use permits affecting the permitted use of the land including density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions of reservation or Dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Development of the Property.

- Conflicting Federal or State Rules. In the event that any conflicting federal or state laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, *this Agreement shall remain in full force and effect as to those provisions not affected*; and

- (i) Notice of Conflict. Either party, upon learning of any such matter, will provide the other party with written notice thereof and provide a copy of any such law, regulation or policy together with a statement of how any such matter conflicts with the provisions of this Agreement; and

- (ii) Modification Conferences. The parties shall, within thirty (30) days of the notice referenced to in the preceding subsection, meet and confer in good faith and

attempt to modify this Agreement to bring it into compliance with any such federal or state law or regulation.

(iii) City Council Hearings. In the event the City believes that an amendment to this Agreement is necessary due to the effect of any federal or state law or regulation, the proposed amendment shall be scheduled for hearing before the City Council. The City Council shall determine the exact nature of the amendment necessitated by such federal or state law or regulation. Owner shall have the right to offer oral and written testimony at the hearing. Any modification ordered by the City Council pursuant to such hearing is subject to judicial review in accordance with California law.

(iv) City Cooperation. The City shall cooperate with Owner in securing any City permits, licenses or other authorizations that may be required as a result of any amendment resulting from actions initiated by the City. As required by this Agreement, Owner shall be responsible to pay all applicable fees in connection with securing of such permits, licenses or other authorizations.

Effective Date. "Effective Date" means the date on which all of the following are true: (i) thirty (30) days have elapsed since the second reading of the Ordinance adopting and approving this Development Agreement and (ii) all Exhibits to this Agreement are finalized, executed and notarized by all affected parties (if applicable) and attached hereto; provided, however, that if these conditions have not been fully satisfied by the Owner the Effective Date may not thereafter occur and this Agreement may not thereafter become effective.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF PORTERVILLE

OWNER
CANNABIS EXPRESS, Inc.

Greg Meister
Mayor

Name: Darin A. Garrett
Title: Chief Executive Officer

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO FORM:

Attorney for Owner

APPROVED AS TO FORM:

Attorney for Property Owner

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING A DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND CANNABIS EXPRESS, INC.
RELATING TO THE DEVELOPMENT OF A RETAIL CANNABIS DISPENSARY AT 1432 W. OLIVE, UNIT A**

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the California State Legislature adopted Government Code Sections 65864 et seq. (the “Development Agreement Statute”) which authorizes cities to enter in agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property;

WHEREAS, in accordance with the Development Agreement Statute, the City of Porterville has enacted regulations to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute;

WHEREAS, in accordance with Chapter 15, Article VII of the Porterville Municipal Code, the City of Porterville awarded, via a Request for Proposals process, an opportunity to Cannabis Express, Inc. to negotiate a Development Agreement and apply for a Cannabis Business regulatory permit for the establishment of a Retail Cannabis Dispensary;

WHEREAS, Pursuant to Chapter 15, Article VII, Section 15-87, subsection C. of the Porterville Municipal Code, no approval for a cannabis business regulatory permit may be granted unless the City Council, prior to or concurrently with such approval, also approves a Development Agreement, setting forth the terms and conditions under which the commercial cannabis activity will operate in addition to the requirements of Article VII of Chapter 15, all other local ordinances and regulations, state law and such other requirements promulgated by the City in order to protect and promote the public health, safety and welfare.

WHEREAS, the City and Cannabis Express, Inc. duly met, negotiated, and agreed upon the terms and conditions for said operation of the commercial cannabis business, to be operated at 200 North Main Street, Porterville, California;

WHEREAS, pursuant to Chapter 15, Article VII, Section 15-87, subsection C, the City and Cannabis Express, Inc. entered in a Commercial Cannabis Dispensary Development Agreement on July 24, 2023 (recorded August 2, 2023), and has developed and is operating a licensed dispensary at that location.

WHEREAS, the owner of Cannabis Express, (“Premium Blossom”) has filed an application with the City for a tentative parcel map and development ordinance amendment, in order to relocate its current licensed dispensary to 1432 W. Olive Avenue, Unit A, Porterville California.

WHEREAS Development Agreements must be authorized by Ordinance, and are recorded and run with the specific real property it applies to; and new Development Agreement should be authorized for the 1432 W. Olive, Unit A site.

WHEREAS, this Development Agreement will assure the City and its residents and the Developer that the Development will proceed as proposed and that the public improvements and other amenities and funding obligations, will be accomplished as proposed; and

WHEREAS, pursuant to Section 65867 of the California Government Code, and the City's Development Agreement regulations, the City Council on _____, 2025, held a duly noticed public hearing concerning whether to adopt the Development Agreement, during which public hearing, the Council received any comments from the Developer, City staff, and members of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE HEREBY ORDAINS as follows:

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the Development Agreement attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

SECTION 2. This Ordinance is adopted under the authority of California Government Code Section 65854 et seq., and pursuant to the City's Development Agreement regulations.

SECTION 3. In accordance with the City's Development Agreement regulations, the City Council hereby finds and determines, as follows:

- (a) The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, in that it establishes certain development rights, obligations and conditions for the implementation of the subject property;
- (b) The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the general plan designations which will apply to the subject property;
- (c) The Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- (d) The Development Agreement will not be detrimental to the public health, safety and general welfare; and
- (e) The Development Agreement will not adversely affect the order development of property or preservation of property values.

SECTION 4. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) The City's General Plan, and any applicable amendments thereto.
- (c) All City staff reports (and all other public reports and documents) prepared for the City Council, related to the Development Agreement, and other actions relating to the subject property;
- (d) All documentary and oral evidence received at the public hearing or submitted to the City during the comment period relating to the Development Agreement, and other actions relating to the subject property; and
- (e) All other matters of common knowledge to the City Council, including but not limited to the City's fiscal and financial status, City general ordinances, policies and regulations.

SECTION 5. The City Council hereby approves the Development Agreement, attached hereto as Exhibit A, subject to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, as approved by the City Council.

SECTION 6. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA Guidelines section 15301 [existing facilities] and 15303 [conversion of an existing structure from one use to another in conjunction with minor changes to the facility]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

SECTION 7. Upon the effective date of this Ordinance as provided in Section 11 hereof, the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City of Porterville.

SECTION 8. The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Development Agreement pursuant to the terms of the Agreement.

SECTION 9. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Porterville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 10. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent.

SECTION 11. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage and adoption. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2025

ATTEST:
Richard Tree, City Clerk

Greg Meister, Mayor

By: _____
Fernando Gabriel-Moraga
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Adoption of an Ordinance Adding Article XV to Chapter 2 of the Porterville Municipal Code Establishing Principles of Individual Liberty

SOURCE: City Manager's Office

COMMENT: On October 21, 2025, the City Council reviewed a draft framework for an ordinance establishing the City's commitment to the principles of individual liberty and provided direction to staff to return with a final version. In response, the City Attorney has prepared the attached draft ordinance adding Article XV to Chapter 2 of the Porterville Municipal Code, titled "Commitment to Individual Liberty." The ordinance has been fully numbered and formatted for codification.

The ordinance affirms the City Council's position on matters including medical freedom, parental rights, nondiscrimination, and women's safe spaces, and includes supporting findings. It also includes provisions allowing the City Council, at its discretion, to consider the future development of a Legal Defense Assistance Program. Any such program would require separate review, definition, and funding approval by the City Council before it can be implemented.

The ordinance includes CEQA findings and standard provisions related to severability, pending legal actions, and codification. A Public Hearing is required before introducing the ordinance. If introduced, the ordinance will return at a subsequent meeting for second reading and adoption.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing to receive public testimony regarding the proposed Ordinance;
2. Introduce and waive the first reading of said Ordinance, adding Article XV to Chapter 2 of the Porterville Municipal Code titled "Commitment to Individual Liberty"; and
3. Direct staff to place the Ordinance on a future agenda for second reading and adoption.

ATTACHMENTS:

1. Draft Ordinance
2. Staff Report - October 21, 2025

Appropriated/Funded:

Review By:

Department Director:
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING
ARTICLE XV TO CHAPTER 2 OF THE PORTERVILLE MUNICIPAL CODE
SETTING FORTH ITS COMMITMENT TO THE PRINCIPLES OF INDIVIDUAL
LIBERTY INCLUDING MEDICAL FREEDOM, PARENTAL RIGHTS,
AND PROTECTION OF WOMEN’S SAFE SPACES**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE HEREBY ORDAINS as follows:

SECTION 1. Article XV, Section 2-160 through 2-164 (“Commitment to Individual Liberty”) is hereby added to Chapter 2 of the Porterville Municipal Code, as follows:

ARTICLE XV. COMMITMENT TO INDIVIDUAL LIBERTY

Section 2-160	Findings
Section 2-161	Medical Freedom
Section 2-162	Parental Rights
Section 2-163	Protection from Discrimination/Women’s Safe Spaces
Section 2-164	Legal Challenges

Section 2-160. Findings.

- A. The City Council of the City of Porterville believes the principles of individual liberty and bodily integrity are fundamental to a free and just society, and furthermore are protected by the Federal Constitution and the Constitution of the State of California;
- B. The Fourteenth Amendment to the U.S. Constitution sets forth that no State shall “deprive any person of life, liberty, or property, without due process of law.”
- C. Title IX of the Education Amendments of 1972 (Public Law No. 92-318, codified at 20 U.S.C. Sec. 1681-1688) prohibits discrimination based on sex in education programs and activities that received federal funding.
- D. The City Council recognizes, to the fullest extent permitted by applicable law, the fundamental rights of individuals to make informed medical decisions, including the right to choose or refuse medical treatments and interventions.
- E. The City Council recognizes that the United States and State of California have enacted laws aimed to safeguard medical liberties, and preventing discrimination in personal health choices, as exemplified by the federal Health Insurance Portability and Accountability Act (HIPPA) and the California Confidentiality of Medical Information Act (CMIA).

- F. The United States Supreme Court has repeatedly recognized parents' constitutional right to make decisions concerning the care, custody, and control of their children. [See *Troxel v. Granville*, 530 U.S. 57 (2000).] This includes the right to direct their children's upbringing and education. [*Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).]
- G. The City Council believes that, to the fullest extent permitted by law, the residents of the City of Porterville should be entitled to make their own medical and/or parental choices, free from coercion, discrimination, or undue interference.
- H. The COVID-19 pandemic and other public health emergencies have raised important questions about the balance between public health orders and individual rights.
- I. The City of Porterville is a Charter City directly authorized by the California Constitution and formed by the authority of its people to govern its municipal affairs; and as such, has a direct interest in protecting the individual liberties of its citizens.
- J. As a Charter City, it is the responsibility of the City of Porterville to respect and protect the constitutionally protected rights and freedoms of its residents, in accord with the law.

Section 2-161. Medical Freedom.

- A. The City Council affirms its commitment to protecting individual liberty and medical freedom.
- B. Every adult resident of Porterville has the right to make their own informed medical decisions, including the right to consent to or decline medical treatments and interventions, free from coercion, discrimination, or illegal interference.
- C. The City of Porterville will not engage in illegal discrimination against individuals based on their vaccination or medical status, and will respect the privacy of individuals' medical information to the extent protected by law.
- D. The City of Porterville recognizes the importance of legally established public health measures to promote public health, and to protect the community during public health emergencies.
- E. The City of Porterville shall not follow or enforce executive or administrative directives that have been determined to unlawfully infringe upon constitutionally protected rights. *Said determination shall be made by the City Council with the advice of the City Attorney/appointed legal counsel.*
- F. The City of Porterville encourages open and respectful dialogue on liberty issues affecting the City and the protection of the public health of the Porterville community, fostering understanding and cooperation among its residents through constitutionally protected free speech and open dialog, without illegal censorship.

- G. The City of Porterville will continue to monitor and adapt its policies and practices to protect the rights and freedoms of its residents while also addressing public health concerns, as required by law.

Section 2-162. Parental Rights.

The City Council affirms its commitment that City residents, to the fullest extent required by the Federal and State Constitutions, are entitled to be made aware of information and matters related to their minor children's health and education, including all physical and mental health matters, educational curriculum, or sexual and/or gender orientation, identity or expression.

Section 2-163. Protection from Discrimination/Women's Safe Spaces.

The City Council affirms its commitment that City residents, to the fullest extent provided for by the State and Federal Constitution, are entitled to legal protections against discrimination, including discrimination based on sex; and women are entitled to equal educational opportunities and safe private environments in order to minimize the risk of sexual harassment and violence.

Section 2-164. Legal Challenges.

- A. Based on the findings set forth in Section 2-160 above, the City has direct interest in protecting its residents, including parents and children, due to the impact of State legislation that illegally infringes on the individual liberties of its community members.
- B. The City Council hereby authorizes the establishment of a legal defense assistance program and fund, which said fund to be established at such time that funding is expressly determined by the City Council to be available and set forth in the City's budget for such purpose.
- C. The scope and requirements of the program shall be set forth by Resolution of the City Council.

SECTION 2. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. Furthermore, this ordinance is exempt pursuant to California Business and Professions Code Section 26055(h) on the basis that the adoption of this ordinance that require discretionary review under CEQA to approve licenses to engage in commercial cannabis activity in the City. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

SECTION 3. NO LIABILITY. The provisions of this ordinance shall not in any way be

construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Porterville, or any official, employee or agent thereof.

SECTION 4. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Porterville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 6. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Porterville Municipal Code as amended by this ordinance are substantially the same as provisions in the Porterville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 7. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2025.

Greg Meister, Mayor

ATTEST:
Rich Tree, City Clerk

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – OCTOBER 21, 2025

SUBJECT: Discussion and Direction Regarding a Draft Ordinance Adding Section 1-23 to the Porterville Municipal Code Establishing the City's Commitment to the Principles of Individual Liberty

SOURCE: City Manager's Office

COMMENT: At the request of the City Council, staff has prepared a draft ordinance that would add Section 1-23 to the Porterville Municipal Code, establishing the City's formal commitment to the principles of individual liberty. The intent of this ordinance is to affirm the City's responsibility to protect the rights of residents and to preserve local control in areas where federal or state actions may infringe on personal freedoms.

The proposed ordinance emphasizes the City's commitment to protecting constitutional rights, including freedom of speech, medical freedom, parental rights, and the right to personal privacy. It declares that no City department, officer, or employee shall enforce or assist in enforcing any law, mandate, or order that the City Council determines to be inconsistent with these principles.

Additionally, the ordinance establishes a framework for the creation of a Legal Defense Assistance Program, which could provide limited legal resources to residents or businesses affected by such mandates or restrictions. Details of the program's structure, administration, and funding would be presented to the City Council separately for review and approval.

Adoption of this ordinance would codify the City's values of personal freedom and local self-governance, while providing a mechanism for future policy decisions consistent with those principles.

Following Council discussion, staff will incorporate any revisions and present the finalized draft ordinance for formal introduction and first reading at a subsequent meeting.

RECOMMENDATION: That the City Council discuss the draft ordinance and provide direction to staff regarding the proposed addition of Section 1-23 to the Porterville Municipal Code.

ATTACHMENTS: 1. Draft Ordinance

Appropriated/Funded:

Review By:

Department Director:
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Second Reading - Ordinance No. 1921, Amending Article I Of Chapter 7 Of The Municipal Code Of The City Of Porterville And Adopting By Reference The 2025 Editions Of The California Administrative Code, The California Building Code Along With Designated Appendices, The California Residential Code Along With Designated Appendices, The California Energy Code, The California Historical Buildings Code, The California Existing Building Code, The California Referenced Standards Code, And The Wildland-Urban Interface Code.

SOURCE: City Attorney

COMMENT: Ordinance No. 1921, an Ordinance of the City Council of the City of Porterville Amending Article I of Chapter 7 of the Municipal Code of the City of Porterville and adopting by reference the 2025 Editions of the California Administrative Code, The California Building Code along with designated appendices, The California Residential Code along with designated appendices, The California Energy Code, The California Historical Buildings Code, The California Existing Building Code, The California Referenced Standards Code, and The Wildland-Urban Interface Code as published by the International Code Council, was given first reading on November 18, 2025, and has been printed.

RECOMMENDATION: That the City Council give Second Reading to Ordinance No. 1921, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1921

Appropriated/Funded:

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

ORDINANCE NO. 1921

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2025 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA BUILDING CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA RESIDENTIAL CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDINGS CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA REFERENCED STANDARDS CODE, AND THE WILDLAND-URBAN INTERFACE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

A. The following sections of the Municipal Code of the City of Porterville are hereby amended to read as follows:

SECTION 7-1 ADOPTION

Adoption of the 2025 Edition of the California Administrative Code Title 24 Part 1; 2025 California Building Code Part 2, Volumes 1 and 2; the 2025 California Residential Code Title 24 Part 2.5; the 2025 Energy Code Title 24 Part 6; the 2025 Edition of the California Historical Buildings Code Title 24 Part 8; the 2025 Edition of the California Existing Buildings Code Title 24 Part 10; the 2025 Edition of the California Referenced Standards Code Title 24 Part 12; and the 2025 Edition of the Wildland-Urban Interface Code Title 24 Part 7.

That certain codes in book form to which more particular reference is herein made, regulating the construction, erection, alteration, repair, removal, demolition, conversion, equipment, use, height, area and maintenance of buildings in the City of Porterville, together with the amendments thereof, herein specifically set forth, together with the penalty for violation herein set forth to be known as the Building Codes

compiled by and adopted by the International Code Council, Inc., together with the following appendixes: J, O, P, and Q of the 2025 California Building Code; BF, BO, CI, and CJ of the 2025 California Residential Code Part 2.5; thereto are hereby adopted and enacted by the Council of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence, paragraph, word and clause in said codes mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof.

SECTION 7-2 COPIES ON FILE:

Reference is hereby made to one (1) copy of said California Building Code, 2025 Edition, compiled by and adopted by the International Conference of Building Officials, heretofore filed in the office of the Building Official of the City of Porterville and said California Building Code is by reference adopted herein as provided by law.

SECTION 7-3 BUILDING CODE AMENDMENTS:

There are no local amendments to the 2025 Codes. The City of Porterville reserves the right to amend the Codes mentioned herein by way of public hearing and Ordinance adoption at a later date if deemed necessary.

SECTION 7-3.4. PENALTY FOR VIOLATION:

It shall be unlawful for any person, firm or corporation to enlarge, alter, repair, move, improve, remove, convert, or equip, use, occupy or maintain any building or structure in the City of Porterville, or cause the same to be done contrary to or in violation of the provisions of this article or of the building code above adopted by reference, together with the amendments thereto; and any person, firm or corporation

violating any of the provisions of this article or of said building code, as amended, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violations of the provisions of this article or of the California Building Code, 2025 Edition, is committed or permitted; and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the City or County jail for a period of not exceeding six (6) months or both such fine and imprisonment.

SECTION 7-3.6. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. Ordinance No. 1893 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2026.

PASSED, APPROVED and ADOPTED this 2nd day of December, 2025.

ATTEST:
Richard Tree, City Clerk

Greg Meister, Mayor

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Second Reading - Ordinance No. 1922, Amending Section 7-4 of the Municipal Code of the City of Porterville, Adopting by reference the 2025 Edition Of The California Mechanical Code

SOURCE: City Attorney

COMMENT: Ordinance No. 1922, an ordinance of the City Council of the City of Porterville amending section 7-4 of the municipal code of the City of Porterville, adopting by reference the 2025 Edition of the California Mechanical Code, published by The International Association of Plumbing and Mechanical Officials, was given first reading on November 18, 2025, and has been printed.

RECOMMENDATION: That the City Council give Second Reading to Ordinance No. 1922, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1922

Appropriated/Funded:

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

ORDINANCE NO. 1922

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2025 EDITION OF THE CALIFORNIA MECHANICAL CODE
PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS**

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is
hereby amended to read as follows:

SECTION 7-4 ADOPTION:

Adoption of the 2025 Edition of the California Mechanical Code, Title 24, Part 4
and Referenced Standards.

That certain code in book form to which more particular reference is hereinafter
made regulating the installation and maintenance of heating, ventilating, cooling, and
refrigeration systems, to be known and referred to as the California Mechanical Code
along with the Referenced Standards is hereby adopted and enacted by the Council of
the City of Porterville as an ordinance of the City of Porterville, to all intents and
purposes and to the same effect as if each and every sentence, comma, paragraph,
word, phrase, and clause in said code mentioned or referred to therein or herein were
and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2025 Edition of the California
Mechanical Code published by the International Association of Plumbing and
Mechanical Officials filed with the Building Official of the City of Porterville and said
code is by reference adopted herein as provided by law.

SECTION 7-4.2. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No.1894 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2026.

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Second Reading - Ordinance No. 1923, Amending Section 7-6 of the Municipal Code of the City of Porterville, Adopting by Reference the 2025 Edition of the California Plumbing Code

SOURCE: City Attorney

COMMENT: Ordinance No. 1923, an ordinance of the City Council of the City of Porterville amending section 7-6 of the municipal code of the City of Porterville, adopting by reference the 2025 Edition of the California Plumbing Code published by The International Association of Plumbing and Mechanical Officials, was given first reading on November 18, 2025, and has been printed.

RECOMMENDATION: That the City Council give Second Reading to Ordinance No. 1923, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1923

Appropriated/Funded:

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

ORDINANCE NO. 1923

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2025 EDITION OF THE CALIFORNIA PLUMBING CODE
PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS**

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Section 7-6 of the Municipal Code of the City of Porterville is amended to
read as follows:

SECTION 7-6. ADOPTION:

Adoption of the 2025 Edition of the California Plumbing Code Title 24 Part 5, the
Referenced Standards, and Appendixes C, H, and M.

That certain code in book form to which more particular reference is hereinafter
made, regulating the business of plumbing, and the installation of plumbing fixtures and
appliances, to be known and referred to as the California Plumbing Code, is hereby
adopted and enacted by the Council of the City of Porterville as an ordinance of the City
of Porterville, to all intents and purposes and to the same effect as if each and every
sentence, comma, paragraph, word, phrase, and clause in said code mentioned or
referred to therein or herein were and each thereof was fully and specifically set forth
herein.

Reference is hereby made to (1) copy of the 2025 Edition of the California
Plumbing Code, published by the International Association of Plumbing and Mechanical
Officials filed with the Building Official of the City of Porterville and said code is by
reference adopted herein as provided by law.

SECTION 7-8. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1895 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2026.

PASSED, APPROVED and ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Second Reading - Ordinance No. 1924, Amending Section 7-9 and Deleting Section 7-10 of the Municipal Code of the City of Porterville and Adopting by Reference the 2025 Edition of the California Electrical Code

SOURCE: City Attorney

COMMENT: Ordinance No. 1924, an ordinance of the City Council of the City of Porterville amending section 7-9 and deleting Section 7-10 of the municipal code of the City of Porterville, and adopting by reference the 2025 Edition of the California Electrical Code Published By Bni Publications, Inc., was given first reading on November 18, 2025, and has been printed.

RECOMMENDATION: That the City Council give Second Reading to Ordinance No. 1924, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1924

Appropriated/Funded:

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

ORDINANCE NO. 1924

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY
REFERENCE THE 2025 EDITION OF THE CALIFORNIA ELECTRICAL CODE
PUBLISHED BY BNi PUBLICATIONS, INC.**

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Section 7-9 of the Municipal Code of the City of Porterville is hereby
amended to read as follows:

SECTION 7-9 ADOPTION:

Adoption of the 2025 Edition of the California Electrical Code Title 24 Part 3.

That certain code in book form to which more particular reference is hereinafter
made, regulating the business of electrical, and the installation of electrical fixtures and
appliances, to be known and referred to as the California Electrical Code, is hereby
adopted and enacted by the Council of the City of Porterville as an ordinance of the City
of Porterville, to all intents and purposes and to the same effect as if each and every
sentence, comma, paragraph, word, phrase, and clause in said code mentioned or
referred to therein or herein were and each thereof was fully and specifically set forth
herein.

Reference is hereby made to one (1) copy of the 2025 Edition of the California
Electrical Code, published by BNi Publications, Inc. filed in the office of the Building
Official of the City of Porterville, and such code, to wit: the 2025 Edition of the California
Electrical Code published by the BNi Publications, Inc., as aforesaid now on file with the
Building Official of the City of Porterville, is hereby adopted by reference as the
Electrical Code of the City.

SECTION 7-9.1. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1896 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2026.

PASSED, APPROVED and ADOPTED this 2nd day of December, 2025.

ATTEST:
Richard Tree, City Clerk

Greg Meister, Mayor

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Second Reading - Ordinance No. 1925, Amending Article IV of Chapter 7 of the Municipal Code of the City of Porterville, Adopting by Reference the 2025 Edition of the California Green Building Standards Code

SOURCE: City Attorney

COMMENT: Ordinance No. 1925, an ordinance of the City Council of the City of Porterville, amending Article IV of Chapter 7 of the municipal code of the City of Porterville, adopting by reference the 2025 Edition of the California Green Building Standards Code, published by The International Code Council, was given first reading on November 18, 2025, and has been printed.

RECOMMENDATION: That the City Council give Second Reading to Ordinance No. 1925, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1925

Appropriated/Funded:

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

ORDINANCE NO. 1925

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING ARTICLE IV OF CHAPTER 7 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2025 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL**

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is
hereby amended to read as follows:

SECTION 7-12 ADOPTION:

Adoption of the 2025 Edition of the California Green Building Standards
Code, Title 24, Part 11 and the mandatory portions of Appendix A4, Appendix A5, and
Appendix A6 with the voluntary portions of said Appendices remaining voluntary.

That certain code in book form to which more particular reference is hereinafter
made encouraging sustainable construction practices, to be known and referred to as
the California Green Building Standards Code is hereby adopted and enacted by the
Council of the City of Porterville as an ordinance of the City of Porterville, to all intents
and purposes and to the same effect as if each and every sentence, comma,
paragraph, word, phrase, and clause in said code mentioned or referred to therein or
herein were and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2025 Edition of the California
Green Building Standards Code published by the International Code Council
Commission filed with the Building Official of the City of Porterville and said code is by
reference adopted herein as provided by law.

SECTION 7-12.1. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1897 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2026.

PASSED, APPROVED and ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: Authorization to Purchase Veterans Park Playground

SOURCE: City Manager's Office

COMMENT: City Council expressed the desire to have a children's playground constructed in Veterans Park. The new playground will be constructed in conjunction with the upcoming celebration of the City's 100-year anniversary as a charter city and America's 250-year anniversary. The playground will feature a battleship design to complement the setting and theme of Veterans Park.

On October 21, 2025, the City Council reviewed one battleship playground design, then directed staff to bring back additional options. Some of the proposed playground features include a climbing wall (listed as an improvement in the Parks Master Plan for Veterans Park), multiple slides, various levels, decorative battleship elements, and more. The total cost will include excavation, concrete border, wood fiber surfacing, engineered stamped drawings, and installation based on prevailing wage. A separate Request for Qualifications will be issued for the ADA connectivity portion of the project, which is beyond the scope of playground equipment vendors.

Four vendors previously used by the City for park projects were contacted to provide conceptual designs. The vendors were Kompan, Park Planet, MRC Gametime, and Ross Recreation. Each vendor submitted a design based on its ability to produce a custom battleship-themed playground. All four vendors participate in a government purchasing cooperative that provides discounted pricing and streamlined procurement for public agencies. Kompan's quote was \$359,792.40, and Park Planet's (Playcraft) was \$249,177.74. The other vendors were still working on their quotes at the time of agenda publication.

The allocated budget for this playground in fiscal year 2025/26 is \$600,000 through Measure I funds. The estimated production lead time is approximately nine months. The most recently approved playground project at Murry Park cost \$357,500, which provides a comparable benchmark. Staff is confident the total playground cost will not exceed \$400,000, which includes an estimated additional up to \$15,000 for an ADA connectivity path.

RECOMMENDATION:

That the City Council:

1. Provide direction on the purchase of a playground for Veterans Park;
2. Authorize the Deputy City Manager to negotiate a contract and execute all necessary documents for the playground purchase including excavation, concrete border, installation and engineered wood fiber, and a ten percent contingency, not to exceed \$385,000 through budgeted Measure I funds; and
3. Authorize the distribution of a Request for Qualifications for the ADA connectivity path portion of the project with a cost not to exceed \$15,000.

ATTACHMENTS:

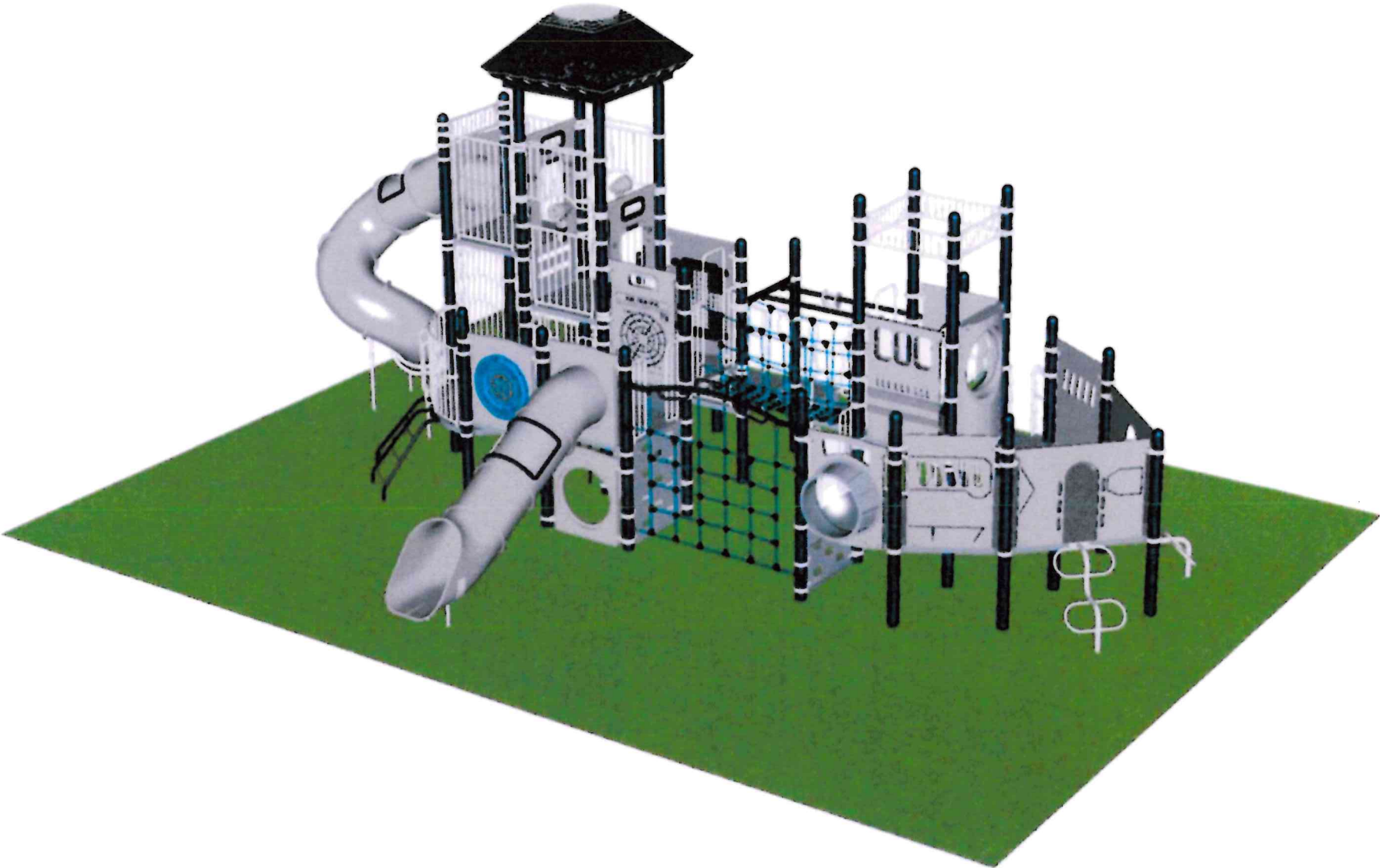
1. Battleship Designs
2. Playground quotes

Appropriated/Funded:

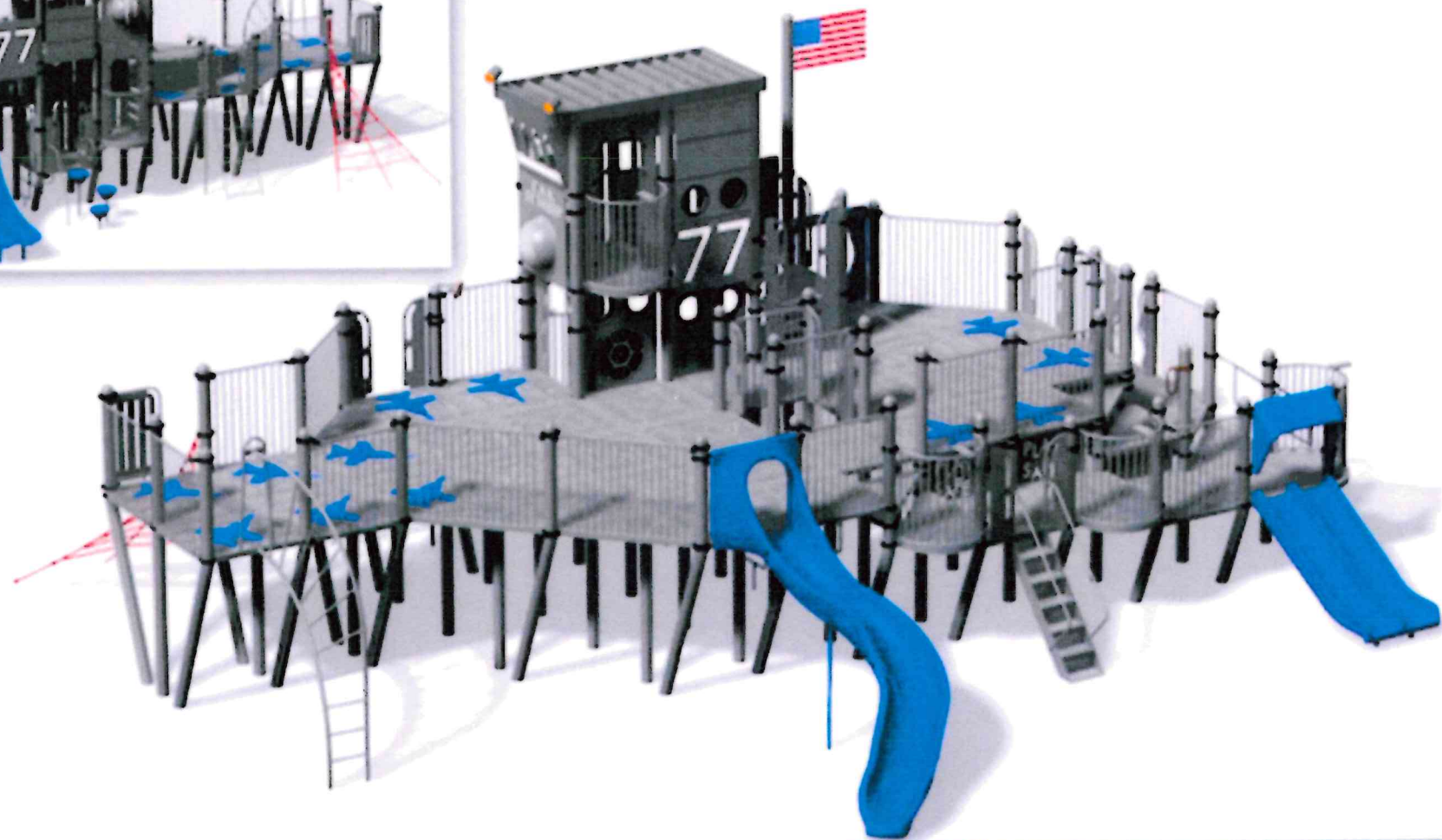
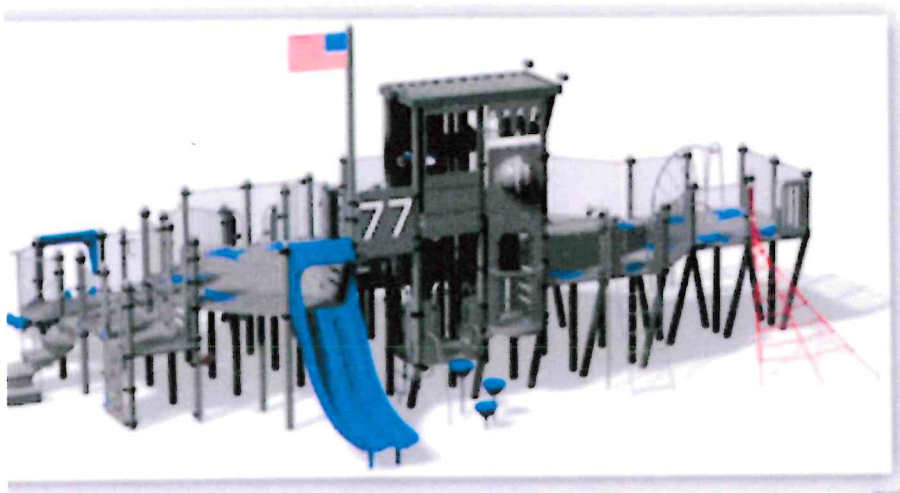
Review By:

Department Director:
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk







CONCEPT

KRS8201380

Please note: this is a sketch.

This design will need to go through a detailed design phase for the final design. Design approval documentation will be provided by KOMPAN Design Studio to be signed by the end client or Sales Team prior to the order being placed.

KOMPAN 



Created 11.11.2025

Designer SamJav

MacArthur Park Playground Option 3
Los Angeles, CA







Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q25-4561

Veterans Park PG

Bill To:

City of Porterville
291 N Main St
Porterville CA 93257
United States

Quote Date: 10/30/2025

Quote Expires: 11/29/2025

Terms: Net 30dys / Shipment

Quote Total: \$249,177.74

Contact Name	Contact Phone	Contact Email	Sales Rep	Sales Rep Email
Donnie Moore	+15597827536	dmoore@ci.porterville.ca.us	Cody Hill	cody@parkplanet.com

Description	Vendor	Qty	Rate	Amount
PR-R5 Playground Structure Round 5" Steel System SN: R50AF46BB	Playcraft Systems, Inc	1	\$126,102.00	\$126,102.00
Install - CA Wage Installation by Park Associates Inc. CA - Lic# 959805 DIR# PW-LR-1000423561 Wage Rate: Prevailing		1	\$0.00	\$0.00
Installation assumes normal digging conditions with standard bobcat & auger. Bobcat & concrete truck access required				
Install Installation of Park Planet 5-12 Structure - R50B27B3A & Sign	Park Associates dba PARK PLANET	1	\$62,720.00	\$62,720.00
Install Excavate and off-site disposal of spoils for new play box - 55' x 45' x 12" depth	Park Associates dba PARK PLANET	1	\$12,441.00	\$12,441.00
Install Provide and installation of new concrete curb bordering play box - 6" W x 12" D With ADA Ramp entering play box	Park Associates dba PARK PLANET	1	\$18,424.00	\$18,424.00
Install Temp Fencing	Park Associates dba PARK PLANET	1	\$5,227.00	\$5,227.00
Install Offload and store equipment at HC yard, Transport to job site once construction begins	Park Associates dba PARK PLANET	1	\$4,286.00	\$4,286.00
Wood Fiber	My Bark Co. Inc.	123	\$22.00	\$2,706.00

FREIGHT



Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q25-4561
Veterans Park PG

Description	Vendor	Qty	Rate	Amount
PCF Playcraft Freight **PlayCraft shipping pallet dimensions can reach upwards of 4'W x 8'H x 18'L and will be delivered on a 53' dry-van WITHOUT a liftgate. Offloading is the CUSTOMER'S responsibility and is NOT included in shipping costs. (2) Forklifts or (1) Forklift with extended forks and a capacity of greater than 5,000lbs will be required to offload the pallet(s). Please discuss offloading options with an Park Planet representative PRIOR to placing an order.	Playcraft Systems, Inc	1	\$2,571.00	\$2,571.00
My Bark Freight My Bark Freight	My Bark Co. Inc.	2	\$1,393.00	\$2,786.00

EXCLUSIONS

IF APPLICABLE:

1. Park Planet installers are not signatory to any unions and will not sign any PLA for the installation of the playground or special playground surfacing. The following supply and/or installation estimates do not include signing a PLA or paying any union labor or fees. All of the labor quoted herein will need to be excluded from a PLA agreement and union labor requirement waived by the purchasing agency, owner or District.

2. Skilled & Trained Workforce: If this project is a Lease Lease-Back, or Design-Build Project, or a contract that triggers the Skilled and Trained Workforce requirements for a Public Works project, please contact Park Planet immediately. The Following estimate for equipment and/or labor does NOT include such compliance. Park Planet and their subcontractors will NOT comply with Skilled and Trained Workforce labor and reporting. Park Planet's portion of work (and our subcontractor's work) will need to fall within an exception or waiver to the Skilled and Trained Workforce requirements or our estimate will not be valid.



Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q25-4561

Veterans Park PG

Description	Vendor	Qty	Rate	Amount
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EXCLUSIONS

Location/Marking of utility, plumbing and irrigation lines
Dumpster for trash and packaging materials
Offloading and storage of equipment
Moving equipment from storage site to construction site
Site preparation not specifically stated
Drainage Consideration
Inspections, material testing, or applicable permits and fees
Removal of obstacles in access route
Landscape/Hardscape repair based on access route
Cleaning of structure(s) is excluded unless otherwise stated
Site security including security fencing
Bonding or Special Insurance - fees may apply if required

By signing below, you acknowledge and agree to our Contract; Exclusions, Conditions & Payment Terms, which are to be included in, and supersede any additional contracts or sub-contract agreements made separately based on this "Estimate". Unless otherwise specified above we Exclude Responsibility for: additional mobilizations due to delays or layout conflicts, conditions unforeseen and/or not disclosed at time of estimate, repairing unmarked underground utilities and pipes. Site Conditions Prior to Installation: Grades; stable, compacted, & workable (rough grade to be taken + or - one tenth of one inch), adequate access to work site provided for workmen, materials, tools & equipment. Quote assumes all labor to be completed without interruption.

Subtotal	\$237,263.00
Tax Total (%)	\$11,914.74
Total	\$249,177.74



Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q25-4561

Veterans Park PG

A PURCHASE ORDER OR SIGNED CHANGE ORDER MUST BE RECEIVED BEFORE ADDITIONAL EQUIPMENT, INSTALLATION, OR SERVICES CAN PROCEED. IF PAYING BY CREDIT CARD, A SURCHARGE WILL BE ASSESSED ON PAYMENT AMOUNT FOR 3.5% VISA/MC OR 5% AMEX.

Printed Name: _____ Title: _____

Authorized Signature: _____ Date: _____

**Purchasing agent who is authorized to enter into binding agreement for quoted entity.

**By signing this quote, I have read and agree to the quote Terms & Conditions listed below, on the following page.

Sales - Budget Quote

City of Porterville
Donnie Moore
291 N. Main Street
Porterville, CA 93257

Quote No. SP159004-1
Customer No. C0018761
Document Date 10/15/2025
Expiration Date 12/14/2025

Customer Ref. KRS8201380 V1 Install/EWF/EXCAV

Sales Representative Doris Harpain
Email DorHar@Kompan.com
Phone No. 559-977-2656 / 800-426-9788

Project Name US337145 Veterans park

No.	Description	Qty Unit	Unit Price	Discount %	Net Price
OMNIA Partners Contract #2017001135					
<u>EQUIPMENT</u>					
US-KRS-CUSTOM	KRS8201380 V1	1 Pieces	218,150.00	20.00	174,520.00
US ROBINIA SERVICE	Robinia Service Program included in sales price				
US-ENGSTAMP-CALI-2	Engineered Stamped Drawings	1 Pieces	4,500.00		4,500.00
INSTALL SPECIAL	Installation of Kompan Equipment Based on Prevailing Wages	1 Pieces	104,000.00	20.00	83,200.00
Installation Pricing provided in this proposal is based on Kompan project specifications and footing details. Kompan CA reserves the right to revise installation pricing if ESD's are required. The new details will have to be reviewed by Kompan CA for cost impact and new pricing approved in writing (if applicable) prior to installation.					
FREIGHT	Freight	1 Pieces	33,606.75		33,606.75
<u>SITE PREP / SURFACING</u>					
US-EXCAVATION	Excavation of area up to 12"	1,855 Sq. Feet	14.52	5.00	25,587.87
US-CUSTOM-SURFACING	Supply and Install EWF and Filter Fabric	1,855 Sq. Feet	5.52	10.00	9,215.64
US-CONCRETECURBING	Concrete Curbing	166.2 Feet	68.12	5.00	10,755.46

Sales - Budget Quote

City of Porterville
Donnie Moore
291 N. Main Street
Porterville, CA 93257

Quote No. SP159004-1
Customer No. C0018761
Document Date 10/15/2025
Expiration Date 12/14/2025

Customer Ref. KRS8201380 V1 Install/EWF/EXCAV

Sales Representative Doris Harpain
Email DorHar@Kompan.com
Phone No. 559-977-2656 / 800-426-9788

Project Name US337145 Veterans park

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price
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NOTES

Please read attached General Assumptions and Exclusion document for information on Install/Sitework.

Excludes sitework, products, & services not listed.

Assumes site to be accessible & install ready.

Please allow "35" to "37" weeks for product delivery upon order placement.

Pricing valid with an approved Kompan Site Plan

Description	Qty	Retail Price	Discount	Net Price
No. of Products	2			
Subtotal - Products		222,650.00	43,630.00	179,020.00
Subtotal - Sitework		38,256.14	1,912.81	36,343.33
Subtotal - Surfacing		10,239.60	1,023.96	9,215.64
Subtotal - Installation		104,000.00	20,800.00	83,200.00
Subtotal - Freight		33,606.75		33,606.75
Total USD Excl. Tax				341,385.72
Estimated Tax rate				18,406.68
Total USD Incl. Tax				359,792.40

Business Agreement OMNIA Partners Contract
Payment Terms 50% Prepayment , 50% Net 30 days

Installation Site Address

Veterans park
Donnie Moore
1501 w Henderson ave
Porterville, CA 93257



CITY COUNCIL AGENDA – DECEMBER 2, 2025

SUBJECT: City Hall American Flag Distribution Program

SOURCE: City Manager's Office

COMMENT: At the October 21, 2025, City Council Meeting, Councilman Beltran requested that staff develop a program to periodically replace the American flag displayed in front of City Hall. The intent of the program is to maintain a dignified display of the flag while creating opportunities to present retired flags during City-sponsored events that celebrate civic pride and community service. On November 4, 2025, the City Council directed staff to further evaluate program logistics, including responsibilities for properly retiring flags.

Under the proposed program, a new American flag will be raised each quarter beginning January 2026. Replacement will be performed by trained personnel. City staff will identify the month and year each retired flag was flown and store the flags for future ceremonial presentations. Flags that remain in good condition may be presented as keepsakes at community events or memorial recognitions. Flags that are no longer suitable for display will be respectfully retired in accordance with established flag protocol.

The program can be managed by existing staff within the City Manager's Office. The estimated annual cost is \$2,000 for the purchase of replacement flags and associated presentation materials. Funding will be provided through the Community Promotion Budget, and no additional appropriation is required.

RECOMMENDATION: That the City Council:

1. Authorize a program to raise a new American flag in front of City Hall each quarter beginning January 2026, with replacement handled by qualified personnel;
2. Direct staff to retire each prior flag from duty, label it with the month and year it was flown, and make it available for presentation during future City ceremonial events; and
3. Authorize the allocation of \$2,000 annually from the Community Promotion Budget for the purchase of replacement flags and related presentation materials.

ATTACHMENTS:

1. Flag Policy
2. Flag Banner Resolution

Appropriated/Funded:

Review By:

Department Director:
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

CITY OF PORTERVILLE

COUNCIL POLICY ON THE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS; AND BANNERS FROM CITY BUILDINGS AND FACILITIES – ALL OCCASIONS

PURPOSE

To establish guidelines for 1) exhibition of the flag of the United States of America, the California State flag, the Porterville City Flag from City buildings and other City facilities, 2) the display of street flags for parades and holidays, and 3) the display of ceremonial flags.

The City's flagpoles and Banner posts/poles are not intended to serve as a forum for free expression by the public.

POLICY

It is the policy of the City of Porterville that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144; and the State of California Government Code Section 430 and 437.

In order to establish a policy with respect to the locations and days when the United States of America, California State, and Porterville City flags should be displayed, the following standards should be followed.

The City Manager is responsible for ensuring the proper execution of this policy at all City facilities.

STANDARDS

A. Federal, State and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: 1) the United States flag; 2) the California State flag; 3) the Porterville City flag.
2. Weather permitting, flags should be displayed daily in front of or at a location near City Hall and at any other City facility as designated by the City Manager.
3. Flags should not be displayed in inclement weather. However, all-weather flags may be flown on a 24-hour basis as long as they are illuminated from sunset to sunrise.
4. The Porterville City flag will be flown wherever there are sufficient poles to do so in accordance with #2 above. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
5. Indoor United States, State of California, and City flags shall be displayed at a minimum in the City Hall Council Chambers.
6. On recognized Federal and/or State holidays, and on other special occasions as listed below, flags should be flown from all locations listed in paragraph A-2 above.

- a) January 1, New Year's Day

- b) January 20, (2001, 2005, 2009, etc., every fourth year) on the day the President of the United States is inaugurated
- c) Third Monday in January, Martin Luther King's birthday
- d) Third Monday in February, Presidents' Day
- e) Second Sunday in May, Mother's Day
- f) Third Saturday in May, Armed Services Day
- g) Last Monday in May, Memorial Day. The flags to be flown at half-staff (first raise to top, then slowly lower to half-staff) until noon and at full staff from noon until sunset. NOTE: The United States flag must always be flown by itself when displayed at half-staff.
- h) Third Sunday in June, Father's Day
- i) June 14, Flag Day
- j) July 4, Independence Day
- k) First Monday in September, Labor Day
- l) September 9, Admission Day
- m) September 17, Constitution Day
- n) The first Tuesday after the first Monday in November of a presidential election year and gubernatorial election days
- o) November 11, Veteran's Day
- p) Fourth Thursday in November, Thanksgiving Day
- q) December 25, Christmas Day
- r) State holidays
- s) Special occasions of Federal, State and local proclamation

7. Flags at all City facilities shall be displayed in accordance with the above standards. However, the City Manager may order flags to be lowered to half-staff including, but not limited to flags of the United States of America and State of California in honor of the death of a City employee killed in the line of duty. Flags may only be lowered to half-staff in accord with Federal and State regulations, policies, and guidelines.

8. The City Council may authorize to raise a new United States flag in front of City Hall each quarter beginning with replacement handled by qualified personnel. City staff shall retire each prior flag from duty, label it with the month and year it was flown, and make it available for presentation during City ceremonial events.

B. Ceremonial Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

1. Flags of Governments Recognized by the United States. Flags of governments recognized by the United States may be displayed upon the request of the City Council.
2. Flags of Sister Cities. The flags of official Sister Cities of Porterville may be displayed in conjunction with an event involving the Sister City.
3. Prisoner-of-War/Missing-in-Action ("POW/MIA") Flag. The nationally recognized POW/MIA may be displayed on appropriate holidays and as determined by the City and pursuant to any applicable federal or state law.
4. Flags of branches of the US Military consistent with applicable federal laws.

C. Street Flags and Banners

1. Definition: Street flags and/or banners are defined as flags or banners (hereinafter collectively referred to as "banners") flown directly on City posts or poles, and/or with a guy wire over a city street. The guy wire is generally attached to city-owned streetlights or posts and is oriented perpendicular to the flow of traffic.
2. The City may place banners or flags communicating information regarding public events, events held at public facilities, City programs, information or services, or promotions of amenities of general interest to the community including holidays and seasons.
3. The City may issue a banner permit to an individual or entity, granting permission to temporarily occupy designated banner locations for the purpose of providing notice to residents and visitors about City-sponsored or City-funded special events open to the public, and that are limited to non-commercial, non-political and of a non-religious nature. Banners on City property/poles must be approved, scheduled, and coordinated by the City.
4. The banner permit is subject to an applicable fee as adopted by the City.
5. Banners on City-owned poles are subject to pre-approval by the City, must be appropriately designed and sized for the location as determined by the City, must be made of durable cloth, canvas or vinyl. A completed banner design (including text and graphics) must be submitted to the Parks and Leisure Services Department Office at time of application, along with payment of the fee.
6. Banners promoting specific events cannot be hung more than 14 days prior to the start of the event and must be removed within five (5) days after the completion of the event.
7. Once approved, applicant must arrange for the production of the banners and for a contractor to install and remove the banners, at no cost to the City.
8. Space may be limited, and the City has priority use. Applications will be processed on a first-come, first-served basis. City reserves the right to establish appropriate time periods for the duration of the use of its poles and facilities. If multiple applications request that banners be installed at the same location during the same time frame, the City Manager, or designee, will make final approval based on any or all of the following circumstances: number of banner locations requested by each applicant, banner installation history and proximity of banners to event site or venue. The overall goal is to make reasonable accommodations that are in the best interest of all applicants and the City

9. The City assumes no responsibility for damage to (non-City) banners while they are on display.

10. Procedure: Applications to place banner displays on City-owned property are available for the applicant's convenience on the City's website and at the Parks and Leisure Services Department.

a) Applicants submit a completed application (including required attachments) to the Parks and Leisure Services Department Office at least 90 days prior to the requested installation date and remit payment to the Department Office. Applications received less than 90 days prior to the requested installation date are subject to City's ability to facilitate the request. Banner applicants may apply for banner locations up to 6 months prior to their installation date.

b) Upon approval of the application, the contractor who will hang the banner may proceed with the installation. If City banners are currently hanging on the requested poles, the applicant is responsible for removing and re-hanging the City banners.

RESOLUTION NO. ____ - 2025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE POLICY ON THE EXHIBITION OF
FEDERAL, STATE, AND CITY FLAGS, AND BANNERS;
FROM CITY BUILDINGS AND FACILITIES – ALL
OCCASIONS**

WHEREAS, the City of Porterville currently follows applicable Federal and State law concerning the display of the U.S. and State flags; and

WHEREAS, the City additionally owns poles that can be utilized for displaying flags or banners for the promotion of City events or programs, and

WHEREAS, the City Council also desires to use of banner poles by third parties in conjunction with City-sponsored or City-funded events or programs; and

WHEREAS, the City's flagpoles and banner posts and poles are not intended to convey government speech and are not intended to serve as a forum for free expression by the public.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE
DOES RESOLVE AS FOLLOWS:**

1. The City Council may authorize to raise a new United States flag in front of City Hall each quarter beginning with replacement handled by qualified personnel.
2. City staff shall retire each prior flag from duty, label it with the month and year it was flown, and make it available for presentation during City ceremonial events.
3. The Policy shall go into effect immediately.

PASSED, APPROVED, and ADOPTED this 2nd day of December, 2025.

Greg Meister, Mayor

ATTEST:

Fernando Gabriel-Moraga,
Chief Deputy City Clerk