

Tulare County Citizens for Responsible Growth

Our mission is to ensure that future growth protects our local economy, communities and natural resources

June 25, 2007

Tulare County Planning Commission
5961 South Mooney Blvd.
Visalia, CA 93277

RE: Comments on Proposed Draft of the Amendment to the Tulare County Zoning Ordinance No. 352 pertaining to planned communities.

Dear Chairman Dias and Commissioners:

The Tulare County Citizens for Responsible Growth urges the Commission to recommend that the Board of Supervisors take **no action** on the proposed Planned Community Zone Ordinance at this time, for the reasons set out both in this submission and in the executive summary submitted concurrently herewith. Again, we thank you for the opportunity to comment on the proposed amendment to the Tulare County Zoning Ordinance pertaining to Planned Communities.

Who we are

Tulare County Citizens for Responsible Growth was formed in early 2006 by a diverse group of county residents with a common concern that future growth in our County ensures protection of our natural resources and the livability of our communities, as well as protecting and enhancing the local economy.

DISCUSSION

The following comments and specific proposed revisions supplement and augment the summary points also submitted today.

A. Consideration of a Planned Community Zoning Ordinance is Premature

There is no demonstrated need at this time for a new zoning category to accommodate speculative or proposed large-scale “planned communities” County-wide. In fact, until the updated General Plan has been finalized, there isn’t even an indication that such developments would be permitted under the updated Plan.

The current draft of the updated General Plan reflects sound planning practice, as well as the goals and visions of the many County citizens who participated in planning meetings, in directing future growth into and around existing communities. Recommending approval of the proposed Draft Ordinance now would in effect preempt the entire General Plan process, and make irrelevant the public input over the past two years, to

accommodate the development aspirations of what is at this point, one entity.¹ Moreover, because the proposed development is still in the preliminary study phase, there is no certainty that the proposed new town will move on to the next steps. Consideration of a new zoning category can wait.

The proposed planned community zoning ordinance is premature for other reasons as well. Our existing cities, communities and hamlets already include more than enough land to accommodate 50 years worth of growth at current densities². Until the County's existing land allocations for new growth have been exhausted or are proved insufficient, the proposed ordinance is unnecessary and unjustified.

If approved, this ordinance will simply force Tulare County's existing cities, hamlets and communities to compete with undeveloped land for investment dollars. We recognize that infill development can be inherently challenging for developers: existing zoning and building codes may inhibit creative infill projects, and deteriorating infrastructure may make upgrades or replacement costs daunting. At the same time, the effects of well-designed infill development can reduce land consumption, infrastructure costs and vehicle miles traveled per capita. Additional positive effects can include increased property values, economic vitality, new jobs within easy access of existing communities, creation of more pleasant and functional community environments, and improvements in areas able to support high quality transit. In the long term, infill is often more rewarding for developers too, by increasing property values at faster rates, making the community more desirable and fostering additional investment.

Inviting development of new towns by specifically providing a zoning-based exemption to the overall focus on city-centered growth, in addition to putting existing County cities and communities at a competitive disadvantage and jeopardizing their chances of getting the investment they need, will also invite sprawl; worsen air quality; increase traffic problems; accelerate the loss of agricultural lands, wildlife habitat, open space and scenic view; and result in higher costs and greater inefficiencies because of failure to utilize existing services, facilities, and infrastructure - to the detriment of the quality of life of all Tulare County residents.

In recent decades, hundreds of studies have documented the costs of public services to serve different development patterns. Unsurprisingly, most of these studies have found that it costs considerably less to provide linear services (sewer, water, streets) to a compact, efficient development pattern than to a sprawling pattern³.

¹ The proposed Draft Ordinance was initiated by the J.G. Boswell Corporation, in furtherance of its proposal to develop a new town in Yokohl Valley. Although the Board of Supervisors approved Boswell's application for authorization to study the idea of a new town in Yokohl Valley, the study is not dependant on approval of a new zoning ordinance or hampered by non-approval.

² American Farmland Trust: *Central Valley Farmland at the Tipping Point?* www.farmland.org

³ Oregon Department of Conservation & Oregon Department of Land Conservation and Development. 1999. *The Infill and Redevelopment Code Handbook*.
<http://www.oregon.gov/LCD/docs/publications/infilldevcode.pdf>

For example, a 1995 American Farmland Trust study, *Alternatives for future urban growth in California's Central Valley: The Bottom Line* compared the consequences of adding an expected 8 million people by the year 2040 to the Central Valley in two possible scenarios: at 3 dwelling units per acre and at 6 units per acre. The study concluded that cities and counties would save \$29 billion in the cost of taxpayer-financed services over a 45 year period if housing developed at an average density of 6 units per acre rather than 3 units per acre. These findings underscore the need for policymakers to consider public costs, as well as private costs, in making land use decisions.

A CSU-Bakersfield study compared the infrastructure costs associated with a community-centered development in central Bakersfield with those costs for a sprawling subdivision away from town. The sprawl development cost 25% more, \$927 per house, per year, to service. In a "new town" of 10,000 homes, based on this model, the cost to the County would be \$10 million per year higher than if those same 10,000 homes were built in existing communities. These findings underscore the need for policymakers to consider public costs, as well as private costs, in making land use decisions.

We therefore strongly encourage the Planning Commission to recommend that the Board of Supervisors take no action on the Draft PC Zone Ordinance, instead allowing finalization of the updated General Plan, and implementing the city-centered growth policy favored by Tulare County residents.⁴

If the Commission nevertheless supports creation of a Planned Community Ordinance, the proposed draft should be revised before approval is recommended

Revisions of Draft PC Zone Ordinance

If the Commission chooses to recommend approval of the Yokohl Ranch Company's request for a PC Zone Ordinance, the Commission should ensure that planned community requirements are explicit and rigorous, and in line with the highest and best practices and standards. New communities must not adversely impact on Tulare County's residents, economy, or natural and agricultural resources. The PC Zone Ordinance must be formulated to ensure that new communities will be approved only if they are necessary to meet the needs of existing Tulare County residents for affordable and efficient housing, high-quality jobs, and the preservation of agriculture -- the backbone of our county's economy. Any new communities must be models of energy efficiency, must minimize their environmental impacts and demonstrate positive economic impacts, and must be designed to encourage a strong community character and to offer a high quality of life.

Our specific comments and recommendations on specific provisions of the Draft PC Zone Ordinance follow:

⁴ An additional benefit of delaying consideration or approval of the proposed Draft Ordinance is more intangible, but equally important: permitting the General Plan update process to take priority over a revision of the zoning ordinances would assure County citizens that their feedback on the Draft General Plan is being duly considered, and that development of Yokohl Ranch and any other proposed new towns is not a foregone conclusion.

PURPOSE

The overall intent of a planned community is to encourage a balance of land uses that support economic growth and promote an exceptional quality of life. Planned communities accommodate mixed use developments that include residential, commercial, administrative, industrial, and other activity. Such communities should ensure provision for sustaining the infrastructure and public services that is needed to support anticipated growth...

Planned Community Zones should be identified as areas suitable for possible future development at such time as the County has determined that there is a demonstrated need for new housing, that such housing cannot be accommodated within the existing UDBs or HDBs, and that such housing can be adequately provided with urban services without adversely affecting services to existing communities. Given these considerations, planning for development in the PC Zone should be a low priority in the short term and should not be anticipated to occur in the near future.

We suggest this paragraph be revised to read: *The overall intent of a planned community is to encourage a sustainable balance of land uses that support economic growth, conserve natural and other resources, and promote an exceptional quality of life. Planned communities accommodate mixed use developments that include residential, commercial, administrative, industrial, and other activities. Such communities should be encouraged at such time that growth can no longer be accommodated within existing development boundaries, and must ensure provision for sustaining the infrastructure and public services necessary to support anticipated growth of the new community.*

Section 18.8 Purpose

The above principle should be reiterated. An additional clause should be added: A3. Provide for the long-term development of new communities only when growth can no longer be accommodated by existing cities, communities, and hamlets.

B4. SUSTAINABILITY

Sustainable: *A community that maintains or enhances economic opportunity and community well-being while protecting the natural environment upon which people and economies depend.*

Sustainable is an adjective, yet it is defined as a noun in this document. Presuming that this adjective will be applied to development, we suggest that the definition reflect the Brundtland Commission's⁵ definition of sustainable development (1987). The new definition would read: *Sustainable: Capable of meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

⁵ United Nations. 1987. Report of the World Commission on Environment and Development. General Assembly Resolution 42/187. 11 December 1987.

This Draft PC Zone Ordinance includes no provision for county/applicant/local stakeholder collaboration prior to application submission. We believe that pre-application conferences and work sessions would help develop a common understanding among staff, identified agencies and the applicant regarding existing site conditions, project design, current zoning regulations, potential environmental impacts, mitigation measures, general consistency with local, state and federal regulations, and any other relevant issues of the proposed project. We therefore recommend that the proposed PC Zone Ordinance include a section entitled “Work Session and Noticing Requirements.” Following is an example of requirements that could be included in this section (this, and many other suggested criteria within this document have been modified from a draft of the Canyon County Planned Community Ordinance⁶):

The applicant shall complete a minimum of two pre-application work sessions with planning staff, or more as required by the Director. The Director may also require work sessions with identified agencies, TCAG, interested community organizations and landowners located within one mile of the proposed planned community prior to submittal of an application for a planned community.

1. *Prior to holding the first pre-application work session with the County, the applicant shall meet with the Director to discuss the proposed Planned Community. The pre-application work sessions shall not commence until the applicant or owner submits the pre-application work session form and fee subsequent to a recommendation of the Director and adoption by the Board. The negotiated pre-application work session fee for a planned community application shall recognize the amount of Tulare County administrative time required for work sessions, the costs of copying and mailing, and the amount required for the county’s consultants.*
2. *The applicant shall hold a minimum of two neighborhood meetings where all property owners within one mile of the proposed boundary, or a greater distance determined by the Director, are invited.* (We recommend that a separate article be developed and referred to which outlines “neighborhood meeting” requirements, including purpose, appropriate meeting times, allowed locations, and timing. A Spanish translator should also be made available to ensure that citizens with limited English proficiency can be included in the planning process. This article should require that application materials include a written verification of neighborhood meetings).
3. *The applicant shall hold a minimum of two meetings with interested community organizations where organizations which express an interest in the project (such as farm bureau, historic preservationists, chambers of commerce and citizen groups) are able to participate.*

⁶ Ordinance to allow planned community based districts (2006) Canyon County, Idaho.
<http://www.canyoncounty.org/dsd/Ordinances/Planned%20Community%20Ordinance.pdf>

4. Within fifteen days following final application acceptance, the applicant shall hold an agency work session with all agencies identified by the Tulare County Resources Management Agency. At this work session, the applicant shall provide an overview of the proposed development and answer questions.

APPLICATION

C2a. All applications for a PC Zone shall be accompanied by the appropriate fees adopted into the Zoning Ordinance by the Board of Supervisors.

This language is too vague and open to interpretation. We suggest adding the following provision at the end of the paragraph: “...*Board of Supervisors. This fee shall recognize the amount of Tulare County administrative time required to process the application, the costs of copying and mailing, and the amount required for the County’s consultants to conduct independent studies.*”

C2b. PC Zones may be established on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with (the) General Plan and the purpose of this section

In order to circumvent the possibility of small settlements scattered throughout the County under the guise of “planned communities” we recommend the re-inclusion of a minimum size provision, reading “No PC zone shall include less than xx acres of contiguous lands.” We further suggest that the minimum size be adequate (> 500 acres) to ensure the development of communities large enough to be self-sustaining.

Finally, we request the County work with biologists and conservation groups (e.g., Sequoia and Kings Canyon National Parks, U.S. Forest Service, Giant Sequoia National Monument, The Nature Conservancy, and Sequoia Riverlands Trust) to identify parts of the County that have particularly high ecological value, are current or potential wildlife migration routes, or are corridors connecting the public lands in the Sierra Nevada with protected areas in the Valley⁷. These zones should be identified as “conservation priority areas” and be considered permanently exempt from PC Zone consideration.

⁷ The following references have identified areas of high ecological value within Tulare County:

- Shilling, F., E. Girvertz, C. Erichson, B. Johnson, and P.C. Nichols. 2002. A guide to wildlands conservation in the greater Sierra Nevada bioregion. California Wilderness Coalition. Davis, CA 201pp.
- Bradford, Z., R. DiGiondomenico, S. Graber, S. Hsia, and N. Snider. 2007. A Dynamic Strategy for Conserving Southern Sierra Blue Oak Woodland. University of California, Santa Barbara; Donald Bren School of Environmental Science and Management; MESM Group Project. Contact blueoaks@bren.ucsb.edu for a copy.

MASTER DEVELOPMENT PLAN (MDP)

While the requirements outlined in this section provide an excellent foundation of application criteria, the language is overly vague and too general to ensure Planned Communities will have minimal negative impact on Tulare County residents and resources. We believe this section should be substantially strengthened with additional requirements for community design, care for and access to open space, and provisions for public services and utilities. We also recommend a much higher degree of specificity regarding transportation and connectivity and economic impacts important.

D1e. The conceptual location of public uses and quasi-public uses, such as schools, parks, fire stations, major utility or infrastructure improvements, open space and undisturbed natural land.

We believe these criteria should include stipulations for recreational use of, and access to open space and public lands. We suggest this clause be revised to: *The conceptual location of public uses and quasi-public uses, such as schools, parks, fire stations, major utility or infrastructure improvements, trails, paths, open space and undisturbed natural lands.*

Furthermore, we recommend the addition of language at the end of *D1d.* so that it reads: *The approximate location of all major streets, roads and other circulation system components on or accessing the site, as well as provisions for connectivity systems and opportunities to access surrounding properties and public lands.*

In order to ensure the new town design fosters a sense of place and encourages a cohesive community, we recommend the addition of the following criterion:

- *D1x. The location of one or more town centers or village center. A town center or village shall include commercial nodes and community gathering areas sized to meet the needs of planned community residents; they shall include a mix of uses and shall contain high-density/clustered residential, commercial, retail, office, and civic uses as well as parks, picnic areas, or other recreational areas; they shall include a transit center with connections to local and regional transit systems. Village center(s) should be oriented towards pedestrians, with narrow streets, sidewalks, and structured parking⁸. Large arterial streets should be avoided.*

We recommend including the following application requirements under either the plan diagram section (D1) or the text section (D2) or as an additional, interim section which uses maps and images with accompanying text. These additional criteria will help ensure that new towns are built using smart growth principles, including efficient circulation patterns, promotion of alternative transportation, utilization of on-site materials, and minimization of visual infrastructure.

⁸ See: CoolTownStudios *The 13 points of pedestrian-oriented development.*
<http://www.cooltownstudios.com/mt/archives/000530.html>

- *A transportation and mobility plan demonstrating internal and external community connectivity. Illustrations shall depict all proposed street, trail and path cross-sections including the size and design proposed for each section. The plan shall also address alternative transportation options for the planned community that shall include options and/or alternatives to reduce external vehicle trips, with the goal of at least 50% of daily trips within and originating in new towns accomplished by alternative transportation.*
- *Narrative and illustrative or pictorial examples of proposed central design concepts for residential, commercial and institutional development in sufficient detail to guide land use development and integrate the proposed mixture of land uses. These concepts shall consider pre-development site conditions, careful placement of public and quasi-public land uses, ample open space areas, appropriate landscaping and guidelines, and provision of specific design guidelines for construction and placement of all improvements. This plan shall also indicate how it will utilize on-site materials to balance the fills and cuts thereby limiting the need to truck material to the site from off-site locations. The plan shall also demonstrate that where the development footprint meets the existing grade, how any visual impacts and natural features of the development will be enhanced by rounding finished grade contours by requiring contour or landform designs, ensuring grading practices are designed to minimize visual impacts, to require hillside and ridgetop building foundations and designs to be stepped with the natural grade contours by minimizing cuts to improve visual aesthetics. Hilltop and ridge top development shall not be allowed.*
- *Public services and utilities plan describing and depicting the location and type of electric service, natural gas service, storm drainage and flood control systems, wastewater treatment and collection, water service and irrigation, telecommunications and television cable service, public safety service and schools.*

D2e. [The application shall include a text that provides] a Preliminary Financial Plan (PFP) that shall ensure that the proposed development is consistent with providing adequate public facilities and services concurrent with the need created by new development. The PFP shall include an analysis of infrastructure, public facilities and services, including sewer and water service, streets and storm drains, law enforcement, fire protection, libraries, schools, and public parks.

While we applaud the intent of this criterion, words like “adequate” are easily manipulated. We therefore recommend that this paragraph use more specific and forceful language, require noticed opportunities for input by external affected parties, require the applicant to hire an independent economic consultant to ensure an impartial and balanced analysis. We suggest the following:

- The applicant shall pay for the County to hire an independent consultant to develop and submit a detailed economic impact analysis evaluating the impacts of the Planned Community upon existing infrastructure and any cost of new infrastructure that may be required to serve the Planned Community including, but not limited to, streets, schools, fire protection, water systems, wastewater collection and treatment systems, air quality programs, water quality programs, solid waste disposal, law enforcement, parks and open space, irrigation delivery systems, libraries and emergency medical services. Written statements shall be solicited by the applicant from affected municipalities, agencies and/or districts, and other service providers commenting on the impact of the Planned Community upon existing infrastructure and the costs of providing new infrastructure needed to serve the project. All responses received by the applicant shall be submitted to the RMA along with the required economic impact analysis.

We recommend that section D2 include the following additional provisions requiring justification of the Planned Community and allowing updates, revisions and modifications to be made as necessary by Tulare County policymakers.

- An assessment of development and population trends documenting the justification of development of a Planned Community outside of existing development boundaries.
- The County, Commission, or Board may make a determination that material changes in conditions have occurred that may require updating, new analysis, or studies of specific issues.
- In the event that the Board determines, based on reliable information from the qualified planner and evidence contained in the Director's report, that the planned community is not being developed in substantial accord with the planned Community Comprehensive plan, Planned Community Development Plan, or Planned Community Zoning Ordinance, or is causing or is likely to cause undue adverse economic impacts on affected municipalities or other agencies and/or districts, the board may initiate hearing to investigate such matters and may at the conclusion of such hearings, adopt changes to the Planned Community Comprehensive Plan, Planned Community Development Plan or Planned Community Zoning Ordinance to mitigate such undue adverse economic impacts.

MDP FINDINGS

In this section of the proposed Ordinance, the Planning Commission has the opportunity to establish rigorous standards and explicit criteria that must be met in order for a PC Zone to be established. Unfortunately, again, we feel that the language in this section is weak, vague, and ambiguous.

We strongly encourage the Commission to work with staff to develop and include specific language to provide developers with guidance as to what standards must be met before a Planned Community will be approved. In particular, language mandating cluster development, energy and water efficient buildings, xerigraphic land use efficiency, transportation options and systems, and agricultural and environmental protection should be explicitly set out.

In our comments on the Tulare County Draft Goals and Policies Report dated February 14, 2007, we outlined a number of criteria we believe should be included in any consideration of new town provisions. We repeat them here as a guide for revisions to this section. We further specifically request that the Commission deny any MDP application that does not meet the performance standards listed below:

- Clustering/Land Use Efficiency: New towns shall cluster development along transportation corridors and already-disturbed areas. To minimize the loss of agricultural land and open space, and create new communities that are walkable and transit-oriented, new towns shall achieve the maximum land use efficiency. Development shall be mixed-use, with basic services, retail and appropriate jobs located within or adjacent to residential neighborhoods.
- Smart street design: New towns shall establish a traditional urban grid system of streets to evenly distribute traffic, provide a variety of routes, and encourage a safe pedestrian and bicycle environment. Major thoroughfares shall be designed as multi-modal travel corridors, including sidewalks, bike lanes, and segregated rights-of-way to accommodate rapid transit services (either rail or bus rapid transit).
- Energy Efficient Buildings: Buildings in new towns shall achieve at least the minimum standards for LEED (Leadership in Energy and Environmental Design) certification
- Mitigation for loss of agricultural lands: New towns which will result in the loss of agricultural land shall mitigate for that loss by permanently protecting at least one acre of equivalent agricultural land for every acre lost. Mitigation areas shall be located within the County, as close to the project site as possible, and in areas where continued agricultural production is feasible.
- Affordable Housing: Housing in new towns shall meet the County's demonstrated need in terms of affordability. This finding of demonstrated need shall be based upon data from a housing element certified by California Department of Housing and Community Development (HCD)
- Air quality protection: New town development must adopt every feasible mitigation measure that will reduce emissions, with particular emphasis on reducing daily car trips. A minimum of 50% of daily trips within and originating

in the new town must be accomplished by alternative transportation (see section on alternative transportation).

- Alternative transportation: To meet air quality goals, reduce traffic, and improve community livability, health and safety, all new towns shall be designed to maximize use of alternative transportation modes such as walking, bicycling and transit. No less than 50% of daily trips within and originating in new towns shall be accomplished by alternative transportation. Funding for alternative transportation shall include not only infrastructure costs for establishing new transit, carpool and bike/pedestrian facilities, but shall also include ongoing funding for operations, maintenance and monitoring. Neighborhoods shall be designed to cluster jobs, retail, services and higher density housing within walking distance of multi-modal transit “nodes.”
- Water Quality Protection and Monitoring: Every new town shall be required to establish a specific and comprehensive water quality management and monitoring plan. Development shall use surface stormwater collection systems, including swales, detention ponds and energy dissipaters to slow runoff and improve stormwater quality. Other Best Management Practices (BMPs) shall be incorporated into project design to further enhance the removal of pollutants from runoff. Regular and ongoing monitoring of groundwater levels and contaminants shall be undertaken to ensure that no adverse impacts are occurring.
- Protection of wildlife, fish and plants: The efficacy of habitat protection and restoration measures to mitigate impacts on wildlife, fish and plants shall be measured on an ongoing basis to ensure no changes to distribution or abundance of affected species (see I3 suggested addition: Wildlife Mitigation Plan).
- Open Space Protection and Restoration: New town development shall permanently protect and restore, if necessary, environmentally sensitive areas including riparian woodlands, oak woodlands, floodplains, steep slopes (30 percent or greater), unstable geology, significant archeological/historical sites, wildlife habitats and scenic vistas as well as buffer zones of adequate size to ensure that the integrity of protected areas is maintained at or above existing levels.

BOARD OF SUPERVISORS ACTION

G3 Following the adoption of the PC Zone amendment and the MDP, all development within the zone shall thereafter be in substantial conformity with the adopted MDP and General Plan, or as it may be amended.

This is a good statement; however, we suggest removing the word “substantial” as this creates a loophole and a standard that too easily varies depending on who is making the determination.

We further recommend the inclusion of a provision that addresses monitoring and compliance with the MDP and the General Plan after the application has been accepted. We recommend the following:

- *Throughout the life of the MDP, and for five years post-completion of the project, an **annual** monitoring and compliance report, prepared by County staff or an independent consultant, hired by the County and paid for by the developer, shall be submitted to the Planning Commission and Board of Supervisors (with opportunity for public input). If it is found that mitigation is not being accomplished adequately, or the project is not complying with the MDP and the General Plan subsequent phases of the project shall be postponed until such time as the project achieves mitigation objectives and/or comes into compliance with the MDP and the General Plan.*

MDP/ADP MODIFICATIONS

We recognize the need to allow for potential modifications. We are concerned, however, that the stipulation in sections H3/L3

The Planning Commission shall conduct a public hearing on all proposed modifications. The Planning Commission may recommend approval, conditional approval, or denial of a proposed modification to the Board of Supervisors, which shall conduct a separate public hearing.

is insufficient for adequate public participation and feedback.

- We recommend sections H2/L2 and H3/L3 be replaced by the following clause:
Applications for amendments to the MDP (ADP) or to add additional property into boundaries of a Planned Community shall be processed substantially in the same manner as an original application and as stipulated in the original zoning ordinance amendment.

AREA DEVELOPMENT PLAN (ADP)

The ADP criteria (like those in the MDP) address many important elements for planning sub-areas. Nevertheless, we believe that the addition of language addressing open space, agricultural, and environmental protection is crucial to ensure that Tulare County's agricultural and natural resources are not adversely impacted by new town development. We therefore recommend the following revisions:

I 3...The proposed ADP shall at a minimum include the contents of a Specific Plan set forth by Section 6450 through Section 65457, and/or the following information:

We appreciate the inclusion of the ADP requirements. However, we suggest removing the word "or" so that the final sentence reads: "*The proposed ADP shall at a minimum*

include the contents of a Specific Plan set forth by Section 65450 through Section 65457, **and** the following information:”

I 3a (3) Any significant natural or existing physical features of the site

While we applaud the requirements for an assessment of existing environmental conditions, this requirement is too nebulous to be effective. We suggest the following modification:

- *I 3a(3) A technical report including a natural and physical features analysis which will map, describe or note the following:*
 - *Hydrology*
 - *Soils*
 - *Topography*
 - *Vegetation*
 - *Sensitive Plant and Wildlife Species*
 - *Historic and Archaeological Resources*
 - *Hazardous Areas*
 - *Map Features (e.g. outline of existing structures, watercourses, power lines, existing easements, etc.)*
 - *Geological features (e.g. the basic geological conditions, features, opportunities and constrains of the site)*
 - *Preliminary wetland delineation, if applicable*
- All technical reports and studies shall be prepared and signed by qualified experts in each relevant field, approved by the County. In addition, the technical reports shall include a constraints analysis and a description of the impact of the project on area air quality, water quality, slopes, views, and climate.*

I 3a(8)(b) OPEN SPACE

We support the provision for open space but it should be strengthened by specific requirements regarding the amount of open space and how it will be used:

- *I3a(8)(b): An open space, parks and trails plan that shows overall dedicated open space, including natural open space, developed parks and trails. The plan shall be developed in conjunction with a Wildlife Mitigation Plan (described below) and shall include:*
 - *A minimum of ten acres per one thousand population of developed parks based on 2.5 persons per dwelling unit.*
 - *A description of the types and sizes of parks and how the parks are located to provide a reasonable walking distance from residences*
 - *A trails plan that provides connectivity between neighborhoods, parks and commercial centers, and public transit, and connects to nearby public trails and public lands whenever reasonably possible.*

- An analysis of potential impacts to adjacent public land and mitigation for identified adverse impacts.
- An analysis of the walkability pattern and options within the community as a map that illustrates the analysis.

We believe the most effective way to conserve open space, protect agricultural land, and preserve natural resources is to limit the development footprint. We strongly encourage the inclusion of a criterion requiring developments to cluster development along transportation corridors and already-disturbed areas. We also want to see a requirement addressing the protection of biodiversity. We recommend the following:

- A minimum amount of land needed to accommodate the project shall be developed. New towns shall maximize land use efficiency through cluster development. Land along existing transportation corridors and already-disturbed areas shall be given development priority. The remainder of the project area shall be preserved as open space or agriculture.
- The applicant shall work with the County, the Community Conservation Director (described below), and a qualified biologist, approved by the County, to identify areas within the planned community that will be permanently dedicated to natural open space (via conservation easement or fee-title acquisition to a land trust, County parks department or other qualified land management agency) These lands shall be adequate to address the protection of unique natural features and vegetation communities.

We are concerned by the lack of mitigation requirements for either wildlife habitat or agricultural lands. While this will be addressed to some extent in an eventual EIR, an agricultural and environmental impact assessment will be most effective if prepared with the cooperation of the County, relevant agencies, and local stakeholders and in conjunction with the open space, parks and trails plan suggested in I3a(8)(b). We recommend the inclusion of the following:

- I3x: Wildlife Mitigation Plan: A Wildlife Mitigation Plan prepared and signed by a qualified biologist. The plan shall be monitored by a Community Conservation Director (CCD) and shall include:
 - Where applicable, a wetlands mitigation plan
 - A noxious weed abatement plan
 - A detailed mitigation action table that shall include: Mitigation goals; Specific actions to meet mitigation goals; Implementation timelines; Cost for each mitigation action; Phasing map if phasing is proposed; Monitoring methods

(duties and responsibilities); Possible alternative mitigation actions; a detailed financing plan with funding sources; and a detailed plan on how the Wildlife Mitigation Plan will be implemented and enforced; and

- The applicant shall demonstrate how the applicant will provide/hire a Community Conservation Director (CCD). The CCD's responsibilities shall include the following: An annual monitoring and progress report delivered to the Director detailing the implementation status of the Wildlife Mitigation Plan, Noxious Weed Abatement Plan, and the Wetlands Mitigation Plan, if applicable. The annual report shall be required every year or as directed by the County and shall be submitted simultaneously with a Wildlife Mitigation Review Application and applicable fees. The County may decide that the report shall be submitted on a bi-annual basis or may suspend the reporting requirement when deemed no longer necessary based on the recommendations of the CCD Committee(see below); and
- A plan indicating how the CCD will monitor and enforce the Wildlife Mitigation Plan; and
- A plan indicating how the CCD will establish a working Wildlife and Habitat Mitigation Review Committee (WHMRC) that shall meet at least once per year, to review the progress of the Wildlife Mitigation Plan, Noxious Weed Abatement Plan, and the Wetlands Mitigation Plan, if applicable. The WHMRC may make recommendations to modify the approved mitigation plans based on monitoring, evaluating and adjusting the mitigation plans as required to provide effective mitigation over time. The WHMRC shall be comprised of the following members: one Tulare County planner; the Community Conservation Director; one Sequoia and Kings Canyon National Parks representative and/or one Sequoia National Forest representative; one California Department of Fish and Game representative, when available; one Homeowners Association representative, if available; one Owner/developer representative.
- I 3y. Mitigation for loss of agricultural lands: New towns which will result in the loss of agricultural land shall mitigate for that loss by permanently protecting at least one acre of equivalent agricultural land for every acre lost. Mitigation areas shall be located within the County, as close to the project site as possible, and in areas where continued agricultural production is feasible.

I 3c(8)(c)

[Proposed land uses (include the acreage of each) for] dwelling type (i.e., single family, duplex, attached, etc.)

We would like to see this clause used to give further guidance on inclusion of a specific variety of residential types, for example:

13a(8)(c): Dwelling type. Include a variety of housing options at a variety of pricing points, such as (but not limited to) single family duplex, attached, multifamily, condominiums, apartments, live/work, and mixed use. The quantity or percentage of each should reflect the needs of existing Tulare County residents, as identified in the General Plan's housing element.

I 3 (10)

Employment: Location and proposed use of each employment planning area.

We suggest augmenting this sentence to require new job creation along with new homes:

13a (10). Employment: Location and proposed use of each employment planning area. In order to preserve and enhance the jobs-housing balance, the number of jobs created relative to the number of new houses should meet or exceed a ratio of 1:1 and the jobs and housing should be matched in terms of affordability, location, and transportation.

UTILITIES, SERVICES, WASTE COLLECTION

We recommend adding clauses that require detailed plans for utilities, services, and wastewater collection, such as:

- A community services and utilities plan describing the routing and proposed points of connection for electric service, natural gas service, storm drainage and flood control systems, central wastewater treatment and collection facilities, community water system, irrigation, telephone, internet, television, cable, public safety services, community meeting or recreation centers, public transportation services, libraries and schools.
- A plan describing how the proposed Wastewater Collection System and community water system will be managed with specific details regarding the operation and management, accompanied by a financial plan that includes at a minimum initial construction costs, funding source, ongoing maintenance costs, operational costs, and projected profit and loss.

Conclusion

Tulare County is in the fortunate position of being able to accommodate projected growth over the next several decades within existing city, community, and hamlet boundaries. The County is also fortunate in that the majority of County residents highly value, and want to maintain, the County' rural and agricultural nature. Public opinion – consistent with the goals set out in the existing General Plan -- favors city-centered growth and strictly limited incursions of development into agricultural and open lands.

We therefore urge the Planning Commission to reflect the values and stated existing policies of the County by recommending either no action at this time, or better, against approval of the current request for a Planned Community Zone Ordinance.

Alternatively, to assure Tulare Citizens that they have voice in the General Plan update process, we urge the Commission to recommend delaying final consideration of this proposed ordinance until completion and adoption of the new General Plan. The updated Plan may or may not address the circumstances under which new towns may be considered. However, with the new Plan mere months from completion, it is inappropriate to enact now what will in effect modify the new Plan before it has even been adopted.

While we recognize that the modifications suggested in this letter are both comprehensive and stringent, we believe that the adoption of these criteria reflect the values of County residents, and would send a message to both current residents and prospective developers that Tulare County is committed to the protection of its agricultural and natural resources; healthy, well-designed cities; a diverse workforce; and ensuring a thriving economy for generations. We believe that Tulare County is worth the effort required to accomplish these goals.

Finally, having completed our substantive comments, we would like to address an issue that concerns us greatly related to the ability of the public to participate in the governmental process.

Despite repeated inquiries over the last several weeks, we were unable to obtain a copy of the proposed Draft Amendment and staff report addressed in this letter until Friday, June 22. We were therefore at a considerable disadvantage, having little time to review the material and prepare and submit a response that the Commission could appropriately consider prior to the June 27 hearing.

A central democratic value is the right of the public to express its concerns to governing bodies. In regard to the document addressed in this letter, that right includes the ability of the public to obtain, review, and comment on written material generated and retained as part of the planning process. The role of the Planning Commissioner is to both hear and evaluate these concerns as they make decisions on the matters before the Commission, which cannot be done if the public has limited opportunity to participate.

According to California Government Code 54954.1, a member of the public is entitled to receive copies of the planning commission agenda *and supporting materials* in a timely fashion. Unfortunately for the public, the process to obtain material not posted on the County website is both tedious and time consuming.

We believe the Commission should give special consideration to agenda items of known significance and public interest. In the case of this Planned Community Zone amendment, which is a vitally important document that may govern the creation of 'new towns' such as the proposed Yokohl Ranch, the Planning Commission should take great

care in ensuring that the public has ample time to review and respond to the proposal. Several cities and counties make it a practice to post both planning agendas and supporting materials on their websites up to two weeks before the hearing date; we strongly encourage Tulare County to follow suit. We believe in the Commission's desire to hear and consider public opinion; the provision of easily accessible, widely-disseminated, and timely information is the best way to achieve thoughtful, organized, concise feedback from an informed citizenry.

We therefore request the Planning Commission and staff to be sensitive to the challenge the public has in participating in hearings involving last minute negotiations and revised documents. We ask that agenda items, especially those of known significance and public interest, be made available two weeks before the hearing date. We also ask that supporting materials be posted on the County website along with the respective planning agenda in sufficient time to permit meaningful public participation.

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Thank you for considering our comments. Should you have any questions or wish to discuss the substance of our submissions further, please contact us at tccrg@earthlink.net or P.O. Box 276, Lindsay, CA 93274.

On behalf of Tulare County Citizens for Responsible Growth,

Jeff Steen
Co-Chair
Porterville

Eleanor Norris
Co-Chair
Springville