

# Tulare County Citizens for Responsible Growth

*Working to ensure that future growth protects our local economy, communities and natural resources*

March 14, 2008

Mr. David Bryant, Division Manager  
County of Tulare Resources Management Agency  
5961 South Mooney Boulevard  
Visalia, CA 93277

## **RE: Notice of Preparation for Yokohl Ranch**

Dear Mr. Bryant:

Thank you for the opportunity to comment on the NOP and Initial Study for the proposed Yokohl Ranch Project, including proposed amendments to the Foothill Growth Management Plan and Tulare County General Plan. These amendments would pave the way for construction of a new city with at least 29,000 residents on land currently set aside exclusively for agriculture in Yokohl Valley.

These comments follow the format of the NOP, and are submitted on behalf of Tulare County Citizens for Responsible Growth (TCCRG), a diverse group of county residents concerned that future growth in our County ensures protection of our natural resources, our communities, and our local economy.

Tulare County can easily accommodate all the growth projected over the next several decades within the existing development boundaries of its cities, communities, and hamlets. The great majority of the County's residents highly value, and want to maintain the County's rural and agricultural nature. Public opinion strongly favors growth centered in our existing urbanized areas, and strictly limited incursions of development into agricultural and open space lands.

### **Timing of Project Consideration**

The proposed Yokohl Ranch project would severely compromise the County's stated goal of preserving farmland and open space and revitalizing existing communities as stated in the Draft General Plan Update, and in the current Foothill Growth Management Plan. We therefore urge the County Board of Supervisors to defer further consideration of the proposed Yokohl Ranch project until after completion and adoption of the updated General Plan.

The updated General Plan is Tulare County's "constitution," the appropriate place to determine where new growth will be accommodated in our County, and where it will be restricted to protect the County's agriculture, open space, and other values. It is inappropriate to act now on proposed matters that will in effect modify the new Plan

before it has even been adopted. The development project cart would be placed before the planning horse, contrary to the logical order of sound county planning.

## **2.3 Project Description**

### **Project Need**

The California Code of Regulations requires that a “public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures that would substantially lessen any significant effects that the project would have on the environment” (CCR 15021 (a) (2)).

The EIR, therefore, must thoroughly explore feasible alternatives to the proposed project, including location of the proposed development on land already zoned for development within existing urban boundaries, as well as delay of further consideration of the project until after adoption of the updated Tulare County General Plan.

The Yokohl Ranch project would produce an enormous number of significant negative impacts. The EIR must critically examine the purported purpose of and need for the project, so decision-makers can weigh its alleged benefits against its enormous environmental, fiscal, and social costs.

The EIR must disclose the ways in which the proposed amendment is consistent with, or contradictory to, the existing Tulare County General Plan, Foothill Growth Management Plan, and Draft General Plan Update, as required by Tulare County Policy 391: “In deciding whether or not to initiate the amendment, the Board shall, among other considerations, give consideration as to the public need or necessity of the proposed amendment, and whether the proposed amendment would further the goals, objectives and policies of the General Plan and not obstruct their attainment.”

1. What is the role of Tulare County’s General Plan Update vs. the proposed Yokohl Ranch development in determining appropriate locations for growth in Tulare County over the next two to three decades?
2. How would approval of the proposed Yokohl Ranch development, including adoption of amendments to the Foothill Growth Management Plan and Tulare County General Plan, and rezoning the site from Foothill Agriculture to Planned Community Zone, affect baseline conditions and desired results described in the Draft General Plan Update?
3. The Draft General Plan Update includes the following guiding principles for directing and managing future growth, developed with extensive input from the citizens of Tulare County at numerous public workshops and hearings.

- a. *Promote reinvestment in existing communities and hamlets in a way that enhances the quality of life in these locations*
- b. *Protect the county's important agricultural resources and scenic natural lands from urban encroachment*
- c. *Strictly limit rural residential development potential in important agricultural areas outside of communities, hamlets and cities (i.e., avoid rural residential sprawl.)*

To what extent is the proposed Yokohl Ranch development amendment consistent with, or contradictory to, these goals? Please discuss the ways in which transforming scenic grazing lands into a new city would protect those lands from urban encroachment and rural residential sprawl.

How would the direct conversion of over 9000 acres of grazing land and scenic open space, in addition to the cumulative, growth inducing impact on ranches and other agricultural and open space areas in the vicinity of the proposed development, contribute to achieving the Draft General Plan Update goals?

### **2.3.1 General Plan Amendment**

4. Is the proposed Yokohl Ranch amendment consistent with, or contradictory to, protections for Foothill Agriculture in the Foothill Growth Management Plan (FGMP)? Please discuss:
  - a. How would the proposed "Planned Community Area" (PCA) amendment to the Foothill Growth Management Plan affect this primary FGMP objective: "Maintain the agricultural viability of the foothills by identifying areas to be maintained or encouraged for intensive and extensive agricultural uses?"
  - b. The FGMP, Chapter 3, states: "A new foothill agriculture zone has been added to the zoning ordinance which is specifically tailored for the protection and maintenance of these (extensive agriculture) lands." Why was the Yokohl Ranch project site designated as land appropriate for "Extensive Agriculture" within the current FGMP, to be protected and maintained as agricultural land within the Foothill Agriculture zone?
  - c. What is the total acreage of land currently protected from development by the FGMP "Foothill Agriculture" designation throughout the foothills that could potentially be converted to non-agricultural uses under the new "Planned Community Area" designation?
  - d. Why wasn't the Yokohl Ranch project site considered an appropriate location for designation as a foothill development corridor when the FGMP was adopted?
  - e. Have any of the physical, biological, archaeological, agricultural, aesthetic or other 'factors of special concern' changed or become less important since the time when the Yokohl Ranch project site was designated for Extensive Agriculture within the Foothill Agricultural zone?

- f. How would the PCA amendment to the FGMP conform to the following FGMP goal: “Insure that new development be designed in a manner which minimizes grading, vegetation disturbance, and intrusion into natural watercourses, canyons and prominent landmarks, or rare and endangered species sites?”
- g. How would the PCA amendment to allow the Yokohl Ranch development along Yokohl Valley Drive affect this FGMP goal: “Provide local protection of scenic highways and roads within the foothills?”
- h. How would the PCA amendment conform to the following FGMP water protection policies: “Discourage location of development in close proximity to watercourses (riparian woodlands); assure that drainage patterns of foothill developments are designed to prevent contamination and sedimentation due to soil erosion; prohibit development of residences or permanent structures within the 100-year floodplain?”
- i. How would the PCA amendment conform to the following FGMP soil protection policies: “minimize soil disturbance by encouraging cluster-type development and narrower road widths, and minimizing cut and fill projects; restrict the removal of natural vegetation, except for wildland fire prevention purposes?”
- j. How would the PCA amendment conform to the following FGMP flora and fauna policy: “Restrict development in chaparral since these areas present extreme wildland fire potential?”
- k. How would the PCA amendment conform to the following FGMP air quality policy: “Discourage the scattering of development throughout the entire foothill region to reduce vehicular emissions by decreasing home to destination distances; encourage the concentration of development along major travel routes to allow for future public transportation services and minimize travel distances to frequently used facilities?”
- l. How would the PCA amendment to the FGMP conform to the following water and sewer facility policy requirement: “Require evidence, prior to project approval, which (1) describes a safe and reliable method of wastewater treatment and disposal; and (2) substantiates an adequate water supply for domestic and fire protection purposes?”

Chapter Four of the proposed amendments to the Foothill Growth Management Plan, written to allow “Planned Community Areas” on agricultural lands where such development is currently prohibited, states (2/13/07 “Yokohl Ranch Proposed Amendments”): “In certain instances, the objectives of the General Plan, including the FGMP, and Zoning Ordinances are best achieved by the development of large land tracts in a coordinated and comprehensive fashion with individualized comprehensive planning and development strategies, so as to take advantage of the superior environment which can result from large scale community planning and coordinated implementation....”

In which instances are the objectives of the General Plan and FGMP (including objectives such as “maintaining the agricultural viability of the foothills by identifying areas to be maintained or encouraged for intensive and extensive agricultural uses” and

“discourage the scattering of development throughout the entire foothill region to reduce vehicular emissions by decreasing home to destination distances” best achieved by development on large tracts of land currently protected from development by the FGMP? How is “best achieved” defined?

In what way would the goals of the General Plan and FGMP be “best achieved” by planned community areas outside of urban development boundaries, as opposed to within urban development boundaries? How is “superior environment” defined, particularly in relation to the currently protected agriculture and natural open space environment that would be opened to urban development by the “Planned Community Area” amendment?

### **2.3.3 Yokohl Ranch Master Development Plan**

The EIR must thoroughly analyze the proposed draft of the “Master Development Plan” for Yokohl Ranch, prepared in the Boswell Company’s 2/13/07 Yokohl Ranch proposal.

The introduction to the proposed Master Development Plan (MDP) states: “The plan for development of Yokohl Ranch is science-based, long-term open space preservation/management...in the Yokohl Valley.”

In which ways is the Yokohl Ranch MDP “science-based?” What are the quantitative, objective, peer-reviewed methods that would be utilized to substantiate these claims?

How is the MDP a “long-term open space program,” considering the development proposal would convert over 9000 acres of open space currently restricted to extensive agricultural use into sprawling urban development? Since the Foothills Growth Management Plan mandates that 100% of the land proposed for the Yokohl Ranch development remain open space, can large-scale urban development of that open space be fairly termed a “long term open space program?”

The background chapter of the 2/13/07 proposed Yokohl Ranch Master Development Plan draft, pg. I-2, states that the intent of the MDP is to:

- Anticipate and manage the increasing demands associated with Tulare County’s current and future unprecedented population growth over the next two decades
- Maintain Tulare County’s proud and essential rural heritage through land use plans that place development in the foothills on low quality agricultural lands, thereby redirecting growth away from prime agricultural areas on the valley floor; and
- Assist the County in protecting the local quality of life and retaining the character of neighboring communities while conserving natural resources and preserving habitat and open space.

The EIR must scrutinize and discuss these project purposes and need statements in relation to the actual needs of Tulare County and the desires of its residents, including consideration of the following comments and questions:

The NOP for the Yokohl Ranch EIR lists as a potential significant impact the potential growth-inducing impacts of the proposed project. The EIR must clearly analyze the extent to which the proposed development would induce growth, as opposed to “anticipate and manage” growth.

Is the purpose of the proposed Yokohl Ranch project to accommodate the currently projected population growth for Tulare County, or is it instead to induce people to move to this particular “planned community” development who otherwise would not have moved to Tulare County? Descriptions of the target audience for the development, price range/affordability of Yokohl Ranch homes relative to the median income of Tulare County residents, and related factors must be considered when evaluating whether the proposed Yokohl Ranch project would be fundamentally growth-inducing versus growth-absorbing.

The Yokohl Ranch development would include golf courses, a convention center, commercial and retail office space, hotels, restaurants, and related tourist amenities in a bid to become a destination resort.

In what ways would the full slate of destination resort and intensive commercial/retail development components help achieve the stated purpose and match the stated need for the project? Does the inclusion of these tourism and commercial aspects of the development make it more likely that the overall project will be growth-inducing, rather than growth-absorbing?

How would the destination resort component of the project “assist the County in protecting the local quality of life and retaining the character of local communities?” How would the increase in traffic, air pollution, noise, diverted water, etc. caused by the proposed Yokohl Ranch project contribute to, rather than detract from, the quality of life of residents in Tulare County’s existing communities? How would replacing grazing lands for cows with golfing lands for conference-goers help “maintain Tulare County’s proud and essential rural heritage?”

The EIR must provide a critical, detailed analysis of current and projected demand for new housing in Tulare County in the price range that would be offered at the proposed Yokohl Ranch development, measured against the existing and projected future supply of housing in that price range in the County. Is the County experiencing or foreseeing a shortage of housing in that price range? What percentage of the currently projected population for Tulare County would qualify in terms of income to live at the proposed Yokohl Ranch development; would this percentage be likely to need 10,000 new houses in that price range within that timeframe? (Please refer to related questions and comments in the population and housing section below.)

Need for new cities/growth outside of existing development boundaries?

Is the proposed Yokohl Ranch development amendment consistent with, or contradictory to, Tulare General Plan policy PF-5.1, which states:

“The development of new communities should be discouraged at least to the extent that haphazard attempts at community development away from established urban centers should be discouraged. However, should circumstances appear to justify development of a “planned” community....it would have to be judged on its individual merits and functions as it would affect the area as a whole and other policies and proposals of the General Plan.”

In regard to any “circumstances that appear to justify development of a planned community” (General Plan policy PF 5.1) and assertions that the proposed Yokohl Ranch project is needed to accommodate anticipated growth, the EIR must disclose whether land outside of existing urban and hamlet boundaries is required to meet growth projections contained in the draft General Plan Update. In answering this question, the EIR must reference a study prepared by Tulare County consultants, which found that over 950,000 people could be accommodated within existing development boundaries, and that over 826,000 people could be accommodated within the development boundaries of the incorporated cities alone (Tulare County General Plan “Policy Alternatives,” p. 9).

If, as Tulare County’s consultants have concluded, all projected population growth in Tulare County can be accommodated within existing urban growth boundaries, the EIR must disclose the specific need to amend the FGMP and General Plan to allow the proposed Yokohl Ranch project to be developed outside of existing growth boundaries on protected agricultural land. Since existing development boundaries have more than enough capacity to absorb the population of 630,000 people projected in the General Plan Update, in what way would the proposed Yokohl Ranch development be justified by current or projected growth circumstances?

The EIR must analyze whether any land currently protected by “foothill agriculture” zoning is needed to accommodate projected population growth through the General Plan Update planning horizon (and the planning horizon of the proposed Yokohl Ranch development). In answering this question, the EIR should consider the following scenarios:

How much new population could be accommodated within the existing development footprint (e.g., infill) of Tulare County’s existing urbanized areas if density were increased from current levels to 10 people per acre? to 14 people per acre? to 30 people per acre? Please analyze a scenario where density per acre within existing development boundaries gradually increases over the next 30 years.

## **2. Conceptual Land Use Approach, draft MDP.**

The “four guiding principles” of the proposed Yokohl Ranch MDP include the following plan features:

- Development of some of the grazing lands would help reduce development on the prime agricultural fields of Tulare County’s valley floor
- Development would occur where it should – on the lower quality agricultural lands within Yokohl Ranch to help ensure the agricultural heritage of Tulare County in the valley

If the Yokohl Ranch project would induce growth, rather than accommodate the projected population increase in the County, how would the development make it any more likely that “prime agricultural fields” on the valley floor would be saved from development? By setting an example of extensive, sprawling greenfield development, would it not instead be more likely to encourage additional and accelerated inefficient greenfield development of “prime agricultural fields” on the valley floor? What, if any, lasting protections would be given to prime agricultural lands in exchange for allowing development of the Yokohl Ranch site? Are permanent agricultural easements proposed to mitigate for the loss of the grazing lands proposed for development, and at what ratio? Is development of ANY grazing land in Tulare County, particularly land currently protected as Foothill Agriculture, necessary to help reduce development on the “prime agriculture fields” of Tulare County’s valley floor? Could foothill agriculture and prime agriculture fields on the valley floor both be protected by more efficient development within existing urban boundaries?

- The water for residents of Yokohl Ranch would be provided by the J.G. Boswell Company with no impact to existing County residents

The EIR must thoroughly investigate and analyze the validity of this claim. We have provided extensive questions and concerns in the water quality and public service sections below. The EIR should state what “no impact” means, in consideration of all uses of water down gradient from the points that it would be diverted to supply the needs of the proposed Yokohl Ranch development. Does the term, “existing” County residents, refer to those currently here, as well as all future generations who will live in the County? Do “residents” include wildlife?

- Science-based land use planning will ensure that homes within Yokohl Ranch are carefully placed to allow for habitat protection

Please provide a definition of “science-based land use planning,” and explain how it will be applied in the proposed Yokohl Ranch development. Does “science-based” land use planning account for all of the ecosystem functions and wildlife habitat that would be

impacted by the direct and indirect impacts of all proposed construction activities and all uses of the proposed site at build-out? In keeping with scientific methodology, please provide peer-reviewed, quantitative analyses of any approaches that are termed “science-based.”

### **Public Facilities and Financing**

What sort of guarantees does Tulare County have that the development would actually pay its own way?

## **Environmental Impacts**

### **3.4.1 AESTHETICS**

#### **a) Substantial adverse effects on a scenic vista**

The EIR must include a visual/scenic simulation, which presents photos of the proposed Yokohl Ranch site in its current state, then overlaid with the proposed Yokohl Ranch development at full build-out. These visual simulations should be depicted from each scenic view point within the proposed development area at full build-out, and include views from Yokohl Drive and other key observation points. The scenic simulations should contain a representation of all development and uses of the site at build-out, including automobiles, parking lots, power lines, etc.

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

The EIR must disclose:

- The number, type, size, and age of trees slated for removal
- The number, placement and characteristics of rock outcroppings that would be impacted by the project.

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

The EIR should discuss the extent to which the Yokohl Ranch development proposal is consistent with the following goal contained in the Tulare County Draft General Plan Update: *Protect the county’s important agricultural resources and scenic natural lands from urban encroachment*

The EIR must provide precise descriptions of the expected scenic damage at project build-out to vegetation, natural features and landforms. The EIR must describe the scenic impacts caused by road widening, traffic and related pollution that obscures scenic views,

new power lines, light and glare and the myriad other ways in which the current pastoral landscape would be cluttered with residential, commercial, and resort development. The scenic evaluation must include all indirect and secondary scenic impacts as well, such as likely residential or urban development of neighboring properties.

The NOP states that “70% of the property would be designated as Open Space which would retain the environmental protection, natural character and regional agricultural setting for those areas of the project site.”

The EIR must analyze and describe the extent to which urban development planned for 30% of the project site will affect the visual character of the 70% to remain in open space. For example, how will disruption and destruction of wildlife habitat, alteration of surface water flows, grading, dust, excavation, erosion, runoff, flooding, hiking and biking trails, emergency access roads, public infrastructure facilities, introduction of tens of thousands of additional cars, widened roads, increased vehicle exhaust, increased light and glare, and extensive grading and development of parcels contiguous to the designated open space areas affect the “existing visual character or quality” of the portion of Yokohl Valley to remain in “open space?”

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

The EIR must describe the current view of the night sky in the Yokohl Valley area proposed for development (celestial viewshed), and quantify how that view would be diminished by the proposed city. The EIR must also describe the impact on night sky views to neighboring parcels and communities.

The EIR must also address the potential effects of light pollution on wildlife, including disruption of habitat, nesting sites, etc.

### **3.4.2 AGRICULTURAL RESOURCES**

**a) Convert farmland to non-agricultural use**

Do the agricultural conservation policies of the Tulare County General Plan and Foothill Growth Management Plan require evaluation of project need when converting agricultural lands to non-agricultural use?

The EIR should discuss the extent to which the Yokohl Ranch development proposal is consistent with the following goals contained in the Tulare County Draft General Plan Update:

- *Protect the county’s important agricultural resources and scenic natural lands from urban encroachment*

- *Strictly limit rural residential development potential in important agricultural areas outside of communities, hamlets and cities (i.e., avoid rural residential sprawl).*

The EIR must disclose the number of acres currently used for grazing that would be directly lost to urban uses, as well as the number of acres that would be taken out of grazing due to indirect effects, such as increased noise, lighting, traffic, air and water pollution, incompatibility of a neighboring urban environment with grazing, etc.

Ranchers with grazing land adjacent to the proposed Yokohl Ranch project have expressed concern that the development would end grazing in Yokohl Valley and beyond. The EIR should describe effects on neighboring ranches and ranching in general in the County's foothills:

- How would the Yokohl Ranch development affect the viability of neighboring ranches?
- How many total acres of grazing and/or farming land might be lost as a result of the urban development in Yokohl Valley?
- What are the potential growth-inducing, cumulative impacts on farmland and grazing land adjacent to the proposed development area?
- How would approval of the Yokohl Ranch development contribute to land use conflicts, increases in land values and taxes of nearby ranches, and increasing pressure to develop, both there and in other foothill areas?

The EIR must address the potential cumulative impact to agricultural resources in Tulare County that could result from the adoption of the proposed amendment to the Foothill Growth Management Plan:

- How many acres of prime farmland, unique farmland, farmland of statewide importance and/or grazing lands will be opened to potential "planned community" development if the proposed amendment to the Foothill Growth Management Plan is adopted (allowing land zoned for Foothill Agriculture to be re-classified as Planned Community Areas)?

The EIR must describe mitigation measures proposed for the loss of farmland and grazing land.

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

The EIR should address the following comments related to cancellation of Williamson Act contracts, which were submitted to Tulare County as of 5/25/06 by the CA Department of Conservation, as EIR scoping comments for the Tulare County General Plan:

“A project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres [California Code of Regulations Section 15206 (b) (3)]. The (Conservation) District recommends that the following information be included in the EIR:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The EIR should also tabulate the number of Williamson Act acres, according to land type, which could be impacted directly or indirectly by the project.
- A general discussion of Williamson Act contracts that may be terminated in order to accommodate the project. The EIR should discuss the impacts that termination of Williamson Act contracts would have on nearby properties under the contract, i.e., growth inducing impacts (in the sense that removal of contract protections not only lifts a barrier to development, but results in higher property taxes, and thus, an incentive to shift to more intensive land use, such as urban development.)

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for “extraordinary” unforeseen situations (See *Sierra Club v. City of Hayward* (1981) 28 Cal.3d 840, 852-855). The County must approve a request for contract cancellation, and base that approval on specific findings that are supported by substantial evidence (Government Code Section 51282).

An agricultural preserve is a zone authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under the Act’s 10 year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Therefore, the use of agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve.”

The EIR should provide all information requested above for the proposed Yokohl Ranch development site.

Since steps have been taken by the developer to cancel Williamson Act contracts, the EIR must contain a discussion of the findings necessary to cancel the contracts. Cancellation of a Williamson Act contract requires elected officials to vote in support of a number of required findings, findings that may or may not be valid. The EIR must disclose and discuss all of the findings required by Tulare County and other entities to cancel the Williamson Act contracts within the proposed Yokohl Ranch development site.

- The EIR should discuss findings required that no proximate non-contracted land is available and suitable for urban use. The California Supreme Court has stated, “Under some circumstances land several miles from the proposed

development site may be near enough to serve the same purposes. We therefore hold that ‘proximate’ property means property close enough to the restricted parcel to serve as a practical alternative for the proposed one.” [Sierra Club v. City of Hayward (1981), 28 Cal. 3d 840, 861]

- The EIR should describe the public purposes to be achieved by the proposed Yokohl Ranch development that will be said by Tulare County to outweigh the objectives of the Williamson Act.
- If the need for new housing to accommodate expected new growth is put forth as an overriding concern, the EIR must provide documentation to substantiate this claim, including an analysis of current supply and demand for housing in Tulare County, the affordability of proposed housing for Tulare County residents, etc. The need for new housing at the price range to be offered at the proposed Yokohl Ranch, and the need for a new destination resort, should be compared with the need to protect Tulare County’s agricultural lands and scenic open space lands, including grazing lands.

**c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use**

The EIR must analyze the direct, indirect and growth-inducing environmental impacts of the proposed 29,000 person Yokohl Ranch development. The EIR should disclose whether development of Yokohl Ranch would increase the likelihood that adjacent or nearby properties would be developed into more intensive residential and/or urban uses.

The EIR must analyze all adverse impacts that would be caused by diverting Kaweah River water from agricultural irrigation to the proposed Yokohl Ranch development. How many acres of farmland will no longer be viable, and converted to non-agriculture use, when water is diverted to the development?

### **3.4.3 AIR QUALITY**

Tulare County already suffers from some of the worst air quality in the nation. The people of Tulare County have emphasized repeatedly that improvement in air quality is their highest priority for the County’s goals. The EIR should include public input on air quality concerns generated at public workshops, hearings and other forums in the development of the Tulare County General Plan Update.

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

The EIR must examine how the Yokohl Ranch development would affect regional air quality and compliance with the Clean Air Act and the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards, regulations and rules. The EIR should also include an independent critique of project air pollution impacts from the SJVAPCD.

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation**

The San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM 2.5). The EIR must describe how any net increase in PM10, PM 2.5, and ozone will exacerbate the degree to which Tulare County is in violation of these standards.

The EIR must analyze the impact of suspended and drifting dust from roads, disturbed lands and construction sites.

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

The EIR must provide baseline data for current air pollution figures, including for PM10, PM 2.5 and ozone, and provide data on expected increases to baseline air pollution figures that will result from the proposed Yokohl Ranch development at build-out.

The assessment of air quality impacts for the EIR must include methodology, model assumptions, inputs and results for pollutant emissions. The SJVAPCD recommends utilization of the regional transportation model to evaluate traffic-related emissions of the development. The EIR should explain the model being used to assess air pollution impacts of the Yokohl Ranch development, and justification for that decision.

In addition to air pollutants emitted by activities of residents of the Yokohl Ranch development at build-out, the EIR must analyze and disclose all sources of air pollution that will be caused by the proposed development, during construction and at buildout, including:

- Transportation of construction materials to the project site, and operation of construction vehicles
- Construction worker vehicle trips to and from the site
- Service workers traveling to/from Yokohl Ranch (e.g., housekeepers, landscapers, hotel employees, conference, resort and golf course employees, commercial and retail employees) and also tourists and visitors to the resort and golf courses
- Air conditioning, heating, pumping and treatment of water, and operation of waste water treatment facilities

The EIR must provide specific mitigation measures that would offset all projected air pollution (including reactive organic gases, nitrogen oxides, PM 10 and PM 2.5) and related health impacts, and the basis used to evaluate the sufficiency and effectiveness of the proposed mitigation measures.

The EIR must address requirements of SJVAPCD’s new Indirect Source Review (Rule 9510), and disclose mitigation measures for emissions covered by the new ISR rule, as well as for emissions not covered by the rule.

The EIR for Tulare County’s Draft General Plan Update describes policies (e.g., land use policies 1.1, 1.2, 1.3, 1.4, 1.8) to reduce air pollution, including the following which are “designed to encourage economic and social growth while retaining quality of life standards”:

- smart growth and healthy communities
- innovative development
- prevent incompatible uses
- compact development
- encourage infill development

The EIR should address the ways that the proposed Yokohl Ranch development would conform to the above air-pollution reducing planning approaches. The extent to which the proposed development would meet these criteria should be evaluated in the context of existing land uses, traffic patterns, location of employment and shopping centers, etc. in Tulare County.

**d) Expose sensitive receptors to substantial pollutant concentrations**

In the last decade, the rate of childhood asthma has soared – in the Central Valley it has nearly doubled. Tulare County experiences some of the worst health conditions in the state, with avoidable hospitalizations about 20% higher than the statewide average, including diagnoses of asthma, congestive heart failure, diabetes, and hypertension.

The EIR must include data pertaining to current air pollution-related health problems in Tulare County. The EIR must provide analysis of expected air pollution-related health impacts, including projected incidences of air pollution-related diseases in residents of the proposed new city at Yokohl Ranch, as well as to residents within the Valley.

The EIR should incorporate statistics related to projected work days lost and premature deaths per year caused directly or indirectly by the additional air pollution that will be generated by the Yokohl Ranch development.

The Yokohl Ranch development is targeted in part to active retirees. The EIR must assess the impacts of projected levels of air pollution on an elderly population.

**e) Generate greenhouse gas emissions that would contribute to global climate change**

In the California Global Warming Solutions Act of 2006 (AB32), the State has declared, “Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California.” This legislation requires statewide greenhouse gas (GHG) emissions to be reduced to 1990 levels by 2020.

Reducing GHG emissions is a statewide priority, and the CA Attorney General has stated that lead agencies, such as Tulare County, have the responsibility under CEQA to address the issue.

The EIR must document the proposed project’s expected contribution to greenhouse gas emissions, and provide underlying models and data used to reach those conclusions. As part of this analysis, the EIR must inventory and quantify the current greenhouse gas emissions produced in the proposed project area and provide a detailed inventory and estimate of the GHG emissions of the project area during construction and at buildout, measuring emission from resident, tourist, employee and delivery vehicles, construction, power generation, wastewater treatment, etc.

The EIR should use the best greenhouse gas modeling tools available. The EIR should address the question: “Will the proposed Yokohl Ranch development project contribute to achieving the state of California’s CO2 reduction goal?”

The EIR must provide a cumulative analysis of the increase in greenhouse gas emissions that would be produced in Tulare County if all areas currently restricted to “Foothill Agriculture” were developed instead as planned communities, at the scale and intensity of the proposed Yokohl Ranch development.

The EIR must incorporate and analyze mitigation measures that would significantly offset the expected contribution of greenhouse gas emissions from the Yokohl Ranch development project.

The EIR should reference challenges to other California jurisdictions from the CA Attorney General and others for failure to mitigate greenhouse gas emissions associated with major new traffic-generating development proposals, including the following examples:

In a June 19, 2007, letter to the City of San Jose regarding its Coyote Valley Specific Plan, the California Attorney General stated, “More importantly, we note that the City has avoided its fundamental responsibility under CEQA to determine whether this

Project's contribution to the quintessentially cumulative problem of global warming is significant and, if so to require changes or mitigation that will avoid or reduce these impacts."

The August 21, 2007, agreement between the California Attorney General and San Bernardino County requires the County to add a policy to its General Plan that "describes the County's goal of reducing those greenhouse gas emissions reasonably attributable to the County's discretionary land use decisions and the County's internal government operations, and calls for adoption of a Greenhouse Gas Emissions Reduction Plan." In addition to requiring the County to inventory GHG emissions, the agreement requires the County to include in its Plan "a target for the reduction of those sources of emissions reasonably attributable to the County's discretionary land use decisions and the County's internal government operations."

The City of Rancho Cordova in its recent Rio del Oro Specific Plan EIR/DEIS stated, "A project would increase GHG (greenhouse gasses) above the (Global Warming Solutions Act of 2006) 1990 goal if it would result in generation of more than 2 tons of CO<sub>2</sub> per capita annually." The same document then computed that "approximately 6 tons of CO<sub>2</sub> /person would be generated by the project annually." Thus, "These emissions would be nearly 3 times the per capita level that would be needed to achieve 1990 GHG levels, if the goals of AB 32 were extended to all sources of emissions." Considering this information as well as the number of new residents of the project, the document concluded that, "The project would, therefore, contribute substantially to global warming impacts." A conclusion of substantial contribution and significance for the proposed Yokohl Ranch development could very well be the same, and the EIR should address this issue.

The Center for Biological Diversity (CBD) argues convincingly in their September, 2007, report entitled *The California Environmental Quality Act – On the Front Lines of California's Fight Against Global Warming* that "In light of the magnitude and scope of the climate change impacts facing California and the mandate of both the California Global Warming Solutions Act of 2006 and Executive Order S-3-05 that existing levels of greenhouse gases be significantly reduced, any new emissions generated by a project should be considered cumulatively significant."

The EIR should discuss this statement, and consider its applicability to the Yokohl Ranch proposal. The EIR should state that greenhouse gas emissions from the proposed Yokohl Ranch development must be mitigated, and must identify specific mitigation measures sufficient to offset the proposed impacts.

The EIR should compare CO<sub>2</sub> impacts projected to occur as a result of the Yokohl Ranch development with those that would occur if a development of comparable population were built using smart growth principles. In answering this question, the EIR should reference a September, 2007 report prepared by the California chapter of the American Planning Agency titled, "Planning Policy Principles for Climate Change Response." Its suggestions for reduction of greenhouse gas emissions include mixed land use, higher

densities (especially around transit), affordable housing, compact form, non-motor vehicle circulation, water and energy conservation, and other strategies.

The EIR should analyze the degree to which the proposed Yokohl Ranch development utilizes APA's suggested planning policy principles, particularly non-motor vehicle circulation, higher densities around transit, and affordable housing.

### **3.4.4 BIOLOGICAL RESOURCES**

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

The EIR must include an exhaustive survey of all sensitive and endangered and threatened plant and animal species in the Yokohl Valley area, including migratory species. A thorough biological study must be conducted and documented, using approved and up-to-date protocols. The EIR must disclose the survey methods used to conduct biological assessments of the project area.

The EIR should reference the "Recovery Plan for Upland Species of the San Joaquin Valley," adopted by the U.S. Fish and Wildlife Service in 1998, and the "Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon", adopted by the U.S. fish and Wildlife Service in 2006, and discuss ways in which the proposed Yokohl Ranch development is consistent with, or contradictory to, the findings and recommendations of these reports.

#### Oak Woodlands

Oak woodland runs through the foothills of Tulare County, covering a vast, relatively uninterrupted landscape. The woodland ecosystem provides a home to many species, including mountain lion, mule deer, and raptors, which depend on a large, interconnected ecosystem to maintain viable populations. Yokohl Ranch is in the middle of what is presently a large, relatively unfragmented stretch of blue oak woodland.

The EIR must evaluate the extent to which the proposed Yokohl Ranch development would divide the current range of blue oak woodland into two fragments, and its potential impacts, including the possible disturbance or disruption of the north-south gene flow of blue oak woodland species and disturbance or interruption of migration patterns of any wildlife and bird species.

The migration patterns of local wildlife species should be included in this EIR analysis, along with an evaluation of the effect of the proposed Yokohl Ranch development on blue oak, wildlife and bird species.

The EIR must describe the way in which the project would comply with California Senate Bill 1334, an oak woodland protection bill passed into law in 2005. The draft Yokohl Ranch Master Development Plan states that the project will set aside 70% of the property for open space. The proposed development, however, is spread throughout the property, having a much larger on-the-ground impact than the purported 10,000 acres. The impacts of structures and roadways extend far beyond their physical location. Native species have reduced survival and reproduction rates near homes and roadways. The zone from which an ecological impact of houses and roads is seen on plant and wildlife communities is termed the “Disturbance Zone,” and can stretch several hundred meters around buildings and roads. When including disturbance zones in the calculation for development impacts, the area of impact increases greatly. The EIR should include disturbance zones in its evaluation of cumulative impacts on native wildlife, wildlife habitat and plant species.

### Impact of Domestic Pets on Native Wildlife

What impact will the introduction of probably thousands of domestic pets brought in by residents of the proposed project have on wildlife in Yokohl Valley, including cat prey such as birds, lizards and toads? What is the likely population of dogs, and what impact will that population have on water quality, noise, bird populations, etc?

The EIR must analyze the impact of roads and increased auto traffic on wildlife and wildlife habitat.

What impact will the usage of household, commercial, golf course, landscaping, and other pesticides and fertilizers have on wildlife?

The EIR must analyze and describe the extent to which urban development planned for 30% (over 10,000 acres) of the project site will directly or indirectly affect wildlife, vegetation, and habitat in the area of the project slated to remain as “open space.” For example, how will plant and wildlife habitat be affected by alteration of surface water flows, grading, excavation, hiking and biking trails, emergency access roads, public infrastructure facilities, introduction of thousands of new cars, widened roads, increased vehicle exhaust and extensive grading and development of parcels contiguous to the designated open space areas, and greatly increased noise, lighting and human presence?

The EIR should identify whether *Sidalcea keckii* (Keck’s Checkerbloom) is present within the proposed development area.

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

The EIR must fully disclose and describe all potential impacts to riparian habitat and other sensitive natural communities caused by the diversion of water from the Kaweah

River for the proposed project, loss of groundwater recharge areas, diminishment of groundwater resources, lowering of water tables, and related factors. The EIR must also fully address the potential impacts to Yokohl Creek and Horse Creek and their tributary waterways as a result of the construction and operation of the proposed project.

The EIR should address the following requests for protection of riparian habitat, submitted by the California Regional Water Quality Control Board, Central Valley Region, on 5/30/06, as comment on the NOP for the Tulare County General Plan:

“Please analyze the regional importance of movement corridors in and along waterbodies, the potential effect of disrupting such corridors, and the potential for enhancing such corridors through mitigation measures. Include information regarding any sensitive plant and animal species that likely utilize the corridors. Please identify any impacts to riparian or other waters that could compromise future remediation of existing connectivity barriers.”

**c) Have a substantial adverse effect on federally protected wetlands**

The EIR should address the following demands for identification of affected waters, submitted by the California Regional Water Quality Control Board, Central Valley Region, on 5/30/06, as comment on the NOP for the Tulare County General Plan:

“Please map all waters of the State, as defined by CWA Section 13050(e), potentially affected by the development proposed...and list them in appropriate tabular format, organized by waterbody type. Include wetlands, riparian areas as defined by the National Academy of Sciences, and “isolated” waters. For waterbodies expected to be directly affected, identify the approximate acreage and (for drainage features) the number of linear feet directly impacted and sum the total affected acres and linear feet by waterbody type. Identify any “isolated” wetlands or other waters excluded from federal jurisdiction by court decisions.”

The EIR must describe all direct development impacts to wetland areas described in the passage above, as well as indirect impacts caused by diversion of surface water for development. How many acres of wetlands would be directly or indirectly impacted by the development in each phase, and at build-out? What form of mitigation is proposed, and what evidence exists that the proposed mitigation will be successful in offsetting lost wetland functions? How will loss of wetlands affect rates of flooding and volume of flood waters, stream bank erosion, water quality, and riparian and aquatic habitat?

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites**

Blue Ridge National Wildlife Refuge (BRNWR), established in 1982, consists of two plots equaling nearly 900 acres on Blue Ridge, eleven air miles north of Springville. More information can be found here: [www.fws.gov/hoppermountain/Blueridge](http://www.fws.gov/hoppermountain/Blueridge)

Blue Ridge National Wildlife Habitat Area consists of 11,000 acres set aside as an important roosting area located close to an historic nesting and foraging habitat for the California condor. This Habitat Area is owned by three private owners (J.G. Boswell is one with adjacent property to the 900 acre BRNWR) and four public owners, USFWS, USFS, BLM and CA Dept. of Fish & Wildlife.

BRNWR and BRNWA were declared in 1982 to be critical habitat on the basis of their importance as a traditional roosting area for condors. One month after its release back into the wild, condor AC-9 (stud Book 21) ventured to BRNWR for a couple of days in June, 2002, the first such use since the 1980's.

According to maps and documents contained in the *Recovery Plan for the California Condor*, published by the US Fish and Wildlife Service (1996), 75% of J.G. Boswell's Boston Ranch property, proposed as the site of the Yokohl Ranch development, is in the Critical Habitat for the recovery of the California condor.

The EIR must discuss the status of the proposed Yokohl Ranch development site as critical habitat for the California Condor, as well as any restrictions that exist prohibiting development or destruction of California Condor critical habitat.

### **3.4.5. CULTURAL RESOURCES**

- a) Cause a substantial adverse change in the significance of a historical resource**
- (b) archaeological resource c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature**

The EIR must describe all historic uses of Yokohl Valley, particularly all uses by American Indian tribes. All areas of the proposed development site considered to be of spiritual, cultural, historical, archaeological, paleontological, etc. significance by tribes with roots in Yokohl Valley, and/or by historical societies must be clearly noted, along with expected impacts to these sites.

- d) Disturb any human remains, including those interred outside of formal cemeteries**

Describe the discovery method that will be used to determine presence of burial sites within Yokohl Valley. What form of consultation with tribes with historic roots in Yokohl Valley has occurred to date? What sort of proof will be required of the presence of burial grounds?

### **3.4.6. GEOLOGY AND SOILS**

- a) Expose people or structures to potential adverse effects, including the risk of loss, injury or death**

The EIR must fully disclose and describe all recorded earthquake effects that have occurred in the project area, including the effects of the 1993 Mammoth Lakes earthquake.

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

Yokohl Valley has rocky ground with thin layers of topsoil. The EIR must fully describe soil characteristics and the impacts to soil types present within the proposed development area of intensive grading and construction activities.

What is the total area of topsoil that will be disturbed or removed for grading, construction and related purposes? What methods of grading, clearing and related activities will be used during construction, and what rates of erosion are associated with these methods? What is the volume of cut and fill that will be generated by the project? What is the expected increase in soil erosion that will be caused by all construction and development activities at each phase of the development and at build-out? What soil erosion model will be used to calculate anticipated soil loss? What forms of best management practices and mitigation measures will be used to offset the anticipated increase in erosion levels?

- c) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water**

Rocky ground with thin topsoil is not acceptable soil for septic tanks or alternate wastewater disposal systems, which may be proposed for use in phases II and III of the proposed project. The EIR must analyze the impacts of septic systems or alternate wastewater disposal systems proposed in any phase of the project, including impacts to surface water and groundwater.

### **3.4.7. HAZARDS AND HAZARDOUS MATERIALS**

The EIR must analyze the risks of wildfire that will be created by the development, and also the acreage of new development and the approximate number of dwelling units that would be placed in areas at high risk of wildfire. The EIR must disclose the cost of providing adequate fire fighting capability to protect the Yokohl Ranch development during construction and at full build-out. The EIR must also disclose and adverse impacts on fire protection services for existing communities that would occur in a scenario where adequate funding is not provided for the Yokohl Ranch project by its developers.

The EIR should analyze the adverse impact of creating fire defensible space around residential parcels, including on wildlife habitat, wildlife corridors, erosion, runoff and flooding.

### **3.4.8. HYDROLOGY AND WATER QUALITY**

#### **a) Violate any water quality standards or waste discharge requirements**

The EIR must provide baseline data on existing water quality in Yokohl Creek and Horse Creek and their tributary watercourses, and compare that with quality expected at build-out of the proposed Yokohl Ranch development. The EIR must project all water quality impacts, including impacts related to loss of natural infiltration areas, increase in impervious surfaces, greater volume of stormwater runoff with its pollutant load, streambank erosion and sediment delivery, flooding, construction impacts, all automobile-related pollution sources including oil and fuel, and atmospheric deposition of nitrogen from vehicle exhaust.

The NOP states that the proposed project would restore, enhance, and relocate portions of Yokohl Creek.” The EIR must explicitly state how Yokohl Creek would be restored and enhanced, and what sort of evaluation measures will be used to determine success in achieving these goals.

The EIR must describe the plan for relocating Yokohl Creek. Is the creek being moved back to, or away from, its original meander? Will the creek gain added sinuosity, or will it be straightened? How frequently does the creek overbank historically, and how frequently is it expected to overbank after it is “relocated, restored and enhanced?” How will relocation of Yokohl Creek affect streambank erosion dynamics?

What is the size of the Yokohl Creek floodplain, and what will be the size of its floodplain after the creek is relocated, restored, and enhanced? Will the total area of floodplain receiving overbank flow increase or decrease post-relocation? Describe the amount and type of any development planned in the current or post-relocation floodplain of Yokohl Creek. What is the total increase in impervious coverage that will be placed in the Yokohl Creek watershed at project build-out, what volume of stormwater runoff is projected from this increased area of impervious coverage, and what are the expected impacts to Yokohl Creek, including impacts such as streambank erosion/sediment delivery caused by increased volume and velocity of water, increased flooding, increased delivery of pollutants, etc.?

The EIR must analyze and disclose all golf course and public landscape related impacts on groundwater, surface water, wildlife, etc. in the proposed project area and additional potentially affected areas down gradient from the proposed golf courses and landscaping, including impacts from heavy irrigation, fertilizers, and pesticide and herbicide use.

The EIR should analyze the impacts to Yokohl Creek, the Horse Creek drainage, the planned reservoir, and other nearby water bodies of atmospheric deposition of nitrogen (from NOX) and other pollutants from vehicle exhaust emitted due to construction and ongoing operation of the proposed project.

**a) Substantially deplete groundwater supplies**

The NOP states that groundwater extraction has not been ruled out as a water resource for the proposed Yokohl Ranch development. Tulare County is already in a critical groundwater overdraft condition, accounting for 56% of the state of California's overdraft. The EIR can not defer analysis of groundwater impacts until Phases II and III of the development; these impacts must be analyzed prior to request for approval of any zoning change or request for approval of any Master Development Plan

- Will groundwater, diverted water from the Kaweah River or other sources, be sufficient in the long term for the build-out of the proposed Yokohl Ranch project? What effect would increased groundwater pumping for the proposed Yokohl Ranch development have on groundwater levels and on water quality? How would potential lowering of groundwater levels affect nearby agricultural wells?
- What adverse impacts to streams, intermittent streams, water retention basins, springs and vernal pools would be caused by groundwater extraction for the project?
- What would be the adverse impacts of groundwater extraction and diversion on streams and springs in the Yokohl Valley area or on down gradient uses of groundwater (e.g., domestic use and irrigation)?
- What are the long-term competing uses for this groundwater, for the agricultural water, and for the recharge water?
- Are there any alternative long-term water supplies for the proposed development?
- What uncertainties are associated with long-term groundwater or alternative water supplies, including impacts of global climate change such as the projected decrease in annual snowpack?
- What are the environmental impacts associated with securing and delivering these supplies?

What would be the adverse impact of septic systems and “alternative systems” in Phase II and Phase III of the Yokohl Ranch development on groundwater and surface water in Yokohl Valley and in the area of the Horse Creek drainage?

**Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in b) substantial erosion or siltation on or off site, or c) flooding on the site**

**d) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff**

A comprehensive, detailed hydrological study – including mapping of streams, intermittent streams, vernal pools, springs, etc. – of the Yokohl Valley area that could be affected by the proposed project must be conducted prior to development of the Master Development Plan and any further consideration of the proposed project.

The EIR must provide data on the current hydrograph in Yokohl Valley, as well as the expected change in the hydrograph at each phase of the proposed development and at build-out of the Yokohl Ranch project. The EIR must address cumulative impacts to watershed hydrology and expected change in flooding conditions from all planned development and surface alteration in the project area, including effects of erosion, reduction of groundwater recharge areas, development on slopes, vegetation removal, loss of floodplain and wetlands and the replacement of pervious natural surfaces with impervious coverage and surface compaction.

The EIR must provide a quantitative analysis of the increased area of impervious cover at project build-out (from all residential, tourist, commercial, retail and other sites), with a corresponding analysis of runoff volume expected from the total impervious surface.

What percentage of the Yokohl Valley and Horse Creek subwatershed within the development footprint will be covered by impervious surfaces? The EIR should reference scientific literature on the relationship between percentage of impervious coverage in watersheds and degradation of water quality, such as is contained in the Impervious Coverage Model.

The EIR must disclose quantifiable measurements that will be used to assess the impacts of impervious coverage and all other alterations of the project site from its current condition, including projections comparing baseline and post-construction runoff volume, peak discharge, water infiltration rates, measurable levels of erosion, Yokohl Creek and Horse Creek drainage area stream bank erosion, increased sediment and pollution load, etc.

What type of stormwater drainage system is planned for the development, what volume of water will be generated during storms, and where will the water be discharged? The EIR should model different scenarios, including heavy rains, such as 20-year storm events. The EIR should consider the impacts of global climate change on anticipated volumes of stormwater, and the corresponding ability of stormwater treatment facilities to adequately handle the effects of increased runoff and erosion.

The EIR must include a discussion of the requirements of California Assembly Bill 162, including its implications for Tulare County's consideration of the proposed Yokohl Ranch development.

## 9. LAND USE AND PLANNING

### **b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect**

The EIR should discuss the degree to which the proposed amendment conforms with, or deviates from, goals contained in the existing FGMP and Tulare County General Plan, as well as the Draft General Plan Update. The EIR should include a discussion of the timing of the amendment, including the extent to which adoption of the amendment would aid or hinder the County's ability to achieve the stated goals of the Draft General Plan Update, including:

- *Provide opportunities for small unincorporated communities to grow or improve quality of life*
- *Promote reinvestment in existing communities and hamlets in a way that enhances the quality of life in these locations*
- *Protect the county's important agricultural resources and scenic natural lands from urban encroachment*
- *Strictly limit rural residential development potential in important agricultural areas outside of communities, hamlets and cities (i.e., avoid rural residential sprawl).*

The EIR must disclose the basis upon which a need for new individually integrated communities exists. The EIR must disclose the cumulative development-related impacts of the proposed amendment, County-wide. Will development pressures on valuable agricultural and open-space lands be increased, particularly those in proximity to the proposed Yokohl Ranch development?

The EIR must address the validity of the alleged need to update the Foothill Growth Management Plan (FGMP), as requested in detail above. TCCRG presented scoping comments for the General Plan EIR asking for the FGMP to be strengthened by requirements for cluster development within the foothill growth management area, as well as requirements for open space and density standards. Instead, the proposed Yokohl Ranch amendment would gut the FGMP by opening up Foothill Agriculture areas for leapfrog sprawl development. The EIR must fully disclose and discuss any rationale proposed for removing protections for areas zoned as "exclusive agriculture" within the FGMP.

Yokohl Ranch is currently within a "Foothill Agricultural Zone" (AF), where development is not permitted due to access constraints, excessive emergency response time, steep slopes, and biological or archaeological factors that prohibit safe

development. The EIR must clearly describe the findings that were made in the adopted FGMP to prohibit development in the Foothill Agricultural Zone, including the reasons that the Boston Ranch site, proposed to be developed as Yokohl Ranch, is contained within the Agricultural Zone. Similarly, the EIR must provide specific evidence that the factors which led to the classification of the area now proposed for development as a Foothill Agriculture zone have changed.

The EIR must explain which aspects of the Foothill Growth Management Plan are no longer important to the County, such that the Yokohl Ranch development project can be considered in an area previously deemed incompatible for such a use.

The NOP states that despite the development constraints contained in its Foothill Agriculture designation, the proposed amendment to reclassify the Boston Ranch property as a “planned community area” would make it suitable for urban development. The EIR must clearly describe if and how the proposed development would be incompatible with the resource protections in the current Foothill Growth Management Plan.

## **11. NOISE**

### **c) & d) A substantial permanent, temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project**

The EIR must include data on current average ambient noise levels, including analysis of peak noise events and one-hour averages (for multiple periods of the day and night) at the proposed project site with projected average, peak and one-hour events post-project build-out. Noise from all sources must be evaluated – construction, traffic and all development uses – both at the project site, and in nearby communities. The EIR should quantify the expected increase in noise levels that will be experienced by those living along travel routes to the proposed development site.

The EIR must describe the impact of increased noise on health and stress levels for humans living or working in or near the project site. What impact will permanent, temporary and periodic increases in ambient noise levels have on wildlife species and habitat?

## **12. POPULATION AND HOUSING**

### **a) Induce substantial population growth in an area, either directly or indirectly**

The NOP for the Yokohl Ranch EIR lists as a potential significant impact the potential growth-inducing impacts of the proposed project. The EIR must clearly analyze the extent to which the proposed development would *induce* growth, as opposed to “anticipate and manage” growth.

Is the purpose of the proposed Yokohl Ranch project to accommodate natural population increase of the County or is it instead to induce people to move to this particular “planned community” development who otherwise would not have moved to Tulare County? Descriptions of the target audience for the development, price range/affordability of homes relative to the median income of current Tulare County residents and related factors must be considered when evaluating whether the Yokohl Ranch project would be fundamentally growth-inducing versus growth-absorbing.

How many housing projects in the Tulare County have already been approved but have not yet been built? How many are in the pipeline? How many projected housing units are in these approved or anticipated but as yet unbuilt projects? Housing sales for medium and high-priced homes have dropped for both new homes and pre-owned homes in Tulare County, and throughout California. Please include a reference to a study on declining housing sales and median home prices in Tulare County and throughout California, released on 3/13/08 by DataQuick information systems.

What is the current demand for houses in the price range that will offered in the Yokohl Ranch development, versus the current supply of houses in that price range? Is Tulare County currently meeting, exceeding, or falling short of its requirement to provide a supply of homes in the price range that would be offered at the Yokohl Ranch development?

The proposed Master Development Plan draft (2/13/07) states that one goal of the Yokohl Ranch development is: “To promote new home opportunities for all economic levels, economic stability and the enhancement of property values.”

The EIR must describe the mix of housing proposed in the Yokohl Ranch development and whether the homes proposed would be affordable for typical residents of Tulare County, which has the lowest per capita income in California. The EIR must discuss whether the project meets the need for low income housing in the urban and hamlet communities.

How many employees is the proposed Yokohl Ranch development expected to generate? Will affordable housing, or workforce housing, for destination resort employees, firefighters, law enforcement, teachers and service workers be provided at Yokohl Ranch? Is there enough affordable housing in nearby communities to absorb the number of projected Yokohl Ranch employees? What percentage of the total workforce that would be required for all aspects of the Yokohl Ranch development would be met by Tulare County residents, versus those who would move to Tulare County for the employment opportunity?

The EIR must also analyze the expected increase in demand for affordable or workforce housing that would result from the cumulative and precedent-setting effects of the proposed FGMP and Yokohl Ranch development, such as additional planned community or destination resort developments.

The EIR should assess whether housing to be provided by the new development could not feasibly be built within an existing urban development boundary. This determination should be based on information provided in the County's housing element, as well as the housing elements of the city or cities within a 30 miles radius of the proposed Yokohl Ranch site.

In what ways would the full slate of destination resort and intensive commercial/retail development components help achieve the stated purpose and need for the project? Do the inclusion of these tourism and commercial aspects of the development make it more likely that the overall project will be growth-inducing, rather than growth-absorbing?

The EIR must include a full discussion of all indirect and cumulative growth-inducing impacts that would stem from approval of the Yokohl Ranch development:

- How would the Yokohl Ranch development affect the viability of neighboring ranches?
- How many total acres of grazing and/or farming land might be lost as a result of the urban development in Yokohl Valley?
- What are the potential growth-inducing, cumulative impacts on farmland and grazing land adjacent to or near the proposed development area?
- How would approval of the Yokohl Ranch development contribute to land use conflicts, and to increases in land values and taxes of nearby ranches, increasing pressure to develop?

### **13. PUBLIC SERVICES**

The EIR must evaluate the degree to which the amendment would force Tulare County's existing cities, hamlets and communities to compete with undeveloped land for investment dollars.

The EIR should compare the environmental and fiscal effects of well-designed infill development with the proposed Yokohl Ranch development, including land consumption, infrastructure costs and vehicle miles traveled per capita, 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 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 pattern. The EIR should include reference to the following studies and their conclusions:

A 1995 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.

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.

The EIR must address these relevant studies, and apply their findings to the proposed Yokohl Ranch amendment.

The EIR must document expected costs to Tulare County taxpayers that would result from the Yokohl Ranch amendment, including greater inefficiencies because of failure to utilize existing services, facilities, and infrastructure. Would the Yokohl Ranch development affect the ability of Tulare County and its communities to provide fire, sheriff, park and library services at or above existing levels?

Will the developer assume all financial responsibility for all infrastructure and services required by the new city, and what assurances does Tulare County have that this will be so? What if the developer files for bankruptcy?

Will existing school districts be adversely impacted by the Yokohl Ranch development, by overcrowding or by draining resources from existing schools and students?

The EIR must evaluate the total volume of trash that will be generated by all planned developments of and uses of the proposed Yokohl Ranch. The EIR must disclose how and where the trash from all of these sources will be disposed, and all related environmental and human health impacts.

#### **14. RECREATION**

What impact would the proposed Yokohl Ranch development have on recreation facilities in nearby Tulare County communities? Is the amount of park space planned for Yokohl Ranch sufficient for the planned population? What form of recreation access would be provided (i.e., motorized vs. non-motorized) and what would be the impact of those recreation forms on noise levels, wildlife, dark skies, erosion, etc?

#### **15. TRANSPORTATION/TRAFFIC**

The EIR must quantify the number of vehicle trips – on a daily and yearly basis -- and the typical VMTs -- that all residential and commercial sites within Yokohl Ranch will generate.

The assessment of traffic impacts for the EIR must include methodology, model assumptions, and inputs used to assess traffic impacts of the Yokohl Ranch development, and justification for that decision.

Vehicle trips must be analyzed for all projected residents, tourists, conference center attendees, workers, etc. The EIR must also analyze all of the direct and indirect impacts that would be caused by increased traffic and road widening, including increased noise, polluted road runoff, dust from pulverized road abrasives, loss of groundwater recharge areas, fragmentation of wildlife habitat, greater volume of stormwater runoff and rates of erosion, etc.

One of the most important numbers in determining traffic impacts (and resulting air quality impacts) is the number of vehicle trips per household per day. Clearly, the more such vehicle trips, the greater the traffic and air pollution. The ITE single-family housing average value (and the default value for the URBEMIS air quality model) is 9.57 trips per household per day. If a rate lower than the average 9.57 rate is used in the EIR, it should be thoroughly documented and justified. Similarly, methodology to determine the projected number of vehicle trips per tourist, per employee, etc. at project build-out must be disclosed.

**f) Adequate parking capacity**

The EIR must provide an analysis of adequate parking facilities for the development. The EIR should reveal all planned mitigation measures to alleviate parking shortages.

**g) Conflict with adopted policies, plans or programs supporting alternative transportation**

The EIR should reference relevant policies of the California Air Resources Board and the SJVAPCD, and describe the extent to which alternative transportation policies suggested to reduce Valley air pollution will be incorporated into project proposals. Where mitigation measures are purported to significantly offset air pollution from the development, data from other case studies must be presented to justify the conclusions.

**16. UTILITIES AND SERVICE SYSTEMS**

**a) Exceed wastewater treatment requirements of the Regional Water Quality Control Board**

**b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects**

The EIR must analyze the total area of impervious coverage, and its placement, sufficient to provide adequate wastewater for the proposed population of the Yokohl Ranch project.

Where would the wastewater be discharged? What is the potential financial liability for Tulare County? What would be the impact on downstream water supplies?

When would wastewater treatment facilities be constructed?

Where would the stormwater be discharged? Will the stormwater be treated passively (in open space), directly discharged to Yokohl Creek or its tributaries, or will a treatment plant be built, and at what cost? What are the potential financial liabilities to Tulare County of maintaining stormwater treatment facilities? What would be the impact on downstream water supplies?

**d) Are sufficient water supplies available to serve the project from existing entitlements and resources, or are new and expanded entitlements needed**

The NOP states: “The owner of Yokohl Ranch will provide adequate, reliable water for the proposed project. The water supply would be delivered to the project through either a pipeline or combination of canal and pipeline. The project may include transfers of water possibly involving one or more water or irrigation districts as well as private entities.”

The EIR must provide precise answers to the uncertainties presented in the NOP on the source of water for the project. The EIR must describe:

- The volume of water needed for the new development
- The source of water to provide the necessary supply
- The current use of water to be diverted to the development
- Any stipulations or limitations on water proposed for diversion (i.e., water restricted to agricultural use, per requirements for receiving historic federal or state subsidies)
- From which irrigation districts and/or private entities would the water be drawn? What is the current use of the water in the irrigation districts and/or private entities that is proposed for diversion to the Yokohl Ranch development?
- To supply the Yokohl Ranch development with adequate water supply at build-out, what will be the impacts to groundwater tables, existing agricultural users of the water, farm communities dependent upon the to-be-diverted water, agricultural wells, biological integrity of waterways, riparian areas?
- Economic impacts to farmers and farming communities of transferring water rights from an area in agricultural production to the proposed development must be discussed
- The implications of decreasing snow pack in the Sierra resulting from climate change and the resulting changes to hydrology and water supply must be examined.

The EIR must disclose federal, state, district, and other contracts or agreements that restrict water from the Kaweah River, Lake Kaweah, Friant Kern Canal and any other proposed water sources to agricultural use, as opposed to urban development purposes. Can water assigned to agricultural purposes be diverted for urban development?

The EIR should discuss whether a diversion of water currently used for agricultural purposes would require a reimbursement to taxpayers who have subsidized the creation and maintenance of water infrastructure for agriculture. Is it legal to divert heavily subsidized water from agriculture uses to development use?

The EIR must disclose all details of the dam and reservoir to be constructed for the project, including all corresponding environmental impacts.

The EIR must include verification of sufficient water supplies for the life of the proposed project and must discuss the environmental impacts of supplying long-term water to the Yokohl Ranch development, as discussed in the *Vineyard* case. In the recent *Vineyard Area Citizens et al. vs. City of Rancho Cordova et al.* decision, the California Supreme Court stated, “We conclude that while the EIR adequately informed decision makers and the public of the County’s plan for near-term provision of water to the development, it failed to do so as to the long-term provision and hence failed to disclose the impacts of providing the necessary supplies in the long term. The EIR must clearly explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated.”

## 17. MANDATORY FINDINGS OF SIGNIFICANCE

a) The NOP states that “based on the Initial Study analysis, the proposed Yokohl Ranch project has the potential to result in significant impacts to aesthetics, which could degrade the quality of the environment; biological resources, which could substantially reduce the habitat of a fish or wildlife species; cultural resources, which could eliminate important examples of major periods of California history or prehistory and **induce growth in the foothill area.**”

The EIR must provide a full accounting of these and other significant impacts. The extent to which the proposed Yokohl Ranch development project would “induce growth in the foothill area” must be exhaustively researched and disclosed, and compared with the stated project purposes and need, including alleged need to accommodate (as opposed to induce) new growth in the county.

In addition to the potential significant impacts to aesthetics, biological resources, and cultural resources, the EIR must fully analyze and disclose all significant direct, indirect and cumulative impacts on agriculture, air quality, water quality and supply, traffic, noise, light and glare, soil erosion, county services and fiscal condition, and all other resource areas examined in the EIR.

The EIR must describe the monitoring, mitigation and enforcement program that will be used for each of the identified impacts. Please provide detail on all of these programs, including justification for alleged sufficiency and effectiveness of mitigation measures put forth to offset significant adverse effects to ecosystem functions, human health,

wildlife habitat, etc. What relevant field-based data support claims of mitigation measure efficacy? Case studies, measurable results and other data must be offered for mitigation measures if mitigation measures are assessed as lowering the level of significance of a given impact.

What sort of enforcement mechanisms will be utilized to ensure that the mitigation obligations and promises made by the developer are implemented? What are the consequences for failure to implement mitigation measures, and for lack of effectiveness?

**b) Cumulative effects**

The EIR must fully disclose all potential cumulative growth-inducing, environmental, human health, wildlife, quality of life and related impacts of the development.

**CONCLUSION**

Thank you again for the opportunity to comment upon the Notice of Preparation for the Yokohl Ranch development. Should you have any questions, please contact us at [tccrg@earthlink.net](mailto:tccrg@earthlink.net) or (559) 561-4479.

On behalf of Tulare County Citizens for Responsible Growth,

Jeff Steen  
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Sarah Graber  
Executive Director  
Three Rivers