

Aesthetics

Chapter 3.1

SUMMARY OF FINDINGS

Impacts of the proposed Project are determined to be less than significant with mitigation. A detailed review of potential impacts is provided in the analysis as follows.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

CEQA requires that significant impacts on the environment be identified and, where possible, measures be added to minimize or eliminate impacts (CEQA Guidelines Section 15325). A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project...” (CEQA Guidelines Section 15382). With respect to aesthetics, potentially significant CEQA impacts include visual impacts to scenic highways, the visual character of the site, and impacts from lighting.

This section describes the existing visual environment in the vicinity of the Project area using accepted methodology to evaluate aesthetic/visual landscape quality and light/glare. Aesthetic considerations tend to be subjective. The methodologies used to evaluate aesthetic impacts to visual character are qualitative in nature, and are based on photographic documentation of the site and surrounding area.

The proposed Project site is located in the agricultural (Valley) portion of Tulare County. The Environmental Setting section describes scenic and aesthetic resources in the region, with special emphasis on the proposed Project site and vicinity. The Regulatory setting provides a description of applicable State and local regulatory policies. A description of the potential impacts of the proposed Project is also provided and includes the identification of feasible mitigation to avoid or lessen the impacts.

The analyses of the existing visual setting and potential visual impacts resulting from the proposed Project are based primarily on information provided by the Project applicant.

Thresholds of Significance:

- Impact on a scenic vista
- Impact on a scenic highway
- Impact on visual quality
- Creation of glare or impacts on nighttime views

ENVIRONMENTAL SETTING

Visual Character of the Region

Tulare County is located in a predominately agricultural region of central California. The terrain in the County varies. The western portion of the County includes a portion of the San Joaquin Valley (Valley), and is generally flat, with large agricultural areas with generally compact towns interspersed. In the eastern portion of the County are foothills and the Sierra Nevada mountain range. The Project site is located on the Valley floor, which is very fertile and has been intensively cultivated for many decades. Agriculture and related industries such as agricultural packing and shipping operations and small and medium sized manufacturing plants make up the economic base of the Valley region. Many communities are small and rural, surrounded by agricultural uses such as row crops, orchards, and dairies. From several locations on major roads and highways through out the County, electric towers and telephone poles are noticeable. Mature trees, residential, commercial, and industrial development, utility structures, and other vertical forms are highly visible in the region because of the flat terrain. Where such vertical elements are absent, views are expansive. Most structures are small; usually one story in height, through occasionally two story structures can be seen commercial or industrial agricultural complexes. The County provides a wide range of views from both mobile and stationary locations...¹

The Project site is located in Tulare County approximately 1.3 miles east of the City of Tulare. The site is relatively level, with an elevation of approximately 315 feet National Geodetic Vertical Datum (NGVD). Existing onsite structures include buildings, scales, heavy equipment, stockpiles of materials. There is a man-made drainage basin in the southwest corner, and an additional small waterhole is used for filling water trucks. The Project site is surrounded by a tall security/privacy fence with a row of trees outside the fenced site. Land uses in the Project vicinity are predominantly agricultural, with scattered rural residences. Surrounding agricultural lands consisting of citrus orchards, row crops, and other farmed lands.

¹ Tulare County 2030 General Plan RDEIR, page 3.1-11

Existing Visual Conditions

Figure 3.1-1
Aerial View of Project Site



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Figure 3.1-2
View toward Project Site Entrance looking S from Road 140



Figure 3.1-3
View of Project Site from Road 140



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Figure 3.1-4
Photo of Dust Screen



Figure 3.1-5
Location of the CNG Station



Figure 3.1-6

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Trees screening the project site at the proposed location of the Anaerobic Digester



**Figure 3.1-7
View of the Project site from Sundale Elementary School**



REGULATORY SETTING

The following environmental regulatory settings were summarized, in part, from information contained in the Tulare County General Plan Update 2030 Recirculated Draft EIR (February 2010).

Federal Agencies & Regulations

Federal regulations apply to projects on lands which are administered by federal agencies or are subject to federal funding. Aesthetics one of the required elements to be addressed in the National Environmental Policy Act (NEPA) of 1969 and Council of Environmental Quality (CEQ) regulations to implement NEPA under the heading of aesthetics. Visual impacts must be evaluated in determining the effects of a federal project or other project using federal funding. Further, Title 23, USC 109(h) cites “aesthetic values” as a matter that must be fully considered in developing a project.”²

State Agencies & Regulations

CEQA

The *CEQA Guidelines* Section 15382 defines "significant effect on the environment" as: "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

Title 24 Outdoor Lighting Standards

Title 24 Outdoor Lighting Standards were adopted by the State of California Energy Commission (Commission) (Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards) on November 5, 2003 and went into effect on October 1, 2005. The changes included new requirements for outdoor lighting, which vary according to which “lighting Zone” the equipment is in. The Commission defines rural areas as Lighting Zone 2. Existing outdoor lighting systems are not required to meet these lighting allowances.

Scenic Highway Program

The California Scenic Highway Program was established by the state Legislature in 1963 for the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The state laws governing the scenic highways program are found in

² Caltrans, “Visual and Aesthetics Review, <http://www.dot.ca.gov/ser/vol1/sec3/community/ch27via/chap27via.htm>

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The Streets and Highways Code Sections 260-263. In Tulare County, portions of State Routes 190,198, and 180 are eligible for state scenic highway designation.³

Local Policy & Regulations

The *Tulare County General Plan Update 2030 Part 1: Goals and Policies Report* (GPR) (August 2012) includes a number of goals and policies relating to scenic protection of County resources. The Goals and Policies Report Framework Concept # 3 addresses Scenic Landscapes:

“The scenic landscapes in Tulare County will continue to be one of the County’s most visible assets. The Tulare County General Plan emphasizes the enhancement and preservation of these resources as critical to the future of the County. The County will continue to assess the recreational, tourism, quality of life, and economic benefits that scenic landscapes provide and implement programs that preserve and use this resource to the fullest extent.”⁴

Scenic Roadways

“Tulare County’s existing General Plan identifies State designated scenic highways and County designated eligible highways. There are three highway segments designated as eligible by the State. These include State Route 198 from Visalia to Three Rivers, State Route 190 from Porterville to Ponderosa, and State Route 180 extending through Federal land in the northern portion of Tulare County. State Route 198 closely follows around Lake Kaweah and the Kaweah River, while State Route 190 follows around Lake Success and the Tule River. Both Scenic Highways travel through agricultural areas of the valley floor to the foothills and the Sierra Nevada Range... Additionally, the General Plan Update identifies preserving the rural agricultural character of SR 99 and SR 65 as valuable to the County and communities.”⁵

³ Tulare County 2030 General Plan, Goals and Policies Report, Part 1 Figure 7-1, page 7-5

⁴ Tulare County 2030 General Plan, Goals and Policies Report, page A-2

⁵ Tulare County 2030 General Plan, Goals and Policies Report, page 7-2

Figure 3.1-8
Scenic Highways

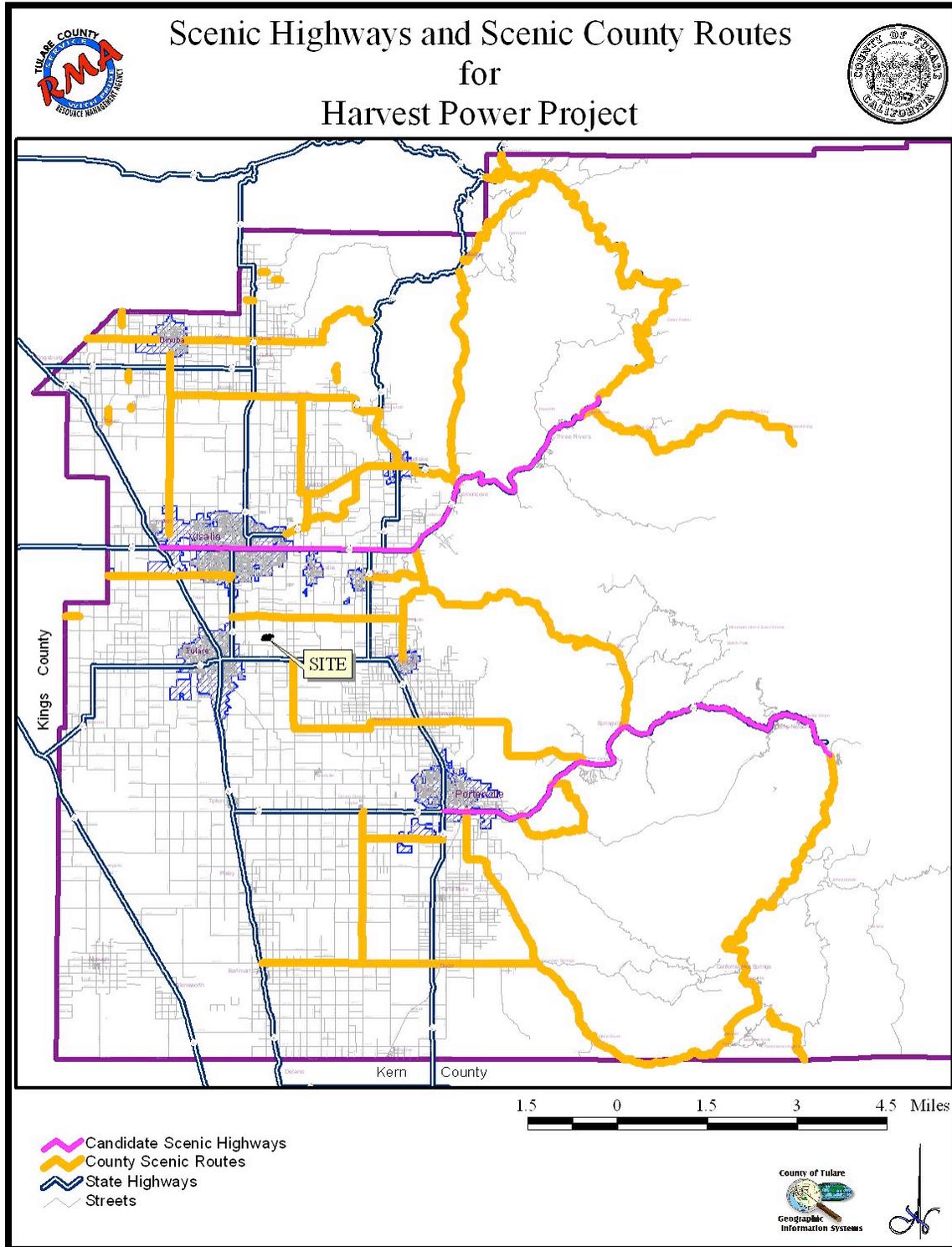
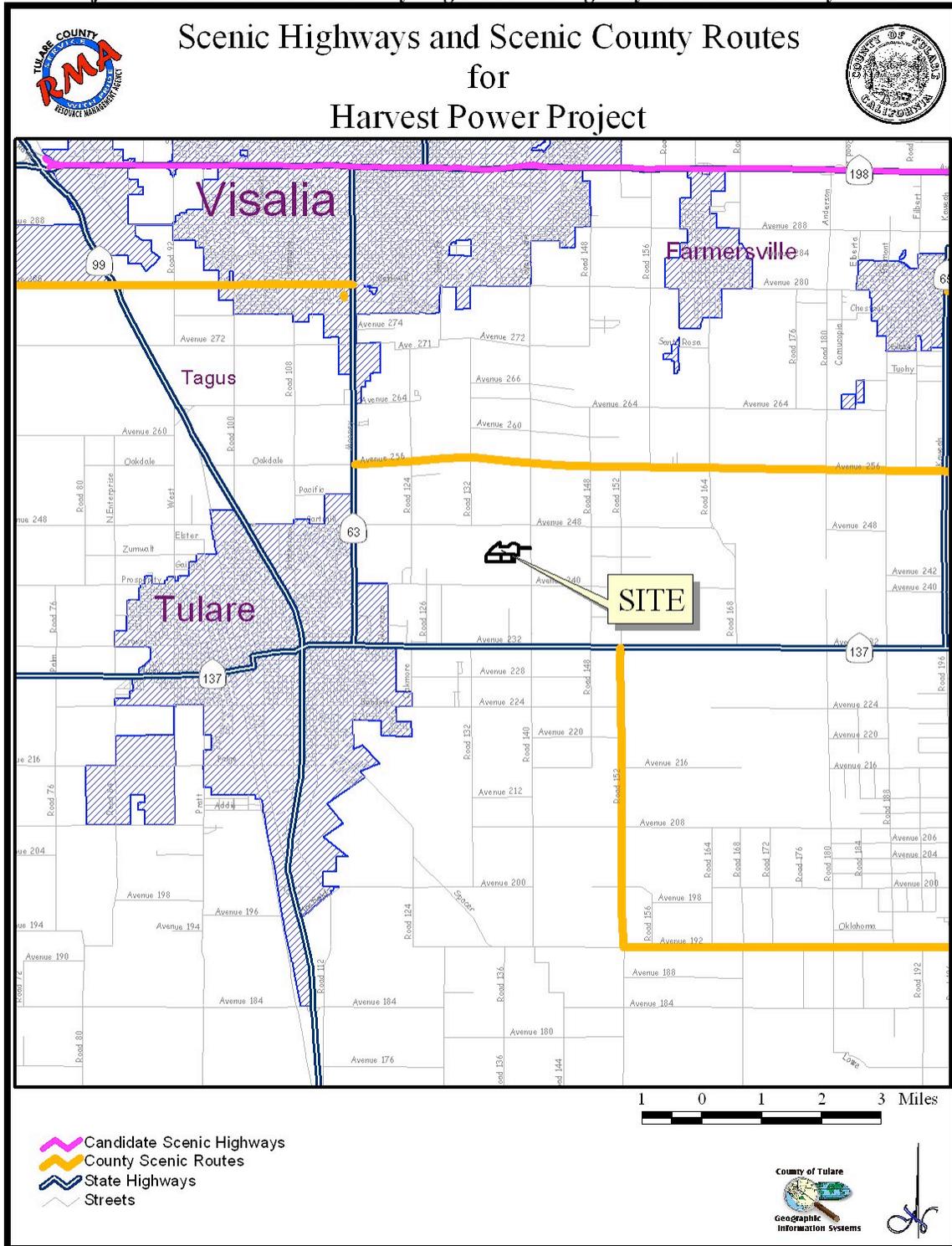


Figure 3.1-9
Project site relative to Tulare County Eligible Scenic Highways and Scenic County Routes



General Plan Policies

The General Plan Update provides specific goals for scenic protection of Natural and Working Landscapes (Goal SL-1); Scenic Roads and Highways (Goal SL-2); Community design (Goal SL-3); and design of infrastructure (Goal SL-4). Each of the stated goals has several associated policies designed to protect scenic landscapes, including working landscapes such as agricultural landscapes. Key policies related to the proposed Project include SL-1.1 and SL-1.2, designed to protect scenic natural and working landscapes, including agricultural landscapes.

SL-1.1 Natural Landscapes

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

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

SL-1.2 Working Landscapes

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

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

LU-7.14 Contextual and Compatible Design

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

LU-7.6 Screening

The County shall require landscaping to adequately screen new industrial uses to minimize visual impacts.

SL-2.1 Designated Scenic Routes and Highways

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

1. Requiring development within existing eligible State scenic highway corridors to adhere to land use and design standards and guidelines required by the State Scenic Highway Program,
2. Supporting and encouraging citizen initiatives working for formal designation of eligible segments of State Highway 198 and State Highway 190 as State scenic highways,
3. Formalizing a system of County scenic routes throughout the County (see Figure 3.1-8), and
4. Requiring development located within County scenic route corridors to adhere to local design guidelines and standards.

LU-7.19 Minimize Lighting Impacts

The County shall ensure that lighting in residential areas and along County roadways shall be designed to prevent artificial lighting from reflecting into adjacent natural or open space areas unless required for public safety.

Tulare County Zoning Ordinance

Fencing requirements Zoning Ordinance

The Harvest-Tulare Project is zoned AE-40 (Exclusive Agriculture, 40 acre minimum). In the event that additional fencing/screening be recommended to screen the view of the site, the relevant fencing requirements from the zoning ordinance are as follows:

AE-40 Zone, Section 9.7 Tulare County Zoning Ordinance:

F. Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

Tulare County Zoning Ordinance Section 15 p. 26 “Exceptions” C.2.m. and C.2.n:

C.2.m. Fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, not more than three and one-half (3-1/2) feet in height, may be located in any front, side or rear yard.

C.2.n. A fence or wall not more than six (6) feet in height, or a hedge maintained so as not to exceed six (6) feet in height may be located along the side or rear lot lines, provided such fence, wall or hedge does not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited...”

IMPACT EVALUATION

Will the proposed Project:

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

Project Impact Analysis: *No Impact*

The Project site is located in the Valley portion of the County, which is relatively flat. There are no scenic vistas on the Project site or in the vicinity. On clear days there is a view of foothills and the Sierra Nevada Mountains that can be seen from many roads heading east. Because the Project is set back a considerable distance from the roads, and because there will no additional tall structures visible from nearby roads, the proposed Project will have no project specific impact related to this checklist item.

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is the San Joaquin Valley portion of Tulare County.

The proposed Project (without mitigation), will be required to comply with the all requirements of the Tulare County General Plan 2030 Update. Because there are no scenic vistas on-site or in the Project vicinity, there will be no cumulative impacts related to this checklist item.

Mitigation Measures:

None Required.

Conclusion: *No Impact*

As noted above, there will be no project specific or cumulative impacts related to this checklist item.

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

Project Impact Analysis: *No Impact*

There are no designated state scenic highways in the Project vicinity or in Tulare County. Portions of State Routes 190, 198, and 180 are eligible for state scenic highway designation, but are not located in the Project vicinity. The Project site is not visible from any of the Tulare County eligible state scenic highways. The nearest eligible scenic highway is State Highway 198, located approximately 6.25 miles north of the Project site.

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The Tulare County General Plan Update 2030 also lists a series of Scenic County Routes, several of which are located in agricultural areas. The nearest Scenic County Roads to the Project site are Avenue 256, 1.4 miles north of the Project site, and a segment of Road 152 south of Avenue 232, approximately 2.25 miles southeast of the Project site.

The Project site is not visible from the eligible state scenic highways or scenic county roads. Therefore, the proposed Project will have no Project specific impact related to this checklist item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project (without mitigation), will be required to comply with the all requirements of Tulare County zoning, the California Scenic Highway Program (Caltrans) requirements for maintaining eligibility, and requirements the Scenic Landscape Element of the Tulare County 2030 General Plan Update.

There will be no cumulative impacts because the Project will not create visual impacts to scenic highways or scenic County roads.

Mitigation Measures:

None required.

Conclusion: ***No Impact***

As described above, there are no scenic resources which will cause cumulative visual impacts on the proposed Project site or vicinity.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Project Impact Analysis: ***Less than Significant Impact***

Agricultural landscapes throughout Tulare County are often scenic and visually appealing. While the Project is not located on a scenic county road or eligible state scenic highway, the Project site is located in an area with large agricultural fields under cultivation which are visually pleasing. There are several scattered rural residences to the south and east of the proposed Project, located within ½ mile of the Project site. The Sundale Elementary School is located approximately ½ mile southeast of the Project site.

The proposed Project will add a 38 feet tall anaerobic digester. This structure will be minimally visibility from Road 140 or Avenues 240, 245 or 248. Less than significant impacts related to this checklist item will occur, with mitigation.

Cumulative Impact Analysis: ***Less than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

As the proposed Project would not create any project specific visual impacts, the propose Project would not contribute to cumulate visual impacts.

Mitigation Measures:

None Required.

Conclusion: ***Less than Significant Impact***

As designed, the proposed Project will have a less than significant impact on visual character on the proposed Project site and in the vicinity.

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

Project Impact Analysis: ***Less than Significant Impact with Mitigation***

Lighting impacts are often associated with the use of artificial light during the evening and nighttime hours. Impacts could potentially include light emanating from building interiors (seen through windows) and light from exterior sources, including building or parking lot lighting, security lighting, street lighting, etc. To ensure lighting impacts will be minimized, mitigation measure 3.1-1 is outlined below.

Glare is typically a daytime occurrence caused by light reflecting off highly polished surfaces such as window glass or polished metallic surfaces. It is not anticipated that the new structures will result in appreciable glare, since the structures will not have highly reflective surfaces. To ensure the minimization of glare, mitigation measure 3.1-2 is outlined below.

With these mitigation measures, less than significant project specific impacts related to this checklist item will occur.

Cumulative Impact Analysis: ***Less than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project (with mitigation), will not result in any significant off-site impacts. Therefore, *no significant cumulative impacts* related to this checklist item will occur.

Mitigation Measures:

- 3.1-1 All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.**
- 3.1-2 The Anaerobic Digester and equipment shall be painted with muted colors, with a matte finish prior to the final inspection by the building department.**

Conclusion: ***Less than Significant Impact with Mitigation***

As noted above, no Project specific or cumulative impacts related to this checklist item will occur.

DEFINITIONS/ACRONYMS

Definitions

Scenic landscapes

Landscapes that include agricultural lands, woodlands, forestlands, watercourses, mountains, meadows, structures, communities, and other types of scenery that contribute to the visual beauty of Tulare County.

Natural Landscapes

An expanse of naturally-formed scenery that contribute to the visual beauty of Tulare County.

Working Landscapes

These are landscapes shaped by human activities that produce economic commodities such as agricultural lands, ranch lands, and timber lands. They may also include picturesque commercial districts in communities, crops, orchards, agricultural structures, stands of timber, and canals.”

Viewshed

An area of land, water, or other environmental features that is visible from a fixed vantage point. Viewsheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. The preservation of viewsheds is typically the goal in the designation of open space areas, green belts, and urban separators.

REFERENCES

Caltrans, California Scenic Highway Program: “Frequently Asked Questions,”
<http://www.dot.ca.gov/hq/LandArch/scenic/faq.htm>

Caltrans, “Visual and Aesthetics Review,” in Standard Environmental Reference, Chapter 27,
<http://www.dot.ca.gov/ser/vol1/sec3/community/ch27via/chap27via.htm>

State of California, Governor’s Office of Planning and Research, “Thresholds of Significance:
Criteria for Defining Environmental Significance,” *CEQA Technical Advice Series*
<http://ceres.ca.gov/ceqa/more/tas/Threshold.html>

Tulare County 2030 General Plan, August 2012

Tulare County 2030 General Plan: Recirculated Draft EIR (RDEIR), February 2010

2012 CEQA Guidelines