



Tulare County Citizens For Responsible Growth

May 27, 2010

Tulare County Resource Management Agency
David Bryant, Project Planner
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

**RE: Tulare County Draft General Plan 2030 Update and Recirculated Draft Environmental Impact Report
(SCH No.2006041162)**

Dear Mr. Bryant:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (RDEIR) for the revised Tulare County General Plan 2030 Update.

Tulare County Citizens for Responsible Growth is a diverse group of local residents concerned about the direction of growth in our County. We are united by a desire for a General Plan Update (GPU) that will ensure cleaner air, secure and reliable water supplies, a strong and more diverse economy, and the protection of our agricultural and natural resource lands. We believe that focusing future growth in our existing urbanized areas is the key to achieving these priorities.

We were pleased to see that many of the value statements and guiding principles set out in the revised General Plan Update express similar desires. However, we are concerned that the revised General Plan Update will not attain any of these goals because it will not meet the goal of creating a compact urban form.

Our letter begins with a summary of our key concerns and recommendations on the GPU and RDEIR. We then include additional detailed comments on the adequacy of the RDEIR. You will also be receiving comment letters from some individual TCCRG members (which include extensive recommendations on GPU text and policies/measures and RDEIR analysis and mitigation measures). Our comments include both the General Plan Update and the RDEIR since they are each integral to the other.



Tulare County Citizens For Responsible Growth

I. Summary of Concerns

◆ Impacts related to sprawl not adequately evaluated or mitigated.

A variety of impacts will result from buildout of any General Plan which permits significant development away from established urban centers, thus devouring agricultural and open space land unnecessarily, contributing to unnecessarily increased VMTs, traffic commutes and traffic congestion, reduced air quality, and a myriad of other impacts. Such is the case with the Tulare County General Plan Update. Its foundation is a Planning Framework which purports to limit growth to existing urbanized areas, largely by assuming that the major portion of new growth will take place within incorporated cities and their designated urban boundaries, and relying on the City general plans as a guide for growth.

The General Plan Update Recirculated Draft Environmental Impact Report assumes that this land use concept and its implementing policy framework will mitigate potential environmental impacts throughout the County to a large degree. Yet this essential concept is weakened by the actual wording throughout the General Plan to the point that effective mitigation simply cannot be assured.

A critical example is the fact that there is no real requirement in the Plan for the County to adhere to the City general plans for compact growth within their Spheres of Influence and Urban Development Boundaries (UDBs). In addition the County's proposals to establish new "Growth Corridors" and "Planned Communities" (formerly called New Towns) which could be allowed in the rural areas currently intended for open space or agricultural protection because the Plan establishes no set boundaries for such new development.

Likewise, the County has designated 11 small, unincorporated communities as "Hamlets" and provided them with newly devised HDBs within which the RVLPA is being repealed. The HDBs appear much larger than necessary to support the modest growth needed to allow for the small scale retail services appropriate to these communities and with no demonstration of any possibility of providing needed public facilities. None of the 11 Hamlets has a Hamlet Plan to guide growth and development. The County is simply declaring them all Mixed Use.

Where land use designations are not delineated specifically (such as in Hamlets, Growth Corridors, Mountain Service Centers, and Foothill Mixed Use areas), the designation of Mixed Use is applied, permitting any combination of uses and residential development from 1-30 units/ acre, resulting in "an anything goes" plan for much of the unincorporated area.

Yet the RDEIR does not evaluate the impact of this weakening of the General Plan's basic land use framework. Rather, it generally concludes that loss of agriculture and open space and numerous other impacts caused by sprawl will be significant and unavoidable without even exploring all available mitigation. Clearly, strengthening the land use framework to better protect agriculture and open space and minimize sprawl is an available and feasible mitigation measure that should be included in a revised General Plan and RDEIR to substantially reduce impacts of the Plan.

In response to these concerns, Tulare County Citizens for Responsible Growth (TCCRG) recommends a number of major concept revisions to the General Plan which will ensure a more compact urban form as the County grows and which will serve to mitigate environmental impacts to a substantially greater degree than that proposed in the RDEIR:



Tulare County Citizens For Responsible Growth

Major Concepts: TCCRG Proposed General Plan Revisions and Mitigation Program

**1. Require Consistency with incorporated City Plans and Efficiency of Growth in Unincorporated Communities to Promote Compact Development Form.
To accomplish this, eliminate CACUABs and CACUDBs in favor of City control of their growth areas coupled with equitable revenue sharing.**

- a. Eliminate the CACUABs and replace with agricultural designations.
This area is not needed to support the County's growth projections for the GPU horizon, and should be protected as urban/rural separators/buffers.
- b. Ensure that urban development takes place in the following areas only:
Within incorporated cities and their designated growth areas as they annex,
Within UDBs of adjacent cities in other counties,
Within UDBs of unincorporated communities and HDBs of Hamlets after they are sized for modest, compact healthy growth appropriate to each of these locations. (See 2b below.)

The intent is to eliminate County approved urban development in the City UDBs (other than under existing zoning requiring no new parcelization or use permits) and to promote efficient non-sprawling development in the unincorporated communities and hamlets. This would be more cost effective for the taxpayers and allow the cities to deal with orderly resource-efficient growth in the areas to which they would be eventually providing infrastructure and services.

2. Eliminate "Anything Goes" Features of the Plan. No Growth Corridors or New Towns.

- a. Eliminate the proposed Growth Corridors and Planned Communities (New Towns) in the unincorporated area.
- b. Create Hamlet Development Boundaries (HDBs), unincorporated community boundaries (UDBs), and land use designations within them only after specific land use plans are inclusively created for each which clearly locate land uses of an appropriate scale of neighborhood, commercial, and non-residential uses, developed only concurrent with the provision of needed infrastructure and developer mitigation fees, and which are consistent with Development Efficiency Targets.

**3. Protect Agriculture and Open Space –
Use Development Efficiency Targets to Protect Agriculture and Open Space, Reduce Sprawl, and Require Agricultural and Open Space Conservation Easements**

- a. Require a system of Development Efficiency Targets, such as the ones proposed by the American Farmland Trust in their 2007 Comment Letter (attached), before a UDB or HDB is revised and before any individual discretionary land use development project, policy, or program is approved.
- b. Revise the agricultural and open space conservation easement policies to require that when developments are approved that will result in the loss of prime, important, or unique agricultural or open space, a fee will be assessed sufficient to purchase agricultural and open space protection easements of equal value elsewhere in the county, at a minimum ratio of 1:1.

4. Adopt the Healthy Growth Alternative – Revised Alternative 5.

We continue to support a Healthy Growth Alternative which incorporates the measures above and ensures an 80% (or greater)-20% city/county growth scenario. This alternative is a revision of Alternative 5, the Confined Growth Alternative, which is considered the Environmentally Superior Alternative by the RDEIR. With the revisions we have recommended, this alternative would remain environmentally superior and would fully meet all of the General Plan Project Objectives.



Tulare County Citizens For Responsible Growth

◆ Efficient Development Patterns Needed.

The most assured way to promote compact urban form and protect agriculture and other important open spaces is to ensure that most of the growth in the county will occur within the existing and future City limits, under control of the cities. In order to achieve this goal, the County land use designations and zoning in the UABs and UDBs surrounding the cities must be exclusively agricultural and open space so that development will be encouraged within the cities and their development expansion areas. The experience throughout California is that this will simply not occur if urban development is permitted under two different jurisdictions, with developers competing for suburban densities over urban densities, lower fees, and less urban infrastructure requirements. It certainly will not occur under the weak CACUAB and CACUDB policies in the Planning Framework.

Additional growth is appropriate and needed in the unincorporated communities and hamlets. Such growth will not result in sprawl, however, if long-term planning boundaries firmly limit the circumstances under which they can be expanded. The Plan does not accomplish this, since it establishes significantly oversized UDBs and HDBs around the communities and hamlets and permits an interim allowance of “anything goes” Mixed Use” land use. In addition, the GPU policies create far too many opportunities for the UDB to be changed anytime there is a subdivision proposal, or potential “financial benefits” to the county, or even “any other relevant factor considered on a case by case basis.” This is no more than the market driven approach roundly criticized in the 2008 Draft general Plan Update, without a name. The result is that the Urban Development Boundary and Hamlet Development Boundary are no boundaries at all. We recommend that the proposed development boundaries around the communities and hamlets not be delineated in the General Plan Update. A General Plan amendment should be required for any establishment of these development boundaries in addition to an amendment to the community or hamlet plan (if one has been adopted). The focus of these plans and boundaries should be on revitalization of existing urbanized areas before allowing greenfield development, especially in areas that lack adequate infrastructure and reliable water supplies.

Consistent with our previous recommendations, we also support the American Farmlands Trust proposed Development Efficiency Targets. Such a policy has two benefits: (1) it will minimize the conversion of lands important for agriculture and natural resources by ensuring that every acre is used efficiently; and (2) efficient development fosters a built environment that is more conducive to economically sound development patterns, making communities more attractive to both investors and residents by emphasizing mixed-use, and promoting pedestrian, bicycle, and public transit services, which in turn promote better health, lower pollution and GHG emissions, a feeling of community, and overall better quality of life.

◆ Planned Community Areas, New Towns and Growth Corridors Negate the Concept of Compact Urban Form and Farmland Protection.

The Planned Community (formerly called New Town) and Growth Corridor concepts furthered in the General Plan fundamentally undermine its Guiding Principles within the Planning Framework which emphasize avoiding rural residential sprawl and protection of important agricultural resources, and it directly contradicts the priorities of the citizens of Tulare County. In effect, this provision encourages the building of entirely new towns by failing to establish any specific, measurable standards for when such a



Tulare County Citizens For Responsible Growth

massive undertaking might be “justified” by unspecified and unlimited “circumstances” that “should be judged on their individual merits.” (PF-5.1) This vague language leaves the door to “leapfrog” development wide open. A New Towns provision is no longer needed or justified: planned communities can easily be accommodated within existing development boundaries, Tulare County citizens want growth focused in existing communities, and they don’t want new towns.

As reported by the County’s own consultants, the County’s existing cities, communities and hamlets already offer more than enough land within their existing development boundaries to accommodate 50 years worth of growth at current densities; more than that at higher densities. Moreover, existing urban areas can more efficiently expand their infrastructure to support such growth at a much lower cost than would be required to establish entirely new roads, water and power systems, public safety facilities, schools, etc.

The County’s existing urban areas should be permitted to grow and provide whatever “benefits” any new town could provide. Instead, the New Town and Growth Corridor policies force Tulare County’s cities, hamlets and communities to compete with undeveloped land for investment dollars. While infill development may be more of a challenge to developers, it can also be ultimately more rewarding, as property values rise as a result of their development. Infill development also benefits the entire community – not just a particular development – as older downtowns revitalize, attracting new businesses and good-paying jobs, and bringing much-needed revenue to improve aging infrastructure.

By inviting New Town development in the guise of Planned Community Areas, Tulare County is putting its existing communities at a competitive disadvantage and jeopardizing their chances of getting the investment they need. This growth-inducing policy will also invite sprawl; worsen air quality; increase traffic problems; accelerate loss of agricultural lands, wildlife habitat, open space, and scenic views; result in higher costs and greater inefficiencies because of failure to utilize existing services, facilities, and infrastructure; and increase pollution and GHG emissions unnecessarily – to the detriment of the quality of life of all Tulare County residents.

The RDEIR has not examined the impacts of New Towns. Of particular concern is their potential impact on existing communities. The assumption that the criteria listed in the General Plan for New Town review assures they will not cause substantial impact is speculative at best and inappropriately defers this important subject to further study. As explained above, it is likely that creation of New Towns in Tulare County would result in significant adverse impacts on existing communities, many of which already suffer from lack of adequate infrastructure and public services. Moreover, the County must specifically define the conditions under which New Towns may be considered justified. The rules should be defined during the General Plan Update process, not tailor-made for each individual project at the time the project is proposed for approval.

We recommend that this policy be removed altogether and that New Towns be prohibited instead as there is NO NEED for New Towns, and County citizens have said they don’t want to see the development of, entirely new towns.

We have a similar concern with the proposed Regional Growth Corridors. Many miles of the County’s highways in the unincorporated area could be developed under these policies, and without a plan! Policy C-1.6 permits development in these corridors (which are unspecified) before a plan is developed and with minimal criteria. The RDEIR has not demonstrated how these minimal criteria would mitigate potential



Tulare County Citizens For Responsible Growth

impacts. If the locational criteria are met, a substantial amount of commercial and industrial development could be allowed, in competition with existing urbanized areas, similar to the impacts of New Towns as described above. Permitting development of these Growth Corridors simply is not consistent with numerous policies in the General Plan intended to attempt to encourage (though, regrettably not to require) a compact urban form. Certainly, the visual impacts could be substantial; this impact has not been adequately discussed in the RDEIR. We recommend that the GPU be revised to prohibit the development of these Growth Corridors and to focus such development in the urbanized areas that could support and benefit from it.

II. Additional Detailed Comments on RDEIR Adequacy

Our detailed comments on the adequacy of the RDEIR follow.

◆ Project Description flawed.

Buildout of the Plan not quantified.

Land Use Diagram not complete.

The Project Description is fatally flawed in that the General Plan and the RDEIR never illustrate or quantify what the project actually adds up to. State law requires that: “A land use element designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture,... and that it *“include a statement of the standards of population density and building intensity recommended for the various districts.” and other territory covered by the plan.*” (Government Section 65302 (a). These basic requirements are not met in the General Plan Update making it also impossible to set forth an adequate project description in the RDEIR. *“An accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR.”* (San Joaquin Raptor/Wildlife Rescue Center vs. County of Stanislaus, 1994.)

There is no buildout chart in the General Plan Update or in the RDEIR. General Plan Table 4.1 outlines densities permitted in the various land use designations and where they are allowed. However, there is no tabulation of how many acres of each designation have been allocated and how many acres are vacant or underutilized in each category. This information must be provided, and then be used to multiply permitted densities by acreage and determine both a 2030 buildout and an ultimate holding capacity. Without this information, we cannot determine the most basic question: Has too much land been slated for urbanization, resulting in impacts greater than necessary?

In addition, the land use designations are not shown on the Tulare County Planning Areas map (GPU/GPR Figure 4-1, p 4-5). The various community plans and area plans are incorporated by reference. Yet, one-third of the unincorporated communities and none of the Hamlets and MSCs have adopted plans. As a result, there are many areas that simply have not received land use designations more detailed than a Planning Framework boundary. (The UABs are an example.) A policy framework cannot meet the requirements of State law for what should be the simplest part of the General Plan for a citizen to understand: its illustration - the Land Use Map. The Land Use Map is the portion of the General Plan that in the future will receive the most use. After the policies become a bit dusty, the Map will be used on a daily basis. A citizen cannot look at the General Plan Update Land Use Map in its current condition and



Tulare County Citizens For Responsible Growth

determine what land uses are permitted in the UABs, the Growth Corridors, the Hamlet UDBs, and many other areas of the county.

Without a complete Land Use Diagram and buildout calculations, numerous critical questions cannot be answered:

- What is the potential 20 year buildout population if the entirety of the UDBs, HDBs, and MSCs were to build out?
- The RDEIR relies on a population growth projection as the core of the Project Description (RDEIR page 2-24) with no spatial component other than a determination that State growth projections and traffic modeling led to a determination that the unincorporated area could accommodate 25% of the growth. (RDEIR page 2.24, para 3). How much more could the unincorporated area within the UDBs and HDBs actually accommodate? Could the Plan prediction of a 75%-25% city-county growth ratio expectation be exceeded by growth in the unincorporated areas of the county, as allowed by these UDBs and HDBs?
- The myriad of specific plans and area plans which make up the Land Use Map have not all been quantified as to 2030 or full buildout potential. What is the true total buildout potential in the unincorporated areas?

The RDEIR Project Description goes on to very generally conclude that future growth assumptions are consistent with “several” of the Update objectives (RDEIR page 2-24). In fact, the RDEIR Project Description fails to mention that numerous Planning Framework policies are actually worded counter to the argument that 75% of the new growth is expected to occur in cities. As an example, PF-4.24 notes that the County “may” (and, thus, we assume may not) refer development proposals to the cities for annexation. The RDEIR simply ignores the difficult but essential task of determining specifically where growth actually could occur based on the General Plan Land Use Map proposed.

In addition to lack of figures for the year 2030 buildout, the RDEIR does not answer the question: What is the full population capacity of the Land Use Diagram, including the vast 50 year UABs and the various Mixed Use areas which could permit up to 30 dwelling units per acre? The maximum density permitted in each land use category by the General Plan must be evaluated to understand its full impact potential. As discussed previously, State General Plan law requires that all general plans specify the density and intensity permitted on all lands within the plan. To determine full buildout potential, the Plan and the RDEIR would need to multiply acreage of each land use type by the density and intensity permitted to complete RDEIR Table 2-10 (GPU Table 4.1). Clearly, it was assumed by the State via General Plan law that full density and intensity could occur (Government Code Section 65302 (a)). Certainly, the experience of land use in California is “if you zone it, they will come.”

Thus, the question remains, what are the impacts of the plan? Without an accurate Land Use Diagram, and its quantification, most of the Plan’s impacts cannot be accurately determined, and many can hardly be guessed at.

An understanding of 2030 and ultimate capacity buildout potential could lead to advisable, quantifiable mitigation such as restrictions on the timing of growth, reduction of growth areas, adjustment of densities, etc. The RDEIR and the GPU are not legally adequate without an understanding of the Project Description



Tulare County Citizens For Responsible Growth

which must include full buildout of the General Plan Update both in population and spatially in 2030 and at full capacity.

Confusing Land Use Diagram – What Is the Plan?

The Project Description as well as the GPU are also inadequate because of the confusing land use designation system developed (RDEIR page 2-21). Existing community plans, area and sub-area plans, and county adopted city general plans are listed and incorporated by reference. However, a citizen would need to find the land use maps in these plans to piece together an understanding of the whole. The GPU goes to the extent of including numerous maps delineating the boundaries of these plans, but not the land use designations within them. In addition, the remainder of the County includes vast areas (in UABs, HDBs, Growth Corridors, and Community UDBs) that do not have specifically assigned designations; they are designated Mixed Use over a large area or they are retaining existing General Plan designations which may or may not be consistent with the policies of the General Plan Update.

◆ Numerous critical policies and measures are so vaguely worded that mitigation simply cannot be assured.

The draft GPU provides future elected officials with too little real guidance, and the people of Tulare County with too little assurance, that their vision for the County's future will be protected. We need a General Plan with strong, clear, enforceable policies and concrete, trackable, timely implementation measures.

The GPU states that a policy is “a statement that guides a specific course of action for decision-makers to achieve a desired goal. The County has strived to develop clear and unambiguous policies” (GPU Part I, page 1-8). The Goals and Policies Report (GPR) goes on to state that the GPR is the “essence” of the General Plan and that it “identifies a full set of implementation measures that will ensure the goals and policies in the General Plan will be carried out.” Finally, the GPR states that an implementation measure is “a specific measure, program, procedure, or technique that carries out plan policies” and that “Implementation measures describe actions that are measurable so their completion can be easily monitored in annual reports” (GPU, Part I, page 1-11).

Unfortunately, the GPU fails to meet its own standards in many respects. Many of the policies are far from specific, clear, and unambiguous, and many have no identified corresponding implementation measures. Many of the implementation measures that are provided are so vague as to be neither measurable nor enforceable; many state that they are “new,” yet indicate for their timeline that they are “ongoing,” so that one cannot determine whether they are supposedly already being implemented (in which case the date of actual implementation should be shown) or when one could expect them to be in force; others are scheduled to be commenced so far in the future that it is doubtful that much in the way of meaningful outcomes can be made to result from them within the life of the General Plan Update. Many implementation measures are cited in the RDEIR to serve as mitigation. However, the definition of implementation measures in the General Plan Update (see GPU/GPR page 1-11.) weakens the ability of these measures to effectively mitigate impacts. For example, timelines are considered “general guidelines” and “completion of various tasks... are subject to available staff, financial resources, and other considerations” (see GPU/GPR page 1-11.).



Tulare County Citizens For Responsible Growth

As an example, the General Plan Update's foundation is a series of policies and measures which purport to limit sprawl and haphazard growth which is the source of many adverse impacts of growth including loss of agriculture and open space, reduction in quality of public services and facilities, reduced air quality, and increased traffic, VMTs, and GHGs, etc. And yet, these very policies and measures are not required to be carried out in the General Plan Update which uses weakly directive terms such as "may" or "should" or "encourage." As a result, the impacts resulting from the buildout pattern permitted by the General Plan cannot be expected to be mitigated below the significant level. The foundation on which the Plan rests is simply not firm.

An EIR must provide substantial evidence demonstrating that the recommended mitigation measures are capable of: "(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; or (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. (CEQA Guidelines §15370.) The RDEIR must use these tests to analyze whether or not the language "may" or "should" and other language which may weaken the actual implementation of policies and measures will actually result in effective mitigation. We argue that it will not, because the decision makers will not be required to carry out the underlying intent and the decision will be left to the whims of politics.

As an example of ineffective mitigation wording, the General Plan Update Planning Framework policies are cited throughout the RDEIR chapters as mitigating in nature. A system of concentric growth boundaries around the cities and various unincorporated areas and a series of associated policies purporting to focus most growth in city spheres of influence and urban development boundaries form the Planning Framework (General Plan Update Part I, Chapter 2). The RDEIR claims that these policies will serve to limit sprawl, preserve agriculture to some degree, reduce traffic and air quality impacts, and more. However, as discussed above, the vague wording used in most of these policies will not ensure that these concepts are carried out; in other cases the concepts themselves are flawed (such as that the UABs will serve to focus growth) and will not reduce sprawl.

For instance, the General Plan Update sets forth a basic program in its Planning Framework that it claims would focus growth largely in the existing cities. To do this, the General Plan Update claims that it will rely on the City General Plans for these areas. However, the policy enacting this program does not require that it be carried out:

PF-4.8. General Plan Designations Within City UDBs.

On land that is within a CACUDB, but outside a city's incorporated limits, the County may [emphasis added] maintain General Plan land use designations that are compatible with the city's adopted General Plan.

In addition, the policy which discusses how land use proposals submitted to the County in the areas just outside the cities (CACUDBs) will be handled does not require that land use proposals be referred to the cities for potential annexation, leaving no teeth in the policy:

PF-4.24 Annexations to a City within the CACUDB

In addition to the County's current policies on development within a CACUDB, the County may [emphasis added] work with a city to provide that urban development projects within a city's



Tulare County Citizens For Responsible Growth

Sphere of Influence (SOI) as set by the Tulare County Local Agency Formation Commission will be referred to the affected city for consideration of annexation.....

The second concentric growth boundary circle proposed around the cities is an Urban Area Boundary (UAB), intended to provide for 50-year growth. The GPU claims that this area will be limited in growth, and planning will be coordinated with the cities. However PF-4.1, establishing the UABs around cities, states only that: *“the cities’ concerns may [emphasis added] be given consideration as part of the land use review process...”* In addition, this policy states that this area *“will generally have an agricultural land use designation or rural residential land use designation...”* Yet the rural residential designation can include rural ranchette 10 acre parcels (General Plan Table 4.3 - Countywide Land Use Designation Matrix) which is an inefficient parcel density counter to efforts to preserve agriculture and reduce sprawl. In addition, the Rural Valley Lands Plan is only advisory in the UABs. The policies attempt to allow some additional control by the County in these areas, but the wording used only notes that the County “may” work with individual cities to ensure that the RVLP policies apply in these areas (PF- 4.19, PF-4.21). In fact, the RDEIR admits in the Agricultural Resources section that development per the GPU in the UABs and HDBs will result in loss of up to 59,645 acres of important agricultural land (RDEIR Table 3.10-9), a significant “unavoidable” impact.

The ability of the General Plan Update to limit sprawl is further weakened by the fact that unincorporated hamlets may be expanded substantially (PF-3), that New Towns (Planned Community Areas) may be formed (PF-5.1), and that Regional Growth Corridors (C-1.6) will be created. In addition, until plans are prepared for the Hamlets, Growth Corridors, and Community UDBs, the underlying land use designation is Mixed Use, which as defined in the General Plan Update permits an “anything goes” type of planning. Up to 30 units per acre of residential use are allowed and any type of commercial use is allowed, with only vague direction given: *“The consideration of development proposals in Mixed Use areas should [emphasis added] focus on compatibility between land uses, and the development potential of a given area compared to the existing and proposed mix of land uses and their development impacts.”* (General Plan Update Part I, page 4-20). The creation of these growth areas, located generally in the middle of agricultural areas, is inconsistent with the Planning Framework, and the wording in the policies guiding their review is so permissive as to be ineffective, not serving to mitigate any potential impact.

Further, the General Plan Update does not require that the County, in permitting development within the CACUDBs and CACUABs, to conform to City infrastructure standards, public service level of service targets, or fee structures. (See policies PF-4.2 and PF 4.27.) Without equal standards and fees, developers will pit the County against the City and generally choose to develop where they are the lowest. And, under GPU policies, a project can be developed under County jurisdiction and not be required to annex to the city at a future date. (Policy PF 4.24d)

The actual impact of these weakly worded Policy Framework policies and permissively worded growth plans in the form of New Towns (PCAs), Growth Corridors, and Hamlet and Community development boundaries would be the opposite of what is claimed in the RDEIR, resulting in heightened impact levels and inadequate mitigation. Under these Planning Framework policies, a proposed project in an unincorporated area can be referred to a city, denied annexation by the city at that time for appropriate reasons (such as inconsistency with their general plan or untimely development), yet can then be approved by the County with a potentially inconsistent land use density, with infrastructure that does not meet City standards, and under fees that will not provide for urban public facility levels of service. In addition, the



Tulare County Citizens For Responsible Growth

project may never be required to annex to the City in the future (which would be the only remaining way to eventually create a consistent buildout pattern in the area in question).

There is a pattern of wording of these policies that makes it clear that the County may not truly be interested in a compact, resource-efficient urban form; there are loopholes in almost every relevant policy allowing the County to ignore City zoning and standards. And, there are loopholes which would permit extensive growth outside the cities. Rather than extensively revise the policy wording, it would be more effective as mitigation to eliminate the UABs, require the County to designate the city UDBs agricultural with urban plans to be implemented by the cities in this area, prohibit the New Towns PCAs) and Growth Corridors, and revise the hamlet and community boundaries as we have recommended earlier in this letter.

Weakly worded mitigating policies and implementation measures are found throughout the RDEIR and the GPU. They must be rewritten to assure effective mitigation and a legally adequate EIR.

◆ **Not all available and feasible mitigation is explored in the RDEIR.**

An EIR must explore all available feasible mitigation measures even if they are not selected (*CEQA Guidelines § 15091(a)(c)*) and *Stevens v. City of Glendale (1981)*.) In some cases, the RDEIR "drops the ball" and concludes that an impact is unavoidable when, in fact, mitigation measures may be available. Feasible mitigation measures must be identified even if they do not fully mitigate impacts in an attempt to reduce impacts to the greatest degree feasible, even if an alternative approach would impede to some degree the attainment of the project objectives, or would be more costly. (*CEQA Guidelines § 15126.6(b)*.)

Throughout these comments on the RDEIR, we point out mitigation measures which have not been explored and which will provide greater mitigation than that provided in the RDEIR. The RDEIR must be revised to explore all such measures and adopt them when determined to be feasible.

◆ **Existing Setting description inadequate.**

There is no totaling of potential buildout under the existing General Plan or zoning in either the RDEIR or the General Plan Update. The General Plan Update Background Report does include a number of charts with some totaling of zoning or general plan designations by acreage and some population projections: Chapter 3 includes charts that total existing acreage zoning by category for the Rural Valley Lands Plan, Kings River Plan, the Foothill Growth Management Plan and the Mountain Planning Regions sub-areas. However, buildout calculations are not presented and cannot be determined by the reader since acreage is not identified as developed or undeveloped. The community plans have the most existing land use designation data presented (General Plan Update Background Report Table 3-6). However, the population projections are only for the plan period, not the full buildout potential, which cannot be determined by the reader with the data presented. Some of this information is available in individual adopted plans, but in total there is no way to determine what the existing County General Plan permits. Since the General Plan buildout calculations of the incorporated areas of the cities are not presented, the true existing buildout potential of the entire county cannot be understood.



Tulare County Citizens For Responsible Growth

From a CEQA standpoint, without a knowledge of the buildout potential of the existing General Plan, it is impossible not only to understand the existing setting, but also to compare it to the proposed General Plan Update in the alternatives section of the RDEIR. And, clearly, it was not available during the creation of the proposed Land Use Diagram to inform decision making. It appears that the existing City Plans with modest expansion room into the UDBs alone could provide for all the growth projected for the County to 2030.

◆ Land Use and Aesthetic Impacts

Division of the physical arrangement of an existing community discussion and mitigation inadequate (Impact 3.11). This impact discussion again relies on policies which cannot be assured of mitigation because of vague wording such as: “The County *may [emphasis added] ensure proposed development within CACUABs is compatible with future...circulation networks as shown in city plans*” (PF Policy 4.12) and the County “may” require a development project to meet the County adopted city development standards of the city in question (PF Policy 4.10). (Other examples include PF Policies 4.6, 4.8, 4.9, 4.13.)

The General Plan Update maintains that the outer ring of development around the cities, the CACUABs will generally have an agricultural or rural residential land use designation (Policy PF-4). Yet Rural Residential land uses are permitted; these ranchette type densities run counter to the goal of reducing rural residential sprawl cited in the Guiding Principles. This remains a potentially significant impact which would best be mitigated by elimination of the CACUABs and assignment of agricultural zoning only in these areas.

However, of most concern related to dividing the physical arrangement of an existing community (which we assume is the current built form of the county) is the structure providing for “Planned Communities” (formerly called New Towns) and Growth Corridors within the General Plan Update, which has been discussed previously in this letter. Though these land use designations have not been specifically located yet, they clearly have the potential to alter the urban, suburban, and/or rural form of Tulare County. Implementation measures outline planning issues which must be addressed in these plans; however clearly, the magnitude of these entirely new growth areas has the potential for significant impacts. In the case of the Regional Growth Corridors, which could extend along much of the major highways in the County (RDEIR Figure 2-1), highway oriented commercial, industrial, and mixed use development may be approved by the County immediately, pending adoption of Regional Growth Corridor plans (Policy C-1.6). The Planned Communities must be at least 200 acres in size. The RDEIR does not discuss the potential for these new land use concepts to alter and divide the built form of the county. We maintain that impacts are unavoidable because of the magnitude of what is proposed and diversion from the current built form of the unincorporated County, regardless of the future planning that may be involved.

The RDEIR is inadequate without a discussion of these issues and incorporation of the available and feasible additional mitigation recommended.

Conflict with other adopted land use plans discussion and mitigation inadequate (Impact 3.1.2).

The RDEIR concludes that this impact is less than significant, in part because “*policies in the Planning Framework are specifically designed to direct urban development within UDBs of existing cities, communities, and other County planning areas to ensure that all development is well planned and adequately served by infrastructure*” (RDEIR p. 3.1-23). However, again, a number of the policies cited as mitigation in this section include vague language which will not ensure implementation. For example,



Tulare County Citizens For Responsible Growth

PF-4.8 notes only that the County “may” maintain General Plan designations that are compatible with the City’s adopted general plan. In policy PF-4.13, it is recognized that if the City is not ready to annex a property in a UDB, the County can permit development if it determines that it is not incompatible development. Similarly, in policy PF-4.10, the County states only that it “may” require a development project to substantiate sufficient water supply and meet the County adopted city development standards of the city in question. And per policy PF-4.12, the County “may” (or may not) ensure that proposed development within CACUABs is compatible with future sewer and water systems, and circulation networks as shown in city plans.

Numerous other Planning Framework policies cited as mitigation in the RDEIR will not, because of their non-directive wording, ensure implementation of City plans. (Other examples include PF 2.2, 2.3, 4.1, 4.2,4.5, 4.6, 4.9.)

The conclusion of less than significant relative to conflict with other adopted land use plans cannot be reached without the revision of these and related policies to include directive language such as “shall” or “must.”

◆ Impacts to Agricultural Resources

Not all available agricultural impact mitigation is explored.

Land Use Map revision needed.

As discussed previously, the RDEIR does not explore all available mitigation as required by CEQA. This is particularly evident in the Agricultural Resources impact section. Rather than explore possibilities for effective mitigation, the RDEIR, by concluding that 59,645 acres of farmland may be lost under General Plan buildout “drops the ball” by neglecting to explore effective mitigation and concluding that impacts are unavoidable. Only one mitigation measure is added, and it does not even require action: “*The County shall consider (emphasis added) the implementation of an Agricultural Conservation Easement Program...*” (Agricultural Element Implementation Measure #15).

The most obvious way to reduce loss of agriculture to urban uses is to simply revise the Land Use Map, which the RDEIR fails to discuss. Elimination of all or part of the city CACUABs alone could retain up to 49,600 acres of farmland according to the RDEIR’s own figures (RDEIR Table 3.10-9). Even assuming that existing sprawling Rural Residential zoning is retained in these CACUABs, a substantial amount of farmland would still be preserved. UDBs around the unincorporated communities, Hamlet HDBs , and Growth Corridors could also be decreased in size. Combined with the Development Efficiency Targets discussed below, it is expected that the target population of the County could still readily be accommodated in this decreased urbanization area and impacts related to loss of agriculture and open space could be reduced below the significant level.

Efficiency of development needed to reduce sprawl.

Other mitigation options have been suggested which were not explored in the RDEIR. The American Farmland Trust (AFT) in their comments has recommended a Development Efficiency Target review system. Again, the RDEIR concluded that approximately 59,645 acres of agricultural land could be lost by



Tulare County Citizens For Responsible Growth

2030 under buildout of the General Plan Update. The American Farmland Trust estimated in 2007 that if the efficiency of development were increased to the Valley-wide average of 8 people per acre, only 23,675 acres would be needed to accommodate growth through 2025; and if it were increased to 15 people per acre, roughly comparable to the prevailing average in the Bay Area and urban Southern California, only 12,625 acres would be needed – less than 20 percent of the land currently planned for development (AFT, 2007 comments attached). Clearly, the AFT proposal would increase the efficiency of development and reduce overall per capita land consumption. This system is set forth below and should be evaluated and included as mitigation in the RDEIR in addition to Land Use Map changes:

Add PF 1.1a: Development Efficiency Targets

Efficient Development to Minimize Agricultural and Other Resource Land Conversion

The County shall promote efficient development that minimizes the conversion of agricultural land and other resources by adopting and applying Development Efficiency Targets in making future land use decisions affecting agricultural and open resource land. The County shall establish Targets for average residential density and commercial floor-to-area ratios (to be applied to public projects as well as private development), based on the amount of land to be dedicated to these uses, the projected population and the goal of limiting future urbanization of agricultural and other open land within the County (including those portions within cities) to not more than 16,000 acres through the year 2030. (This implies an average development efficiency of about 12 people per acre over the period, almost three times the current trend in Tulare County.)

The County shall use these Targets (and encourage cities to use them) to evaluate existing spheres of influence and urban development boundaries, existing zoning districts, rezoning petitions, community and specific plans, new town proposals (PCAs), agreements with cities that would expand their spheres of influence or urban development boundaries, and all new development projects within the unincorporated area of the County that are not already part of a community or specific plan. Such evaluations shall include specific findings, to be made available to the general public, that quantify any deviation of the efficiency of the development that is or would be authorized from the applicable Development Efficiency Targets.

The County shall also identify obstacles to increasing the efficiency of urban development and shall adopt (and encourage cities to adopt) changes in policies, zoning, rules and incentives to enable and encourage all communities (urban and urbanizing areas) to meet Development Efficiency Targets.

Ineffectual wording of policies and measures must be eliminated.

Finally, as throughout the General Plan Update, most of the agricultural resource policies are weakly worded with little potential for effectiveness because of their permissive wording, using terms such as “encourage,” “consider,” or “may,” or “should”. An obvious method of decreasing loss of agricultural land would be to fortify the wording of these policies and measures.

For instance, the Conservation Easement Program recommended in the General Plan update is just that, only a recommendation: Policy AG-1.6 “*The County may (emphasis added) develop an Agricultural Conservation Easement Program...*” Both Implementation Measures 1 and 5 are intended to follow up on this policy. Yet they are too vague to be measured or enforceable; they should be made specific with a



Tulare County Citizens For Responsible Growth

required land replacement ratio and given a deadline for establishment of the mitigation program. (I.M. 1: “The County shall take the lead to work with the cities and Tulare County Association of Governments (TCAG) to establish a comprehensive agricultural land mitigation program...” I.M. 5: “The County shall work with TCAG and the cities to establish criteria for the locations for agricultural conservation easements.”) Taking the lead does not ensure that a program will be adopted. If the land replacement ratio is not specified at this time, mitigation cannot be assured.

Conservation easements are the last line of defense in an effective agricultural protection hierarchy: 1. Protective land use designations, 2. Clustering of growth to avoid sprawl, and finally - 3. Purchase of agricultural conservation easements on similarly valued agricultural land to mitigate the loss that still occurs after the first two steps are implemented.

The RDEIR concludes that a variety of other policies will assist in reducing conversion of agricultural lands to urban uses (table on RDEIR page 3.10-14). However, as discussed previously, most of these policies include language which does not require their implementation. In order for these policies and measures to result in any degree of mitigation, their wording must be strengthened.

Williamson Act contracts need greater support. Contracts for lands within UDBs are currently reviewed every five (5) years to determine whether any community is unduly restrained in its growth by the existence of an agriculture preserve. The County initiates the non-renewal process if a property is found to be inhibiting urban growth, and the contract is allowed to lapse at the end of its term. This existing procedure is more than adequate to protect the interests of both the urban community and the agricultural user. The following proposed amendment to AG-1.4 would ensure that Williamson Act contracts on land within UDBs or HDBS are not earlier cancelled or non-renewed unless requested by the landowner, thus preventing premature conversion of land from agricultural to other uses before the natural expansion of the urban center would require it, and simply because the land had become enveloped by a UDB or HDB.

We suggest the following policy revisions:

***AG-1.4 Williamson Act in UDBs and HDBs:** The County shall support nonrenewal or cancellation processes ~~that meet State law for lands within UDBs and HDBs~~ for lands within UDBs and HDBs only after it has developed and adopted Development Efficiency Target standards that must be adhered to in exchange for supporting Williamson Act cancellations and non-renewals in HDBs and UDBs.*

Limits on Ranchettes Still Not Mitigated. We support the concept of limiting ranchette development, but the General Plan policy has no supporting implementation measure, which renders it meaningless. We suggest that this policy be revised to read:

AG-1.12 Ranchettes: The County shall ~~discourage~~ not allow the creation of ranchettes in areas designated Valley Agriculture and Foothill Agriculture.

New policy recommended: Division of agricultural lands shall not be permitted unless the Agricultural Commissioner / Sealer – Weights & Measures finds that the resulting parcels can be viably farmed.



Tulare County Citizens For Responsible Growth

Summary- RDEIR inadequate without evaluation of all available and feasible agricultural land loss mitigation. In conclusion, the measures discussed above must be evaluated in order to make a more adequate meaningful effort to explore all available feasible mitigation consistent with the requirements of CEQA. While impacts to agriculture may still be significant, they will be greatly reduced using these measures; these measures should be adopted to promote the greatest degree of mitigation possible. As the project proponent, if the County feels that these measures are infeasible, it is the County's responsibility to document the reasons, rather than simply dismiss the measures. It is not appropriate for the County to simply throw up its hands at the magnitude of the task that preserving agriculture and open space presents.

Not all agricultural impacts are discussed.

A number of impacts related to agricultural resources were not discussed in the RDEIR:

Economic impacts not discussed.

The figures in the 2008 General Plan Update compared with those in the 2010 General Plan Update show that over 5,000 acres of Prime Farmland were converted from 2004 to 2006. The RDEIR must answer the question: what are the economic impacts of agricultural land conversion and the continuing trend predicted in the RDEIR? An EIR must discuss the economic impacts of a project to the extent that they could result in physical impacts. Agriculture is the economic engine of Tulare County. Certainly, in the case of the General Plan Update, economic impacts could result in loss of jobs and related blight impacts in individual communities due to vacated homes and businesses, and loss of tax revenue leading to reduced public facility levels of service

Animal confinement facilities not discussed.

Animal confinement facilities (dairies, feedlots, etc.) are a major component of agriculture and the economy in Tulare County, and milk is far and away the County's single leading commodity. The County's failure to substantively address these facilities in the General Plan Update/RDEIR documents constitutes a major omission and detrimentally limits the public's understanding of the importance of animal confinement facilities to existing conditions in the County, related environmental impacts, and the adequacy of the County's related policies and implementation measures and mitigation measures. The new Climate Action Plan points out that 63% of the GHG emissions in the unincorporated area of the County are from dairies and feedlots (the next largest source is Mobile Sources, at 16%). The County must revise the General Plan Update and the RDEIR to include substantially more information related to this key subject, in proportion to its importance to all these aspects of the General Plan. To simply state that the County has a Plan, which is incorporated by reference, gives the public no understanding of the history, challenges, and problems associated with this Plan, which is still being worked on. Without a detailed analysis of the impacts of animal confinement facilities, this General Plan Update is inadequate by failing to examine and disclose the potential significant adverse environmental impacts of a major component of the County's land use, agriculture, and economy, affecting air quality, water supply and quality, Greenhouse Gas emissions, soil, flora, fauna, public health (and, in some cases, scenic landscapes).

Forest resource impacts not discussed.

Without explanation, the County has elected not to discuss potential impacts to existing forestry resources. This void occurs despite the County's aggressive development plans for the foothills and mountains.



Tulare County Citizens For Responsible Growth

◆ Loss of Open Space

The TCCRG April, 2008 comment letter (attached) described a number of ways to increase protection of open space (pages 16-17, 21, 28-29), including use of a Transfer of Development Rights system. Since impacts to loss of open space were concluded to be unavoidable in the RDEIR, all available and feasible mitigation to reduce the impacts identified must be evaluated.

◆ Biological Resource Impacts

The TCCRG April, 2008, comment letter noted numerous impacts which were not fully evaluated in the 2008 DEIR (letter attached). The additional analysis recommended was not included in the RDEIR presumably because, with a broad brush, impacts were concluded to be significant and unavoidable in most cases. However, our 2008 comment letter recommended a number of additional mitigation measures which must be evaluated in order to explore all available mitigation as required by CEQA.

As an example, one particularly effective mitigation measure's revision was recommended which would serve to mitigate impacts to biological resources much more effectively than would have been accomplished in the RDEIR:

Revised ERM-1.2: Development in Environmentally Sensitive Areas: The County shall prohibit, restrict, or modify proposed development in areas that contain essential habitat for special status species, sensitive natural communities, and wetlands and riparian habitats as necessary to ensure the continued health and survival of these species and sensitive areas. Approved development projects shall be modified to avoid impacts to these resources to the maximum extent feasible. If habitat cannot be preserved, the County shall require developers of these resources to preserve at least one acre of land with comparable or greater resource value for every acre developed. The preservation of resource land shall be accomplished by purchasing the land in fee and dedicating a permanent conservation easement to a local non-profit land conservation organization; by dedicating a permanent easement over a portion of the property to be developed (generally on the edges of natural communities); or by paying a fee that will allow land with comparable resource values to be purchased and maintained by a local land conservation organization.

This TCCRG recommended revision does not appear in ERM 1.2 (GPR p.8-9)

In other cases, biological resource mitigation measures were noted by TCCRG in our 2008 letter to be ineffective due to weak wording. One example is Policy ERM 1.14, which calls for mitigation banking; yet no implementation measure is created to ensure that this policy will be carried out.

Each of the measures or revisions to measures related to biological resources which we recommended in 2008 must be evaluated in the GPU/RDEIR as to their effectiveness and an explanation given if they are not utilized, again, in an attempt to explore and adopt all available feasible mitigation.



Tulare County Citizens For Responsible Growth

◆ Air Quality and Global Climate Change

The TCCRG 2008 comment letter (attached) includes extensive comments on the Air Quality and Global Climate Change sections of the previous DEIR which still apply. We request that these comments be responded to in detail.

The RDEIR does conclude that buildout of the General Plan will result in significant, unavoidable air quality impacts and contributions to global climate change. However, the RDEIR concludes that the proposed project addresses the issue of climate change, in part, by adopting a land use plan and policies that purportedly focus on compact growth (Table 3.4-5). Yet, examination of the GPU policies and implementation measures listed in response to the State Attorney General's recommended measures will show immediately that they will not serve to carry out the AG's recommendations.

Throughout this comment letter, we have refuted the claim that the General Plan Update adequately promotes a compact urban form. In fact, the RDEIR does note that **at least two alternatives** could result in a more compact urban form. We have also recommended in this letter a third alternative that would more assuredly result in a more compact urban form. Yet, the RDEIR does not state any reasons why one of these more compact alternatives is not feasible and should not be adopted as a way to at least substantially reduce air quality impacts and greenhouse gas emissions. These reasons must be stated to ensure a legally adequate Alternatives discussion in the RDEIR. The greatest attempt possible must be made to find a feasible alternative which will address these (and other) significant, unavoidable impacts as required by CEQA.

◆ Wildland Fire Hazard

The revised RDEIR should compare the relative fire risks and financial burden to the county of General Plan Alternatives that allow sprawling rural development versus development within existing boundaries served by existing fire-fighting districts. The RDEIR should analyze the following approaches to lowering risk and costs of wildfire in the General Plan Update:

- Mandatory impact fees on new development near or within areas at risk of wildfire that reflect the true cost of providing fire protection and fuel reduction over the long-term,
- Greater focus on infill development within existing development boundaries as recommended in our Healthy Growth Alternative which keeps fire emergency response time short and makes fire fuel-reduction programs more efficient,
- Restriction of new parcels in areas rated "High" or higher, for fire hazard outside of existing fire district boundaries.

◆ Water Supply

The TCCRG April, 2008, comment letter (attached) includes extensive comments on the Water Supply section of the DEIR which apply to the RDEIR as well. We request that these previous comments be responded to in detail.



Tulare County Citizens For Responsible Growth

The RDEIR has been revised to make it clear that water supply impacts to individual water districts and the ability to serve growth provided in the General Plan Update are significant and unavoidable (RDEIR Impact 3.9-1). It concludes that groundwater drawdown will be significant and unavoidable (RDEIR 3.6-2). As a result, all available feasible mitigation must be explored. This conclusion gives greater importance to the need to adopt a land use alternative or set of mitigation measures, such as TCCRG's Healthy Growth Alternative, which will cluster development to a greater degree, thus assisting in water conservation and efficiency of serving new growth. The Healthy Growth Alternative (which could be created by a significantly revised Alternative 5) must be discussed in the Alternatives section of the RDEIR.

◆ Water Quality

Analysis of water quality impacts and available mitigation measures related to County buildout not adequate. The General Plan Update RDEIR concludes that water quality will not be degraded as a result of buildout of the county (Impact 3.6-1). However, no adequate analysis of baseline conditions is provided, and no analysis is performed of water quality impacts that will occur as a result of intensive new development allowed by the General Plan Update. The policies cited to address mitigation do not add anything to the practices currently in place in the county. There is no specific evaluation of how these measures will actually be effective in avoiding water quality impacts even if implementation becomes more vigorous than is the current practice. As such, the water quality assessment fails basic requirements to provide a baseline assessment of conditions, to analyze significant effects that will be caused by the project, and to identify all available mitigation measures.

The revised RDEIR must provide a more substantial analysis of the impact that the General Plan Update would have on the health of Tulare County watersheds and water quality. This analysis must include impacts associated with the grading of natural topography, loss of natural vegetation, filling of streams and wetlands, compaction of soils, and removal of trees and other natural vegetation. The RDEIR should describe the extent of such watershed disturbances projected to occur at full build-out at maximum allowable densities, and related effects such as alteration of local drainage patterns, increased impervious cover, loss of topsoil, increased erosion, and increased runoff.

In particular, numerous studies indicate that when as little as 10% of a watershed is covered in impervious surfaces, it becomes impaired. Greater amounts of impervious cover result in water quality impairments from increased pollution and runoff, as well as water supply impacts due to loss of groundwater recharge and contamination of local supplies. Increased runoff results in erosion and instability of stream banks, changes to channel structure, loss of natural vegetation and increased sedimentation. The revised RDEIR should analyze the expected increase in impervious coverage that would result from the GPU at full build-out, assuming maximum allowable development intensity/density, and describe related storm water, runoff pollution, flooding, erosion, loss of groundwater recharge and all other related impacts that would occur.

Water quality impacts of animal confinement facilities are not discussed in the RDEIR.

It has been almost nine years since the County entered into the settlement agreement requiring the County to prepare, circulate for public review, and certify the completion of an SPEIR to the PEIR for the Animal Confinement Plan-Phase I. The County agreed to carry out these actions within nine months (or sooner) from the effective date of the agreement, which was executed in June, 2001 (with the proviso that the time



Tulare County Citizens For Responsible Growth

limit could be extended “as is reasonably necessary”). Clearly, impacts are not being mitigated; the Animal Confinement Facilities Plan (ACFP), which the General Plan Update incorporates by reference and which the RDEIR assumes will provide mitigation, is not being implemented. Yet the RDEIR does not address this issue. The General Plan Update must include specific policies and concrete, measurable implementation measures to address these substantial impacts since the ACFP cannot assure mitigation.

◆ Traffic

The RDEIR Traffic and Circulation Impact section is inadequate in that it appears to use a population growth based impact analysis rather than a land use plan based analysis. It is unlikely that a land use plan based analysis could have been used since the County has not prepared a full land use plan with proposed land use designations over the entire county. To fully analyze traffic impacts, the RDEIR must be able to demonstrate what the full buildout of the General Plan might add up to by multiplying maximum density permitted by acreage in each land use designation and by subareas of the county. This is not possible with the information available, rendering the traffic impact discussion inadequate.

However, since impacts to the County’s roadway levels-of-service are expected to be significant and unavoidable, the biggest drawback in the RDEIR automobile traffic analysis is the fact that not all available feasible mitigation measures were explored. In the case of traffic, the most obvious way to reduce impacts is to substantially reduce potential vehicle miles traveled by a greater assurance of establishing a compact urban form. The measures and alternative that we have described to this end throughout this letter must be analyzed relative to the ability to reduce traffic impacts.

◆ Public Facilities and Services

The RDEIR concludes that the County may not be able to provide adequate water supply and wastewater treatment to serve the population provided for in the GPU, determining that impacts will be significant and unavoidable. (Impacts 3.9-1 and 3.9-2) As discussed throughout our comments, a legally adequate EIR must explore all available and feasible mitigation. However, the RDEIR does not identify the most obvious method to at least reduce the impacts identified – prohibition of New Towns (PCAs) and Regional Growth Corridors. These new growth areas have the potential to attract the portion of the market for housing and commercial that could have gone to infill existing unincorporated communities or to the cities or their annexations. A second effective measure would be to ensure that large scale development does not go forward in the unincorporated communities and hamlets without adopted plans and development concurrent with provision of adequate public sewer, water, and other services. Again, all available feasible mitigation such as these measures must be explored.

Other services are determined to be mitigatable through adoption of a new fee structure (for parks, libraries, police, and fire protection) However, we were not able to find a target date for adoption of these fees or an assurance that the fee would be required at the full amount needed to provide adequate service. Until this is remedied, impacts must be considered unavoidable.

Finally, the three to four sentences given to the evaluation of the City Centered and Confined Growth Alternatives in the RDEIR which conclude that public facility impacts and services would be similar to the proposed Plan is completely inappropriate given the importance of this issue to the choice of a general plan



Tulare County Citizens For Responsible Growth

strategy. Both of these alternatives and our Healthy Growth Alternative would direct enough growth to the cities compared to the other alternatives that the efficiency of providing sewer as well other public services would be substantially greater than in the proposed Plan. A fiscal impact report or draft fee study should be prepared to analyze this issue; an adequate analysis has not yet been provided.

In general, planning for governmental services and public facilities including roads, sewage treatment, and water is one of the most basic jobs of a General Plan. Yet, the General Plan Update and the RDEIR have not taken the important first step toward solving those problems. Indeed, if these are truly unsolvable problems, adopting a land use alternative which clusters development more efficiently is an obvious solution.

◆ Alternatives

The RDEIR states (page 7-1): “The purpose of this section of the EIR is to describe a reasonable range of alternatives to the project...that could feasibly attain most of the objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and to evaluate the comparative merits of the alternatives.” Unfortunately, the RDEIR fails all aspects of this CEQA requirement. As an initial matter, the RDEIR can't reasonably evaluate **any** alternatives, including the General Plan Update alternative until baseline buildout calculations based on actual spatial arrangement of proposed and existing land use designations have been established. The total lack of such calculations makes both the General Plan and the RDEIR merely speculative, and as such, not in compliance with the core CEQA requirements.

The RDEIR also fails to provide a “*reasonable range of alternatives*” for consideration by Tulare County citizens and decision-makers. As described in the RDEIR, each proposed Alternative “assumes that all of the proposed policies and implementation measures contained in the Goals and Policies Report (GPR) for the GPU would be included as part of (this) alternative.” In other words, the four GPU Alternatives proposed in the RDEIR (in addition to the “no-project alternative”), while offering minor differences on the surface, have all been framed to implement the same non-specific and loophole-ridden GPU policies and implementation measures set forth in the General Plan Update/RDEIR. Although the proposed Alternatives have different titles and different stated priorities, they are as vague and general in nature as the underlying General Plan Update that they would implement. Because all the Alternatives incorporate the policies and implementation measures of the GPU/RDEIR, they lack specific growth-directing measures that would in fact produce different General Plan Update outcomes. As a result, each Alternative would allow, and even encourage, costly, inefficient sprawl development that would challenge our existing communities economically and politically while also jeopardizing Tulare County’s farmlands, natural resources, public health, and quality of life.

This critique applies equally to Alternative 5 (Confined Growth Alternative), which was purportedly developed (per the 2008 DEIR) based upon “comments from Tulare County Citizens for Responsible Growth and American Farmland Trust.” While we appreciate the attempt to include a General Plan Alternative that addresses the goals we share with the overwhelming majority of Tulare County citizens who participated in the GPU “visioning” process, the proposed Alternative 5 is not reflective of our core concerns or the extensive and detailed input we previously provided. Given its exceptions, omissions and vagueness, Alternative 5 offers little essential or practical difference from the other development



Tulare County Citizens For Responsible Growth

alternatives presented, and cannot therefore be objectively considered a true, much less an environmentally-superior, development alternative.

The RDEIR projects that, whichever Alternative is selected, 26-32% of the total population in the County will reside in the unincorporated area in 2030 (RDEIR Table 4-1) Again, the nearly identical outcomes in terms of future population distribution are predetermined by the incorporation of the GPU's flawed policies and implementation measures into each "alternative."

The RDEIR is also inherently inadequate because it includes only a superficial assessment of the degree to which each proposed Alternative would meet the stated objectives of the General Plan Update, without detailed justification for its conclusions. Conclusions about the failure of the City-Centered Alternative to meet various project objectives are not well explained, and are simply not supportable given the absence of details provided about the specifics of each Alternative's proposal. The RDEIR concludes that the Confined Growth Alternative will not meet one project objective: increased development in unincorporated communities. This is certainly not the case, since under the basic concept of this Alternative it would be possible to allow infill growth in these areas and modest growth within appropriate confined boundaries.

Finally, the RDEIR does not adequately describe why any of the project alternatives are not feasible, as required by CEQA (Public Resources Code Section 21001). It is not adequate simply to conclude that the project sponsor's objectives are not met. And, in the case of Alternative 5, again only one objective is said to not be met – allowing unincorporated communities to grow. This is an artificially narrow objective; it could be met readily by this Alternative or a slight revision to it.

Similarly, the RDEIR fails to provide a quantified, objective comparison of the significant impacts that would result from the adoption of each Alternative. Instead, unsupported general assessments are proffered about the impact each Alternative would have compared with the General Plan Update (i.e., a more or less Significant Impact than the General Plan Update), with no basis provided for these assessments. What criteria were used to categorize the relative impacts generated by each proposed Alternative to the General Plan Update? What data, benchmarks, thresholds or other forms of analysis were used to conclude that an impact created by one Alternative would be lesser or greater than the General Plan's impact? A fiscal impact analysis would offer clear quantified analysis of the feasibility of providing appropriate traffic improvements and public facilities and services under each Alternative. Certainly impacts such as traffic and air quality lend themselves to a quantified analysis. Indeed, how can any assessment be made at all, without baseline spatial buildout calculations against which the results can be compared? Detailed, quantified analysis of each Alternative is needed in each impact issue area to understand the relative impacts.

The root of the RDEIR's problem is that non-specific Alternatives are proposed to implement a vague and loophole-ridden General Plan Update, making it virtually impossible to "evaluate the comparative merits of the alternatives," as required by CEQA. As a result, the relative comparisons of the Alternatives are meaningless and of little or no value in helping Tulare County decision-makers select an Alternative that could "feasibly attain most of the objectives of the project, but would avoid or substantially lessen any of the significant effects of the project." To fulfill the most basic of CEQA requirements, the RDEIR must be meaningfully revised to present a reasonable range of General Plan Alternatives that includes at least one alternative that clearly and firmly directs growth into those urbanized areas that have the desire and capacity to accommodate that growth.



Tulare County Citizens For Responsible Growth

TCCRG Recommendation: the Healthy Growth Alternative.

RDEIR Alternative 5, the Confined Growth Alternative, is similar in some respects to the Healthy Growth Alternative TCCRG proposed in our Notice of Preparation comments and our comments on the previous, 2008 draft General Plan Update. However, loopholes and provisions inherently inconsistent with smart growth -- such as regional Growth Corridors, floating Planned Community Areas, large and unrealistic Hamlet boundaries, and a weak policy structure relative to mandating compact, contiguous, resource-efficient growth and protection of farmland and open space – coupled with unreliable assurances that development will be directed to the cities, make the RDEIR’s proposed Alternative 5 unacceptable. We again urge the County to extensively revise Alternative 5 to provide for a true alternative in the RDEIR that will meet all project objectives while significantly reducing the environmental impact of the project. This loophole-free "Healthy Growth Alternative" should include clear, firm policies that specifically support the following:

Revised Alternative 5:

The Healthy Growth Alternative

- 1. Base the location, density, and amount of growth within urbanized areas on their desire and capacity to accommodate growth.**
- 2. Locate development (except that which is directly related to agriculture) within existing Development Boundaries, without loopholes or exceptions that allow for leapfrog new town or growth corridor development. This can be accomplished by:**
 - a. eliminating the CACUABs and replacing them with firm agricultural designations; and**
 - b. Ensuring that the Land Use Diagram locates all specific land use designations in the unincorporated area**
- 3. Require (or incentivize) efficient development within or contiguous to existing urban areas:**
 - a. Ensure that urban development takes place only:**
 - i. Within incorporated cities;**
 - ii. within the UDBs of adjacent cities in other counties;**
 - iii. within UDBs of unincorporated communities and HDBs of Hamlets.**
 - 1. these UDBs and HDBs must be designated only after specific plans have been adopted for each of them which include boundaries**



Tulare County Citizens For Responsible Growth

revised to focus on infill development and well-timed, healthy, resource-efficient growth appropriate to each of these communities and hamlets.

2. **Community and Hamlet plans must clearly locate specific land uses of an appropriate scale of neighborhood commercial and non-residential uses, to be developed only if concurrent with the provision of needed infrastructure and developer mitigation fees, and to be reviewed for consistency with Development Efficiency Targets. (Blanket interim Mixed Use designations over entire UDB or HDB not permitted.)**

The intent of this provision is to eliminate County approved urban development in the City UDBs (other than under existing zoning requiring no new parcelization or use permits). City land use designations and pre-zoning for urban land uses would be allowed in the UDBs for use only by the cities when they annex these lands.

b. To accomplish this, the County must:

- i. **revise existing (or proposed in this Draft General Plan Update) policies such that the County land use designations and zoning in what is now referred to as the CACUDBs will be agricultural zoning only;**
- ii. **Implement equitable revenue sharing arrangements with the incorporated cities.**
- iii. **Revise the Land Use Diagram to require at least an 80% (or greater)/20% city/unincorporated population at buildout of the GPU.**

4. **Make community and hamlet development boundaries meaningful, long-term planning boundaries by firmly limiting the circumstances under which they can be expanded.**
5. **Prohibit Growth Corridors and Planned Communities (New Towns) in the unincorporated area.**
6. **Discourage the premature conversion of agricultural lands to urban uses, and offset unavoidable impacts to agricultural lands and natural resource areas with mandatory mitigation measures such as conservation and agricultural easements:**
 - a. **Include the system of Development Efficiency Targets proposed by the American Farmland Trust before any community UDB or HDB is revised and before any individual discretionary land use development project, policy, or program is approved**
 - b. **Revise the agricultural conservation easement policies to require that when developments are approved that will result in the loss of agricultural land, a fee**



Tulare County Citizens For Responsible Growth

will be assessed to purchase, at a minimum ratio of 1:1, agricultural land protection easements of equal value elsewhere in the county.

7. **Provide strong, clear policies with concrete, enforceable implementation measures that include definite timeframes, funding sources, and departments in charge of monitoring and enforcement.**

◆ Growth Inducing Effects

Population Growth: Induced or Absorbed? The General Plan Update is predicated upon a substantial increase in population in Tulare County by 2030. The revised RDEIR must fully disclose and explain the data, models and assumptions used by the California Department of Finance and the Tulare County Association of Governments to project growth in Tulare County over the life of the General Plan Update. Why is the rate of growth projected during the term of the GPU projected at nearly double the rate of growth that has occurred in recent decades? Given the recent economic downturn, are the 2030 growth projections used still valid?

The revised RDEIR must disclose what portion of the population growth projected in the RDEIR would be directly induced by the increased uses and densities proposed in the General Plan Update. A revised RDEIR must specifically analyze the extent to which the proposed GPU would allow and even encourage sprawl, and therefore induce population growth in areas where growth is currently constrained (such as in Planned Community Areas/New Towns, Growth Corridors, resulting from changes to the FGMP, and the Mixed Uses (and exemptions from the RVLP and FGMP) proposed to be permitted in HDBs and unincorporated UDBs. Why would the inclusion of a New Town or New Towns not induce growth beyond the background growth rate expected, given that this is an entirely new land use form for the county?

Without these analyses, the RDEIR inadequately informs the reader how much the Plan would “*foster economic or population growth... either directly or indirectly...*” (CEQA Guidelines Section 15126.2(d)) and where this growth would be fostered.



Tulare County Citizens For Responsible Growth

III. Conclusion

In conclusion, we recommend that the General Plan Update Land Use Diagram be completely revised following the template of our proposed Healthy Growth Alternative to better ensure a compact urban form in Tulare County that will not only protect agricultural and open space lands to a much greater extent than proposed in the current draft, but also foster an improved quality of life for all Tulare County residents. We also recommend that the GPU/RDEIR policies and mitigation measures be revised to more effectively reduce the numerous impacts we have addressed in this letter. At that time, the RDEIR can be recirculated for further public review.

Sincerely,

Tulare County Citizens for Responsible Growth

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Urban and Environmental Planner

Attachments:

- A. TCCRG April 2008 comments on draft General Plan and DEIR
These comments are attached as background material and to provide additional mitigation measures which should be evaluated in the RDEIR to ensure that all available feasible mitigation measures are explored. Where inconsistencies between our 2008 and this 2010 comment letters exist the 2010 letter should apply.
- B. American Farmland Trust 2007 comment letter on the draft General Plan Update.
This letter is provided as background on the significance of farmland loss and the effectiveness of development efficiency and compact growth in mitigating this impact.