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BEFORE THE TULARE COUNTY PLANNING COMMISSION
IN AND FOR THE COUNTY OF TULARE

PUBLIC HEARING IN RE:)
)
GENERAL PLAN 2030 UPDATE,)
PROPOSED FINAL ENVIRONMENTAL)
IMPACT REPORT, AND PROPOSED)
CLIMATE ACTION PLAN)
)
_____)

Visalia, California
October 19, 2011

REPORTER'S TRANSCRIPT
OF
PROCEEDINGS

DANETTE M. HENDRIX, CSR 6412

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25 MR. DAVID MITCHELL, Brandman & Associates

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1 VISALIA, CALIFORNIA

2 WEDNESDAY, OCTOBER 19, 2011, 9:00 A.M.

3 -----

4 CHAIRMAN MILLIES: So we move on to item
5 five, public hearing. Item 5a, the General Plan
6 2030 Update, proposed final Environmental Impact
7 Report and proposed Climate Action Plan.

8 This is to consider the Tulare County
9 General Plan 2030 Update, proposed FEIR and
10 Climate Action Plan -- that is final EIR -- and
11 our contact this morning is David Bryant.

12 David, do you want me to go through -- do
13 you want to kick it off or do you want me to go
14 through my part?

15 MR. BRYANT: Go ahead.

16 CHAIRMAN MILLIES: All right. We will now
17 take up the agenda item on the proposed Tulare
18 County General Plan 2030 Update, proposed final
19 Environmental Impact Report -- EIR -- and proposed
20 Climate Action Plan.

21 The public hearing is now open. First, we
22 will ask the Resource Management Agency for its
23 presentation on this matter.

24 I believe that the Resource Management
25 Agency will also ask the county's environmental

1 consultants ESA to make a presentation.

2 We anticipate that this presentation will
3 take only part of the morning. We may take a
4 number of short breaks -- I know we will -- during
5 this presentation.

6 At the end of the staff presentation, we
7 will take comment from members of the public on
8 the proposed General Plan Update, proposed final
9 EIR, and proposed Climate Action Plan.

10 For this hearing, we are going to limit
11 comments to three minutes per person. I will go
12 into more detail on this at a little later in the
13 hearing.

14 If this public hearing goes past 3:00 p.m.
15 today, we will probably continue this hearing to
16 tomorrow or another date.

17 We will break for lunch around 11:30 a.m.,
18 and the lunch break will be approximately one
19 hour.

20 After lunch, we will take more comment
21 from members of the public on the proposed General
22 Plan Update, proposed final EIR, and proposed
23 Climate Action Plan.

24 David, you may begin your presentation.
25 Thank you, very much.

1 MR. BRYANT: Thank you, Mr. Chairman.
2 Good morning, chairman, members of the commission.
3 Dave Bryant, special projects manager with the
4 County of Tulare Resource Management Agency.

5 The purpose of the public hearing today is
6 to open the public hearing and receive a staff
7 presentation on the proposed General Plan 2030
8 Update, proposed Climate Action Plan, and proposed
9 final Environmental Impact Report, to receive
10 public comment, close the public hearing, and
11 continue the item for your commission to receive
12 staff's summary public input, prepare Planning
13 Commission's recommendations to the Board of
14 Supervisors.

15 The General Plan Update is a set of
16 long-term goals and policies that serve to guide
17 future decision making. It provides for balance
18 and diversification, and it consists of the
19 following documents.

20 The actual General Plan document, GP 2030
21 Update, goals and policies report, parts one and
22 two, the recirculated draft Environmental Impact
23 Report, the background report, the Climate Action
24 Plan, and final Environmental Impact Report,
25 volumes one and two.

1 There are several big ideas. Agricultural
2 land sustainability, natural resource
3 preservation, city and community centered growth,
4 and community economic viability.

5 This is a figure that's currently included
6 in the General Plan Update. It's figure 4.1.

7 This serves as our land use diagram, which
8 is appropriate at the programmatic level,
9 recognizing the unique geography of Tulare County,
10 encumbering over 4800 square miles.

11 The county, in its wisdom, has decided to
12 split the county into three different areas,
13 recognizing the unique character of historical
14 context of each individual community, but also
15 recognizing the particular needs and interests of
16 the -- again the diverse geographical area of the
17 valley, foothill, and mountain areas.

18 This exhibit, this Figure 4.1, provides a
19 very detailed analysis and assessment in regards
20 to the structure of the General Plan.

21 You can see that there are areas that are
22 delineated for urban boundaries. We have the
23 eight incorporated cities, we have over 30
24 unincorporated communities in the valley, foothill
25 and mountain region, and we also have areas that

1 are set aside, such as the valley area in green,
2 for intensive agriculture as dictated by the Rural
3 Valley Lands Plan.

4 In the foothill region, we have the areas
5 that you see in yellow that are primarily above
6 the 600-foot elevation line, which delineate areas
7 for extensive agriculture in yellow. Areas that
8 are in brown are provided for development
9 corridors based on the criteria that's currently
10 established in the foothill growth management
11 plan.

12 The mountain areas, as you're probably
13 well aware of, to the east of the Foothill Growth
14 Management Plan are primarily under state and
15 federal jurisdiction. However, there are some
16 private inholdings which we recognize and are
17 being proposed as mountain service centers.

18 In addition to that, there are subarea
19 plans that are located in that region as well.

20 Since 2003, there have been a host of
21 different meetings and community outreach efforts.
22 To date, there have been over 70 different
23 community outreach public hearings, meetings with
24 various technical committees, presentations to
25 your commission, the Board of Supervisors,

1 workshops with your commission and Board of
2 Supervisors, and extensive community outreach
3 efforts that have occurred along the way,
4 including 26 outreach meetings that were conducted
5 during the summer of 2010 and a few that have
6 spilled over into 2011.

7 One of the basic questions is why the
8 county decided to undertake the update of the
9 General Plan.

10 There are several major changes between
11 the existing General Plan and the General Plan
12 that's proposed for your consideration.

13 Number one, it's a consolidation of
14 elements. The General Plan has not been
15 comprehensively updated since 1964.

16 Number two, a rural community designation.
17 Currently in the General Plan, the unincorporated
18 cities are basically designated as unincorporated
19 communities or communities.

20 To recognize the unique historical context
21 of those communities and also recognizing that
22 there is a unique geography, as well as different
23 sizes of each of those communities, and that there
24 are context-sensitive requirements that are
25 appropriate for each of those communities, those

1 have now been further defined as communities.
2 Those are large communities. Typically, they are
3 designated by the census bureau as rural service
4 centers and community designated places.

5 The smaller communities, such as hamlets,
6 typically contain maybe several hundred people.
7 Those are smaller unincorporated communities.
8 Most of those exist primarily on the valley floor.

9 And then the mountain service centers.
10 Those are located in the mountain region, which
11 again are the private inholdings in and amongst
12 the federal, state jurisdiction areas.

13 Corridors. Recognizing the need to look
14 at the development of future transportation and
15 circulation in the county, a corridor plan is
16 currently included in part two of the document.
17 It recognizes three different types of corridors.

18 There are regional growth corridors along
19 Highway 99 and Highway 65 that would provide for
20 the development of future plans, for the eventual
21 preservation of areas along there, not only for
22 the continued operation of agriculture, but
23 specifically looking at various notes that would
24 be appropriate for economic development
25 opportunities.

1 Scenic corridors are located on not only
2 certain designated county roads, but also on State
3 Highway 198 and State Highway 190.

4 Recognizing the need to address
5 large-scale projects, projects that may be -- that
6 would be larger than 200 acres, the General Plan
7 Update and the planning framework element provides
8 policies to address large-scale projects.

9 Fiscal accountability. That is one area
10 that is currently addressed in the public
11 facilities element, which promotes adequate
12 financing to support the long-term development of
13 a project, not only the initial costs, but also
14 the long-term maintenance to make sure that those
15 projects are sustainable.

16 Water sustainability. The water resources
17 element promotes integrated water management
18 planning, water conservation, and groundwater
19 recharge.

20 In response to AB32 regarding climate
21 change and SB375, which is the regional blueprint
22 process, the county has developed a climate action
23 strategy and has developed a proposed Climate
24 Action Plan.

25 This is the actual General Plan document.

1 Again, it includes, as part of the physical
2 document, part one, which includes goals and
3 policies. Part two is area plans. Part three
4 primarily consists of existing plans that have
5 been previously adopted and will not be amended as
6 part of this process.

7 Part one of the goals and policies report
8 is a programmatic level document. This I
9 mentioned earlier. One all-encompassing General
10 Plan covering the entire county is infeasible
11 because of the overall size and complexity of the
12 county.

13 Part one basically provides an umbrella,
14 again at the programmatic level, to provide
15 general goals and policies that would be
16 applicable to the county as a whole, but also
17 recognizing, again, the unique characteristics of
18 the county and providing, again at a programmatic
19 level, and allowing part two, the area plans, and
20 part three with the community plans to provide a
21 greater level of specificity.

22 I'd like to spend just a couple of minutes
23 and review the relationship between the proposed
24 county General Plan and the state mandated
25 elements.

1 Across the top of the screen you'll see
2 the current state mandated elements that include
3 your traditional elements that include land use,
4 noise, circulation, housing, open space,
5 conservation, and safety.

6 And to meet the requirements of AB170, the
7 county is now required to prepare an air quality
8 element which is also included.

9 The county, through the General Plan
10 guidelines, also has the discretion to prepare
11 operational elements.

12 Those include planning framework,
13 agriculture, economic development, scenic
14 landscapes, water resources, an animal confinement
15 facility plan, which is currently in place but not
16 being included as part of the objectives of this
17 project, public facilities and services, flood
18 control master plan.

19 I'd like to spend a couple of minutes and
20 review some of the key policies in regards to the
21 General Plan Update. First being agriculture,
22 this element includes agricultural preservation,
23 agricultural productivity and employment, land use
24 circulation, provides for smart growth, healthy
25 communities, promotion of in-fill, mixed use, LEED

1 and intermodal connectivity.

2 The planning framework, the purpose of
3 that is preservation of conservation by managed
4 growth in urban communities.

5 Economic development provides for business
6 attraction, expansion, and retention.

7 Again, as I mentioned a minute ago, the
8 air quality element provides compliance with AB170
9 requirements, provides for regional coordination
10 with other agencies, such as the San Joaquin
11 Valley Air Pollution Control District, provides
12 for transportation and land use, alternative
13 energy design, and best available control
14 measures.

15 The environmental resources element
16 includes mitigation and conservation banking
17 programs, management of oak woodland communities,
18 mineral resource conservation, energy conservation
19 and efficiency, parks and recreation, cultural
20 resources, and soil resources.

21 And, again, the water resources element
22 provides for water quality, integrated water
23 management planning, water conservation, and
24 groundwater recharge.

25 The next portion of the General Plan

1 contains part two. Part two essentially maintains
2 the county's long-standing tradition with several
3 traditional elements that you're probably familiar
4 with in the valley floor, the Rural Valley Lands
5 Plan, which is currently in place and has carried
6 over into the General Plan Update, the existing
7 urban boundaries element, which has been retitled
8 to the planning framework element, essentially
9 providing for managed growth in the existing urban
10 communities, the Foothill Growth Management Plan,
11 again to provide for the existing communities of
12 Springville and Three Rivers, development as
13 delineated through the Foothill Growth Management
14 Plan, designated foothill development corridors,
15 and the preservation of extensive agricultural
16 land.

17 Lastly, again, the mountain framework plan
18 includes areas up in the mountain region, private
19 inholdings that are covered by policies designated
20 through the subarea plans and also the mountain
21 service centers.

22 More specifically, in regards to area
23 plans and corridors, again the current area plans
24 are the planning framework element, again which is
25 the current urban boundaries element, the Rural

1 Valley Lands Plan, the federal growth management
2 plan, the mountain framework plan, and as I
3 mentioned earlier a new element that is being
4 proposed is corridors, which covers urban growth
5 corridors, scenic corridors, and urban corridors
6 within Porterville and the Visalia urban boundary
7 areas.

8 Part three essentially contains some of
9 the detailed plans that many of you may be
10 familiar with.

11 Over the years, we've adopted a host of
12 various community plans. Hamlet plans are being
13 proposed in a similar way to communities, with the
14 exception of having some more specific
15 context-sensitive requirements, recognizing the
16 nature of those communities as being smaller
17 urbanized areas.

18 Subarea plans. Again, there are several
19 that currently exist, Great Western Divide North
20 Half Plan, Kennedy Meadows Plan, Kings River Plan,
21 Sequoia Field Land Use and Public Buildings.

22 As proposed by this plan, the Great
23 Western Divide South Half, Posey Plan, Redwood
24 Mountain Plan, South Sierra Plan, and Upper Balch
25 Park Plan are included as subarea plans that would

1 be completed through future planning efforts.

2 Specifically, within the mountain service
3 centers, the communities that are proposed as
4 designated mountain service centers would include
5 Balance Rock, Balch Park, Blue Ridge, California
6 Hot Springs, Pine Flat, Fairview, Heartland,
7 Johnsondale, Matheny Tract, Panorama Heights,
8 Posey, Idlewild, Poso Park, Silver City, Sugar
9 Loaf Mountain Park, Sugar Loaf Village, and
10 Wilsonia.

11 In regards to county adopted city general
12 plans, there has been some confusion in regards to
13 the actual meaning of that term.

14 Again, as many of you are familiar with,
15 we currently have area plans around each of the
16 eight incorporated cities that provide for an
17 urban development boundary and an urban area
18 boundary, and we have coordinated with the cities
19 in the past to delineate those boundaries, as well
20 as to work with each individual city to provide
21 for appropriate land uses in those areas that, in
22 the case of development in the county, would
23 provide for some coordination opportunities and
24 consistency with the city's future plans.

25 Specifically, in regards to hamlet plans,

1 there are 11 hamlet plans that are being proposed
2 and included, which include Allensworth, Delph
3 Colony, East Tulare Villa, Lindcove, Monson
4 Seville, Teviston, Tonyville, Waukena, West
5 Goshen, and Yettem.

6 Attached to your staff report, there are
7 several policy comment matrices included in the --
8 designated as attachment three.

9 Attachment three (a) is a public policy
10 comment matrix which is essentially a
11 staff-compiled matrix designed to address some of
12 the more policy specific changes addressed as part
13 of the comments.

14 Through the comment letters in the final
15 EIR, there were specific comments that were of
16 specific nature that through the -- as designated
17 in the final EIR that would indicate that those
18 concerns would be specifically identified and
19 presented to the decision makers.

20 Attachment three (b) is in the -- in your
21 agenda packet as well. It identifies recommended
22 policy changes suggested as part of the -- in the
23 recirculated draft Environmental Impact Report.
24 These are more environmental-specific as opposed
25 to policy-specific.

1 Attachment three (c) is the General Plan
2 2030 Update correctory table. It identifies
3 clerical and staff recommended changes to the
4 General Plan 2030 Update.

5 There are several recommendations included
6 in there. One related to looking at providing
7 some information for your consideration to amend
8 policies, and the introduction regarding complete
9 streets in the circulation element, and also
10 addressing flooding.

11 An attachment that wasn't originally
12 included in your agenda packet that was handed out
13 to your commission this morning is a matrix of
14 suggestions developed as a result of informal
15 discussions with the city planners.

16 This is specifically pertaining to the
17 planning framework section four and four (a)
18 pertaining to the cities.

19 We had an opportunity to work with city
20 staff during this past year, and the
21 recommendations that you see there, I believe that
22 there are recommendations included that are
23 highlighted in gray which represent input from the
24 cities amending the language that's currently
25 included in the proposed documents, and that's

1 presented for your consideration.

2 There are several additional handout
3 materials. One is the sample mitigation and
4 monitoring and reporting program.

5 Also, there we have received in the past
6 week and several days individual comments either
7 through e-mail or by mail.

8 What we were able to receive and print
9 last night, I believe, are included as handouts.

10 I believe there are some additional
11 materials that were presented to Maria this
12 morning, and she will read those into the record,
13 and we will print those and make those available
14 at our earliest convenience.

15 Also, in addition, there is a handout
16 you've received that are individual property owner
17 requests. These are presented as information
18 only.

19 As I indicated in my opening remarks, this
20 is a programmatic level document, and we are not
21 considering individual -- the staff is not
22 recommending various property-specific, individual
23 property owner requests, but as a courtesy to the
24 individuals that have expressed an interest in
25 pursuing a General Plan amendment regarding their

1 property, again we have presented that for your
2 information only.

3 That concludes my presentation. At this
4 time, I am happy to introduce Ray Weiss with ESA
5 Associates. We've been working with Ray over the
6 past several years in regards to our environmental
7 documents. Ray is the director of community
8 development with ESA for the Central Valley and
9 the Sierra Region.

10 MR. WEISS: Thank you, Dave. Good
11 morning, chairperson and commissioners.

12 I'd like to talk a little bit about
13 recirculated EIR.

14 Some of the things we'll talk about as
15 part of our presentation is we provide an overview
16 of the recirculated draft EIR, what went into the
17 preparation of that document, we'll provide a
18 readers guide or an overview of the final EIR,
19 which is important to the document, we'll go over
20 some of the major findings that were presented in
21 the final EIR, some statistics there on the number
22 of letters, what type of comments we received, and
23 then we'll briefly go over what the next steps in
24 the CEQA process are as it relates to the General
25 Plan.

1 This graphic here, this graphic is
2 intended to demonstrate the county's approach to
3 the CEQA document.

4 Oftentimes, when we think of an EIR, we
5 think of the final phases of a project. The
6 project has been developed, and we're moving into
7 the environmental documentation of that.

8 The county is taking a proactive approach
9 to the CEQA process, In other words, they have
10 begun to the look at the CEQA document from the
11 very beginning of the General Plan Update.

12 Some of the ways they did this was in
13 looking at the background report and preparing
14 that study, they looked at what sort of
15 information needs to go into the environmental
16 document to help establish the CEQA baseline, what
17 are the key setting issues that need to get
18 addressed. That was part of that document.

19 When we were preparing the goals and
20 policies report, the county looked at ways to
21 self-mitigate the potential impacts of the General
22 Plan, what sort of policies could be developed
23 that are within law that can identify what the
24 anticipated impacts of the General Plan are.

25 And, in addition, the EIR itself is a

1 summary of all this information, and it identifies
2 what the impacts are and how the mitigation -- the
3 General Plan policies -- address those impacts to
4 the extent that it can.

5 Under CEQA, we're allowed to prepare a
6 variety of different environmental documents.
7 Most of us are used to seeing project-specific
8 EIRs or initial studies.

9 In a project-specific world, we're dealing
10 with an individual project. We're dealing with
11 maybe a residential project, where it has a very
12 specific boundary, a specific set of parcels that
13 have their own unique issues that are analyzed in
14 that type of EIR.

15 A policy level document, such as a General
16 Plan Update, is a different type of a project.
17 It's more broad as Dave mentioned. It's a broad
18 policy level look at how the county intends to
19 address its growth through the next 30 years.

20 For this, CEQA allows us to prepare a
21 program level document. And what this means is
22 we're looking at the same issues at a project
23 level, but we're just looking at it at a higher
24 plane, we're looking at it from a policy
25 perspective.

1 An example. This table here helps
2 identify how we look at the impacts in a
3 policy-level document.

4 Again, the impacts are the same as a
5 project. We're looking at noise, we're looking at
6 biological resources, cultural resources, so the
7 impact discussion that you'll see is very similar.

8 However, when we get to the point of
9 mitigation measures for the General Plan Update,
10 we're recommending specific policies that help to
11 identify what those impacts might be.

12 So in this case here, we've got a noise
13 impact, this is a traffic noise impact, and we
14 have an example of a mitigating policy that's
15 identified in the document to address some of
16 those traffic issues.

17 In this case, it's policy 8.13, noise
18 analysis, which describes how the county would
19 review the noise impacts for that particular
20 issue.

21 Let's talk a little bit about some key
22 aspects of the RD EIR, the recirculated draft EIR.

23 As part of this document, we looked at
24 updating the environmental and regulatory
25 settings. Again, There was a previous draft that

1 was done. As part of the recirculated draft, we
2 looked at how to bring the baseline condition up
3 to that current time period.

4 In this case, because we are relying on --
5 we're looking at a program level document that
6 looks at the county as a whole, we're relying on
7 database and information from a variety of
8 regional sources, such as state agencies or maybe
9 regional agencies that look at some of the issues
10 here.

11 So the baseline condition is really
12 reflective of what available information there is
13 from these various agencies.

14 As part of the recirculated draft EIR, a
15 greenhouse gas inventory and analysis was
16 conducted. This was as a result of some of the
17 comments on the original draft EIR.

18 The county went ahead and looked at some
19 baseline greenhouse gas conditions, primarily
20 focusing on the primary source of these, which are
21 mobile sources, and Dave Mitchell will talk a
22 little bit about this in a minute.

23 Our DEIR also looked at quantifying
24 private farmland impacts. This was a result of
25 another comment as well.

1 So we looked at quantifying, to the best
2 available way that we could, what some of the
3 prime farmland impacts would be for the growth
4 areas that are identified as part of the General
5 Plan Update.

6 In addition, a water supply analysis was
7 also conducted. The water supply analysis looked
8 at available information, looked at different
9 water supply and demand scenarios, and addressed
10 how water conservation could affect those
11 outcomes.

12 Some additional aspects, in addition to
13 identifying what the impacts are, CEQA requires
14 two other key components, the alternatives
15 analysis. This is a very key component.

16 The alternatives analysis is guided by a
17 very basic principle. We have to look at a range
18 of alternatives in addition to the no project as
19 far as the RD EIR.

20 What constitutes a reasonable range of
21 alternatives? CEQA guidelines do not indicate a
22 specific number. It's not one. It's not two.
23 It's whatever is considered a reasonable range.

24 The alternatives have to meet two key
25 criteria. They have to meet many of the project

1 or most of the project objectives that are
2 identified for the General Plan Update, and they
3 also have to look at minimizing some of the
4 impacts that are associated with the proposed
5 project.

6 So if the proposed project has some
7 significant traffic or air quality impacts, the
8 alternatives have to look at ways to reduce those
9 impacts.

10 Now, we had some help in identifying what
11 that range of alternatives is. There was some
12 information brought forward as part of the public
13 outreach component of the project.

14 The healthy growth alternative. This was
15 a concept that was brought forward as part of the
16 public outreach, and we reviewed that.

17 Some of the policy suggestions that were
18 provided as part of that alternative are reflected
19 in the healthy communities section of the goals
20 and policies report.

21 And some of the restrictive growth
22 measures that were identified in that alternative
23 were brought forward into alternative five that is
24 analyzed in the RD EIR.

25 So that alternative looked at some very

1 restrictive growth components. It's essentially a
2 no net loss to, say, agricultural land as part of
3 that alternative. Again, that's all contained in
4 the recirculated draft document.

5 The other key aspect of that document is
6 the cumulative analysis. How does this proposed
7 project relate itself to other key projects
8 occurring in the area, and what are the cumulative
9 impacts of that?

10 CEQA guidelines provide some guidance
11 there. They indicate that we can use a list
12 method or a regional growth method to look at
13 those impacts.

14 The list method is essentially identifying
15 key projects that you analyze in conjunction with
16 the proposed project.

17 The regional growth method looks at
18 identifying the growth projections for other
19 jurisdictions in the vicinity of Tulare County
20 that we look at as part of that analysis.

21 The EIR looked at both. It included an
22 analysis using both the list method, some of the
23 key larger projects that are expected to occur
24 during the life span of the General Plan, and we
25 also conducted an inventory of all the General

1 Plans and EIRs for many of the jurisdictions
2 within the county and also the counties
3 surrounding Tulare County and looked at the
4 cumulative impacts as a result of those as well.

5 Now, let's talk about some of the
6 milestones in this process. This began when we
7 looked at the 2008 draft comment letters.

8 So we reviewed those and looked at how
9 to -- what issues needed to be recirculated as
10 part of the recirculated draft.

11 We looked at updating the General Plan
12 background report.

13 But we just updated the key issues that
14 need to get addressed in the RD EIR, and these
15 issues include traffic, water, water resources,
16 air quality, noise, issues that need to be
17 analyzed in the CEQA document.

18 The way we did this was again to look at
19 what sort of data is available, what sort of state
20 agencies, regional agencies would have information
21 that is relevant to the county and that we can use
22 as part of our analysis.

23 We also looked at updating the regulatory
24 setting because that's very important as well.

25 We identified what sort of key regulations

1 have been enacted that affect the county as part
2 of the document, and one of the key things we
3 looked at was climate change because that's
4 something that's happened relatively recently in
5 the last several years.

6 Following preparation of the document, we
7 submitted that for a 45-day public review. The
8 45-day review is a mandatory review period. But
9 again I think the county took the perspective of
10 given the size of the document, the amount of
11 information in there, and given the interest in
12 the document, they expanded it to a 60-day public
13 review period, which is indicated up here on the
14 slide, from March 25, 2010, to May 27, 2010.

15 Now, let's talk a little bit about the
16 final EIR. Some of the components of the final
17 EIR, or the key components actually, are a
18 compilation of the comments that are received on
19 the draft and the responses that are prepared to
20 those comments.

21 As part of this final EIR, which you're
22 looking at, is the RD EIR, which is bound
23 separately. That becomes part of the final. It
24 includes a list of persons, organizations, the
25 public agencies that commented on the document, in

1 other words, the various comment letters, that's
2 included in a separate section, the comment
3 letters themselves, including all the attachments
4 and all the background information that is part of
5 those comment letters, the lead agency responses,
6 two significant environmental issues, and then
7 other information that is relevant to the final
8 EIR.

9 The other information is an inventory of
10 some of the changes to the draft that resulted as
11 the comments that were received on the final.

12 Now, we've bound separately the comment
13 letters and the responses for a key reason. We're
14 looking at a pretty substantial set of letters and
15 responses, so we bound those separately to kind of
16 facilitate how you look at those, so you can
17 simultaneously look at letters and individual
18 comments.

19 Here is an example. The comment letters
20 were organized into two key categories. The
21 comment letters were organized into those from a
22 public agency, which were denoted with an A, and
23 those from organizations and individuals which
24 were denoted with an I.

25 You can see on the upper right-hand corner

1 of the letter, this one here is denoted letter
2 I-22. It's an individual comment letter, and it's
3 number 22 in the series of letters under that
4 category.

5 You can also see how we numbered the
6 comment letters, or the individual comments within
7 the letter.

8 This letter had a key -- had one key
9 comment, and it was identified as I-22-1.

10 We do this to facilitate the coordination
11 between the responses. So when you open up the
12 response part, you'll look for that specific
13 reference, and you'll be able to identify that
14 specific comment as it relates to the numbers and
15 the letters.

16 Now, some of the major findings of the
17 final EIR. We received 16 public agency comment
18 letters, one from a federal agency, seven from a
19 state agency, and eight from a local agency, such
20 as a city or a local jurisdiction. We received 28
21 individual comment letters.

22 Total comments, individual comments, and
23 responses, there was 2,326.

24 A key aspect of responding to comments was
25 our use of master responses. There is 11 of these

1 total. They are contained in a separate chapter.

2 The purpose of the master response is to
3 take a series of related individual comments. So
4 one of those, for example, is water supply. Many
5 of the commenters provided unique comments that
6 were related about this specific topic, so our
7 approach to kind of provide a comprehensive
8 response to this was to link all those comments
9 into a larger master response.

10 We also did this for the Climate Action
11 Plan or the greenhouse gas inventory. We did this
12 for a couple of other key topics as well.

13 Kind of the programmatic nature of the
14 document -- there was a lot of comments about the
15 difference between project and program level, so
16 we thought that it warranted a larger unique
17 master response.

18 And, finally, here is the next couple
19 steps. We're in the process right now of
20 reviewing the final EIR.

21 Upon the completion of that, we will be
22 preparing a statement of overriding conditions and
23 some findings as part of the final adoption of the
24 General Plan. And then, of course, the hearings
25 themselves. So these are kind of the next key

1 steps.

2 With that, I'd like to present Dave
3 Mitchell, Michael Brandman & Associates, who
4 prepared the CAP.

5 MR. MITCHELL: Thank you.

6 I'm going to go through some of the items
7 that are included in the Climate Action Plan, a
8 few descriptions.

9 First of all, give you an overview of
10 what's in the Climate Action Plan. The Climate
11 Action Plan is the -- the first part is to provide
12 the background, some background information, about
13 the Climate Action Plan, what's in it, what the
14 purpose is, regulatory environment, and the --
15 some of the history behind why we do it.

16 Key component is the baseline future
17 inventories for the plan. These are the same
18 inventories that were included in the EIR for the
19 General Plan.

20 It has a greenhouse gas emission reduction
21 target. That's the amount of reduction needed to
22 be achieved to meet state targets. And it has a
23 whole list of strategies designed to achieve the
24 target, also based heavily on the General Plan.

25 Finally, it has a monitoring program and

1 implementation plan so to make sure that all the
2 strategies are implemented over time and get kept
3 track of.

4 The basic reasons for doing the Climate
5 Action Plan is the county's responsibility to
6 provide some reductions for greenhouse gasses as
7 part of the buildout of the General Plan is it
8 creates an impact, and this is an opportunity to
9 reduce that impact.

10 The General Plan itself has an
11 implementation measure that needs to be taken care
12 of. This accomplishes that.

13 And then, finally, there is Assembly Bill
14 32 that states the program for climate action, and
15 this is designed to achieve targets that are
16 required from that legislation.

17 One of the key points, also we wanted to
18 make sure it fit Tulare County and the rural
19 environment, so it was kind of logical to take
20 that back to the General Plan's policies that were
21 designed specially for that, so it builds on that
22 relationship of rural policies and rural
23 development that will take place.

24 Another key issue is for the future, as
25 development occurs, this provides a framework for

1 projects to come in to show how they can comply
2 with CEQA provisions for greenhouse gasses.

3 As I mentioned throughout, it's heavily
4 dependent on the General Plan. Really, the key
5 parts are the land use sustainability and
6 transportation policies of the plan. The plan has
7 extensive sections on those topics and, if
8 implemented, will achieve significant reductions,
9 especially in mobile sources and energy
10 consumption.

11 And the idea is that development
12 consistent with the General Plan and achieves
13 project level reductions can be considered less
14 significant for CEQA purposes for greenhouse
15 gasses.

16 A little bit about the greenhouse gas
17 inventory. The inventory is just an accounting of
18 all the different sources that are within the
19 county's jurisdiction or responsibility to
20 control. This is not all sources. Industrial
21 sources are not typically included in this because
22 other agencies, like the state or the air
23 district, may be responsible for those pollutants.

24 There is three different inventories, the
25 2007 baseline inventory, which coincides with the

1 General Plan baseline, the 2020 inventory, which
2 coincides with the targets set by the state under
3 AB32, and then the 2030 inventory that coincides
4 with the General Plan buildout.

5 Here is a pie chart that shows you the
6 breakdown of the emissions, and in this case you
7 may notice the large green area would be dairies
8 and feed lots, you have solid waste, electricity,
9 natural gas, and mobile sources are other
10 categories that are divided out.

11 And as you can see, as you saw in that
12 chart dairies are the largest source, and that's
13 because of the manure from the -- or from the cows
14 from the dairies from the manure production and
15 also from the cows themselves.

16 One of the other key points is that the
17 dairy strategy is not in this Climate Action Plan.
18 That will be included with the update with the
19 animal confinement facilities plan.

20 Finally, if we look at the inventory, as
21 we mentioned earlier, mobile sources -- that
22 includes cars, trucks, off-road equipment -- are
23 the largest source of emissions, and that's
24 followed by electricity consumption and also
25 natural gas. That's the big focus on most Climate

1 Action Plan strategies.

2 One of the key things that needs to be in
3 a Climate Action Plan is a target, and this is --
4 the target for this one is based on achieving
5 consistency with AB32 targets. That target is to
6 have California's emissions at 1990 levels by year
7 2020.

8 And here graphically shows what would
9 happen if there were no climate action plans or
10 actions by the state to achieve reductions.

11 You can see the emissions go from a little
12 under 2 million metric tons a year in 2007 up to
13 about 2,500,000 metric tons by 2030 if no action
14 is taken.

15 If action is taken by state and local
16 governments, including Tulare County, to reach the
17 goal, that you need 26.2 percent reduction to
18 reach the state's target.

19 Because of growth, it continues out into
20 2030 where more reductions are required that year.

21 And one of the analyses that was conducted
22 for the CAP was to see how much reduction is
23 required in order to achieve the county's share to
24 get to the 2020 target, and if development on
25 average built between now and then achieves a six

1 percent reduction the CAP reduction target can be
2 achieved.

3 And the way to achieve the target would be
4 through improved energy efficiency, either through
5 off-site energy production, through things like
6 solar panels or a commercial source, maybe some
7 opportunities for digesters and that type of stuff
8 to produce natural gas.

9 On the land use side, looking at higher
10 development densities and project designs that
11 encourage alternative transportation modes to get
12 less vehicle miles traveled and mobile sources.

13 Broadly, the kind of strategies in there
14 are in broad categories. You have the land use
15 and transportation strategies. That's looking at
16 how you design your land use and transportation
17 system and providing opportunities for modes of
18 travel.

19 Building energy efficiency. You know,
20 there is the chance for the LEED program or other
21 energy efficiency programs that go beyond the
22 state regulations.

23 There is -- another big energy consumer is
24 water pumping and water conveyance. So anything
25 that saves water also saves energy from pumping.

1 Solid waste reduction. Recycling provides
2 reductions through, one, when you use a recyclable
3 material it uses less energy when it's
4 remanufactured, and then also you save from
5 transport to the landfill by reducing waste. And
6 even at the landfill there are methane generated
7 landfills for different kinds of waste.

8 There are agricultural program initiatives
9 that would be -- are available in more detail in
10 the dairy strategy, but there are some that apply
11 to all agriculture.

12 There are many voluntary programs that
13 citizens can take part in. There is programs like
14 tax credits, things like to buy solar for your
15 house, or to voluntarily conserve water.

16 The CAP includes a monitoring program and
17 implementation plan, and the idea here is to have
18 some detailed steps or benchmarks that would allow
19 you to quantify what is happening.

20 For example, every year you know how much
21 development occurred and what kind of development,
22 what development that city built, and that allows
23 you to do -- to see if you're on track to meet the
24 targets.

25 And then, also, things like solar panel

1 installations or also you can keep track of energy
2 efficiency of individual structures with Title 24
3 building reports to show that you're exceeding
4 Title 24 or not.

5 And for short-term actions, also just for
6 implementing the program and getting things into
7 place right away.

8 And then long-term milestones, say five
9 years from now, you see how you're doing, if you
10 need to adjust the plan to add more measures or in
11 the meantime making changes in the law that
12 require some kind of update.

13 With that, I turn it over to Dave again
14 for next steps.

15 MR. BRYANT: In regards to next steps, the
16 process is to consider and adopt the General Plan
17 Update, two noticed public hearings, one by your
18 commission, and then a separate noticed public
19 hearing before the Board of Supervisors.

20 Process to consider and certify the final
21 Environmental Impact Report. Copies must be
22 received by public agencies commenting on the
23 draft EIR at least ten days before certification.
24 That would occur at the Board of Supervisors
25 level.

1 Review and consider the final EIR during
2 public hearings on the proposed General Plan
3 Update.

4 Certify the final EIR including, but not
5 limited to, the following findings. The final EIR
6 was completed in compliance with CEQA, the board
7 reviewed and considered the information in the
8 final EIR, and the final EIR reflects the county's
9 independent judgment and analysis.

10 During the General Plan Update process,
11 again we've had an opportunity to work through
12 various workshops, community outreach, there were
13 a number of questions that have been raised during
14 the process, and this general topic list, I'll
15 spend a few minutes and go over how the General
16 Plan Update, the approach, or how it addresses
17 very briefly some of these general topics.

18 In regards to enforceability of policies,
19 again, as Ray mentioned, and I mentioned earlier
20 in my presentation, this is a programmatic
21 document, and the policies are adequate at the
22 General Plan level.

23 A greater level of specificity is provided
24 through the area plans, subarea plans, community
25 plans, hamlet plans, mountain service center

1 plans, and in addition to that through the
2 development and utilization of our ordinance code.

3 Healthy growth alternative. Ray, in his
4 presentation, mentioned how that was addressed as
5 part of the final EIR.

6 In regards to the General Plan itself, the
7 GPU provides for smart growth and healthy
8 communities, promotion of infill, mixed use
9 development, LEED and intermodal connectivity.

10 Improvement of existing conditions. There
11 have been questions raised in regards to improving
12 existing conditions that currently exist
13 throughout the county.

14 As I mentioned in my opening remarks, the
15 General Plan update's primary objective is to
16 serve as a guide for future decision making.

17 Improvement of existing conditions may
18 occur through the implementation and utilization
19 of the various policies and programs, although
20 again that's not the primary purpose of the
21 General Plan Update.

22 Planning framework. Again, this is the
23 urban boundaries, the current urban boundaries
24 element that has simply been retitled. The
25 objectives of the program in order to provide in

1 areas that are designated for urban growth,
2 thereby separating them to preserve resource
3 conservation uses.

4 That program currently in place and is
5 carried over and addressed through the planning
6 framework element.

7 Compliance with AB32 regarding climate
8 change and SB375 regarding the regional blueprint
9 process. The Climate Action Plan, as Dave
10 Mitchell just provided in his presentation,
11 addresses AB32 compliance, more specifically in
12 regards to SB375 regarding the Tulare County
13 regional blueprint compatibility.

14 There are various components that are
15 included in the General Plan that address the
16 following topics that are consistent, again with
17 SB375: Providing a range of housing
18 opportunities, walkability, collaboration with
19 other agencies, attractive communities, providing
20 a sense of place, predictable decisions, an
21 appropriate mix of land uses, open space
22 preservation, variety of transportation choices,
23 direct development to existing urban areas,
24 compact building design, economic vitality, and
25 resource management. Those are the primary

1 principals that are contained in SB375, and the
2 General Plan provides an extensive host of
3 policies that demonstrate compatibility with the
4 regional blueprint process.

5 Changes to the Foothill Growth Management
6 Plan. The format has changed in regards to the
7 existing document, but, in essence, with the
8 exception of deleting some obsolete policies, it
9 has carried over in its entirety, including the
10 policies, the maintenance of the four-step
11 criteria, which provides for development within
12 development corridors, carrying over the foothill
13 development standards, and reference maps that
14 currently delineate circulation and open space.

15 Regarding the land use diagram and
16 buildout, earlier in my presentation we briefly
17 reviewed Figure 4.1, which is the land use diagram
18 that is currently included in the proposed General
19 Plan Update.

20 We received some comments and questions in
21 regards to the appropriate level of detail.
22 Again, since this is a General Plan document, the
23 large umbrella, the level of detail that is
24 provided in that figure is appropriate at this
25 level.

1 If some of you are familiar with city
2 General Plan updates, or even our own community
3 plans, each individual parcel is specific -- has a
4 specific land use designation, and there was
5 confusion on the part of some commenters and
6 questioners that our land use diagram should
7 provide the same level of specificity.

8 Again, this is provided at the General
9 Plan level. Our existing community plans, future
10 community plans, hamlet plans, mountain service
11 center plans currently contain and will contain a
12 very precise level of specificity in regards to
13 designated land use at the parcel-specific level.

14 Level of detail in the programmatic plan.
15 Again, Ray addressed that this again is a
16 policy-oriented document as opposed to a specific
17 policy and land use oriented document that you may
18 find in our existing community plans and future
19 community plans.

20 Water supply. Again, Ray mentioned that
21 we had a very comprehensive water supply
22 evaluation that was provided as part of the
23 process. It took a look at forecasting existing
24 conditions based on specific detailed analysis
25 units as provided by the Department of Water

1 Resources that was included in that study.

2 It made estimates in regards to projecting
3 future conditions, future conditions with and
4 without conservation, and concluded that the
5 future water demand will be roughly equivalent in
6 regards to what it is today and that there will be
7 the conversion of agriculture within urban
8 boundaries, but that the urban uses that will
9 utilize water in many instances will be generally
10 similar, recognizing that there are urban uses
11 that use more water than ag, but there are also ag
12 uses that use more water than urban. But -- in
13 concluding, in final recommendations, that the
14 actual use of water, again, will be roughly
15 equivalent as it is today and as projected in the
16 water supply evaluation document.

17 Staff recommendations. To open the public
18 hearing and receive a staff presentation on the
19 proposed General Plan 2030 Update, proposed
20 Climate Action Plan, and proposed Environmental
21 Impact Report, to receive public comment regarding
22 the proposed General Plan 2030 Update,
23 certification of the proposed final Environmental
24 Impact Report, and approval of the proposed
25 Climate Action Plan.

1 To close the public hearing and continue
2 the item for Planning Commission's receipt of
3 staff summary of public input, prepare Planning
4 Commission's recommendation to the Board of
5 Supervisors. That will include a resolution
6 recommending certification of the proposed final
7 EIR for the proposed General Plan 2030 Update and
8 proposed Climate Action Plan, resolution
9 recommending the adoption of the proposed General
10 Plan 2030 Update, incorporating modifications as
11 may be recommended, resolution recommending
12 adoption of the proposed Climate Action Plan,
13 resolution recommending adoption of the mitigation
14 monitoring and reporting program.

15 That concludes our presentation this
16 morning. Staff is -- and our consultants are --
17 happy to entertain any questions that you may have
18 before the public comment portion of the meeting
19 today.

20 At this time, Maria would like to read
21 into the record additional comments that have been
22 received to bring to your attention that were not
23 included as part of our printed materials that
24 were made available to you at the start of the
25 meetings.

1 THE CLERK: We did receive a comment from
2 Bob Keenan from the Home Builders Association.

3 He says this memo outlines some of the
4 legal issues and substantial constitutional
5 questions that would arise in a situation where a
6 county and one or more cities may be considering
7 entering into some kind of agreement whereby the
8 city would agree to impose development fees on
9 projects within the city limits to provide funding
10 for county projects or projects on a study created
11 by the county.

12 Absence of any legal authority for the
13 county to impose its fees against a project
14 located within an unincorporated city.

15 Generally, cities and counties in
16 California claim their authority to regulate land
17 use and to impose development fees and exactions
18 from their inherent constitutional police power.

19 The California constitution provides and
20 limits such police power as follows: A county or
21 city may make and enforce within its limits all
22 local, police, sanitary and other ordinances and
23 regulations not in conflict with general laws.

24 The exercise of police power authority by
25 California cities and counties is subject only to

1 the limitation that they exercise this power
2 within their territorial limits and subordinate to
3 state law.

4 Accordingly, ordinances enacted by a
5 county imposing fees are effective only in the
6 incorporated territory of the county just as other
7 county zoning and land use regulations are only
8 effective in the unincorporated portions of the
9 county.

10 Police regulations of cities and of
11 counties are enforceable only within their
12 respective limits. Since a city and county are
13 separate and distinct governmental entities or
14 agencies within the scope --

15 MR. RAPER: Chairman and members of the
16 commission, she doesn't need to read the content
17 of the letter, just identify the receipt of the
18 letter and who it is from and acknowledge that the
19 Planning Commission has received a copy of those
20 letters. She does not need to read the letters
21 verbatim.

22 CHAIRMAN MILLIES: Do we have a copy of
23 Mr. Keenan's letter right now?

24 THE CLERK: No. I will duplicate it right
25 now. This is the only comment that we have

1 received so far.

2 CHAIRMAN MILLIES: How many more are
3 there, Maria?

4 THE CLERK: That's all. That's the only
5 one.

6 CHAIRMAN MILLIES: Thank you, David and
7 Ray and Dave Mitchell.

8 Before taking comments from the public,
9 and the public hearing, do any members of the
10 commission -- my fellow commissioners -- have any
11 comments at this point?

12 MR. ELLIOTT: I've got a question on the
13 water supply portion, which we just talked about.
14 We said that -- I guess it was Mr. Bryant that
15 said that the urban and ag collective water use of
16 the future is going to be pretty much the same as
17 what it is now. That's the projection.

18 Can you give me some of the specific
19 factors that's based on? I know there has been a
20 change in some of the ag use and some of the urban
21 use.

22 MR. BRYANT: Yes. In the water supply
23 evaluation, the consultant Tolen Young utilized,
24 through the Department of Water Resources,
25 detailed analysis units which broke down urban and

1 agricultural uses based on historical use.

2 Utilizing that data, they made projections
3 into the future in regards to conservation,
4 availability of water, such as through the Central
5 Valley Project. That was one of the key areas in
6 regards to the availability of water.

7 More specifically, it included the
8 availability of surface water through the Cross
9 Valley Canal, Central Valley Project, and also
10 included groundwater pumping efforts.

11 In addition to that, it included various
12 existing conservation practices that were in
13 progress, including information from the various
14 water districts regarding groundwater recharge and
15 made projections utilizing that information as
16 well.

17 Specifically, in regards to agriculture,
18 uses such as cotton are fairly water intensive,
19 where you may have urban uses, such as a mini
20 storage, which may have little to no water use.

21 So in looking at the wide variety of those
22 different types of uses and collectively including
23 it in the aggregate, I believe that there was a
24 very marginal increase in regards to the
25 difference between the water that's currently used

1 now versus the projected use in the future.

2 MR. ELLIOTT: So that means that if we are
3 projecting more population, then we have some sort
4 of aggregate loss to water available for ag? Is
5 that what we're projecting?

6 MR. BRYANT: I think there is a very
7 marginal increase in regards to the actual water
8 use, but it was not substantial in regards to the
9 actual projected increase in population.

10 MR. ELLIOTT: Okay.

11 MR. DIAS did they consider the
12 possibility of additional storage capacities for
13 surface water?

14 MR. BRYANT: I think I am positive that
15 groundwater recharge was included. I don't think
16 it is speculative in regards to reservoirs in
17 regards to development of new reservoirs. I think
18 it's primarily based on existing conditions,
19 storage capabilities at Lake Kaweah, Lake Success,
20 and groundwater recharge efforts, the availability
21 of water from the Central Valley Project, along
22 with the Cross Valley Canal project, that the
23 county currently coordinates with the various
24 water districts.

25 MR. ELLIOTT: I had another point on the

1 Climate Action Plan. The CAP we're trying to
2 achieve is the six percent reduction as I
3 understand it. And can the county actually offer
4 incentives to achieve that?

5 MR. BRYANT: I would -- with Dave Mitchell
6 here, I will turn that over to him for his
7 comment.

8 MR. MITCHELL: The simple answer is yes.
9 The state already can do different things. Also,
10 the county can develop whatever programs it wants
11 to incentivize different kinds of designs of land
12 use or different density projects or even things
13 like lower fees for certain kinds of projects.

14 MR. ELLIOTT: So that is outlined in the
15 General Plan?

16 MR. MITCHELL: Specifics, no.

17 MR. BRYAN: Within the General Plan, there
18 are incentives to promote infill, density bonus
19 programs, mixed-use projects of 30 units per acre,
20 which would provide for higher density and
21 coordination with various intermodal
22 transportation programs that are included in our
23 land use element, including the provision in our
24 implementation programs to provide a greater level
25 of specificity through the development when we

1 update our ordinance code.

2 MR. ELLIOTT: Okay.

3 CHAIRMAN MILLIES: Any other questions?

4 MR. NORMAN: One additional for
5 Mr. Mitchell. The Climate Action Plan, it was
6 stated that methane is a 64 percent producer.
7 Vehicles were only 13 percent.

8 Over what period of time was that? Was it
9 over -- what period of time was that?

10 MR. MITCHELL: It's an annual inventory,
11 so it's all emissions generated over a year. One
12 of the reasons methane is high it's 21 times more
13 powerful than carbon dioxide as a greenhouse gas,
14 so pound for pound it's 20 pounds of methane
15 versus one pound of CO2.

16 MR. NORMAN: How does that compare to five
17 years ago?

18 MR. MITCHELL: Well, we didn't do a
19 backcast inventory. So it was just 2007. It's
20 really proportional to the number of cows. So if
21 the herd size goes up, it's about the same.

22 MR. NORMAN: Right.

23 MR. MITCHELL: But there are measures to
24 reduce it. It would be feed things that can be
25 done and then also animal digesters to capture the

1 methane and burn it.

2 CHAIRMAN MILLIES: Dave, I have a
3 question. I don't want to take a lot of time.
4 This is on AB32 relative to climate action plans.

5 I know there are tactical elements to this
6 plan, long term.

7 Given the current state of affairs and all
8 government agencies relative to monetary
9 capabilities to fund anything, does anyone have an
10 idea of what the cost is to fund a Climate Action
11 Plan in this county, number one, and, number two,
12 does the county have a timeline for that and are
13 there federal and state matching funds that are
14 baked into this plan?

15 MR. MITCHELL: As far as the specific
16 timeline for -- I guess as far as cost, there are
17 some cost data in the table in the Climate Action
18 Plan that talks about the cost of different
19 measures, and then it comes down to how efficient
20 the staff can be about assigning a staff person to
21 do -- the monitoring part is probably the most
22 data intensive.

23 And part of the idea is some of that data
24 is needed for other purposes, say the housing
25 element update, and you have to keep track of that

1 anyway, it's computerized, it comes in through the
2 development process.

3 So the idea is it could be done
4 efficiently without potentially large numbers of
5 staff. There is, I'd say -- maybe Dave knows more
6 about this if he's thought about it -- on how
7 many, if any, new staff will be needed.

8 MR. BRYANT: As Dave had mentioned, we
9 currently keep records in regards to housing
10 statistics to provide to the state housing and
11 community development part of the process.

12 After the adoption of the plan, it would
13 be to again set up some type of a spread sheet, a
14 tracking system that, when development projects
15 are approved, depending on what type of benefits
16 are provided in regards to air quality, those
17 types of reduction measures, there is a list in
18 the Climate Action Plan that specifically
19 quantifies, say, the utilization of public
20 transit, or providing for bike racks, or other
21 types of measures, transportation management
22 programs, that would be utilized through the
23 development review process that would, then, be
24 incorporated into a spread sheet.

25 And as each project is approved, depending

1 on what type of measures were included as part of
2 that project, then they would be kept track of in
3 that spread sheet process.

4 MR. DIAS: Let's go back to greenhouse gas
5 here a little bit. From what we were shown today,
6 it looks like we need to reduce current levels
7 down at least 26 percent to get back to state
8 mandated levels, and it would seem to me that if
9 dairies and feed lot are doing two-thirds of the
10 issue here, we're running around here stomping the
11 ants when the elephants are running loose, but it
12 would seem that we should probably pursue some
13 incentives for the dairy industry to do these
14 things, such as digesters or change feed rations,
15 either local incentive, state or federal
16 incentive, whatever we can do.

17 I know the dairy industry well, and I know
18 they're willing to do their part, but this stuff
19 is very expensive. That's where I would think we
20 should put some incentivization to get that 26
21 percent. I think if we put it there, we have a
22 lot better chance of getting it than chasing
23 around and putting bike racks up.

24 MR. MITCHELL: I'm aware of some incentive
25 programs that do exist for dairy digesters as a

1 specific example. I have seen several projects
2 get funding. Right now, it's in development, so
3 it's mainly research and development money comes
4 in to say test out this new digester to make sure
5 it works, we'll pay for half of it or something
6 like that.

7 But I agree that right now it is a pretty
8 big capital cost. It does have payback. Some
9 digester developers are coming in now with
10 different designs that would have a payback over
11 time. So maybe no extra cost that's a big
12 potential reduction in the future.

13 MR. DIAS: Thank you.

14 MR. ELLIOTT: We seem reluctant to impose
15 fees, especially in this economy right now. I
16 think one thing that works for me, in terms of the
17 future, is to have a more standardized fee process
18 for development, and also for dairies, because
19 we're seeing dairies come across here and they're
20 jumping through all the hoops they have to now,
21 but if you impose this fee, and then backfill an
22 incentive in there if they do it to help us reduce
23 our greenhouse gasses, I think that's a win-win.

24 The dairies will want to do it and they'll
25 get out of some of that fee, and that's incentive

1 right there.

2 So the General Plan has to be strong in
3 adjusting that to the future. Fees on development
4 of the ag kind and fees on development of the
5 residential commercial kind.

6 CHAIRMAN MILLIES: So that's where I was
7 headed. I think we've kind of touched on that.
8 Are we on a fee-based strategy here? Are we
9 minimizing county outlay of any kind of monies?
10 Because I don't see where we can afford climate
11 action plans given what is happening today with
12 the economy.

13 I think the Board of Supervisors are going
14 to have a struggle with this one. That's my
15 opinion.

16 MR. BRYANT: In regards to the actual
17 development of fees, that is not included
18 specifically for action as part of the General
19 Plan Update, although there is a separate, but
20 concurrent, process that is currently ongoing in
21 discussions with the cities in regards to a
22 development impact fee program.

23 Although it's mentioned as part of an
24 implementation strategy in the General Plan, but
25 not formally included as part of the General Plan

1 Update proposal for your consideration.

2 CHAIRMAN MILLIES: Okay. So we'll look at
3 this as we go down the line.

4 MR. BRYANT: Yes.

5 CHAIRMAN MILLIES: Thanks, Dave.

6 At this point, we're going to briefly
7 adjourn the session for ten minutes for everyone
8 to do a bio break. Hopefully be back here at
9 10:35.

10 (A recess was taken.)

11 CHAIRMAN MILLIES: We'll reconvene.
12 October 19, 2011. Would you all take your seats,
13 please. Thank you, very much.

14 Before we begin, David Bryant would like
15 to make a few comments before we move into the
16 public comment section. So, David, do you want to
17 begin?

18 MR. BRYANT: Yes.

19 As a continuation of your comments in
20 regards to the Climate Action Plan, fees, and in
21 relationship to the animal confinement facility
22 plan, I just wanted to provide some additional
23 information in regards to that issue.

24 There is not a fee that's currently
25 proposed or projected to be proposed as part of

1 the Climate Action Plan process.

2 It is, very simply, a way that through the
3 development process of applying our existing
4 policies in the General Plan Update that we can
5 utilize that information to take credit for
6 greenhouse gas emissions that we can demonstrate
7 our compliance with AB32 requirements. That's the
8 primary purpose of that plan.

9 Again, there is not a specific fee that is
10 associated at the current time with that
11 particular process.

12 In regards to the animal confinement
13 facility plan, again that is an optional element,
14 and that's currently contained in our existing
15 General Plan.

16 However, that is being updated on a
17 separate track and will be presented for your
18 consideration as part of a separate process.

19 We recognize the animal confinement
20 facility plan as being continued as part of the
21 General Plan in its current form, but the actual
22 update of that document will be conducted under a
23 separate public hearing process.

24 CHAIRMAN MILLIES: Thank you, David.

25 MR. BRYANT: Thank you.

1 CHAIRMAN MILLIES: This is a public
2 hearing this morning, and I'm going to again state
3 that I am opening the public hearing at this
4 point.

5 Now that we've had the staff
6 presentations, we will invite members of the
7 public and other interested parties to speak.
8 Please limit your remarks to the subject at hand,
9 the proposed County 2030 General Plan Update, the
10 final EIR, and the Climate Action Plan.

11 Due to our limited time today, and because
12 we have a number of interested parties here, we
13 request that you do not restate or repeat
14 comments, testimony, or information, or duplicate
15 any comments, testimony, or evidence given by a
16 speaker before you and that you do not read
17 excessively from written materials that you also
18 intend to submit to the Planning Commission.

19 If you have a written statement or written
20 comments, we ask that you submit the written
21 statement or comments instead of reading that
22 statement or comments into the record. The
23 Planning Commission will have the opportunity to
24 review any written materials.

25 No clapping, cheering, or other

1 out-of-order comments will be allowed. Violation
2 of this rule may cause me to clear the room.

3 Each interested party or person will have
4 three minutes to speak. The only exception to
5 that limit will be at my discretion.

6 You may not yield your time to others or
7 reserve time to speak again, although you will
8 have an opportunity to speak at the Board of
9 Supervisors public hearing on this matter at a
10 date to be set and noticed later.

11 We do have a court reporter, Danette, to
12 record the testimony given, so please try to speak
13 clearly and at a normal rate so that the court
14 reporter can accurately record your statements.

15 The court reporter may briefly stop you or
16 ask you to slow down if you are speaking too
17 rapidly.

18 When you start to speak, the clerk of the
19 commission will start a clock. The amount of time
20 you have left will appear on the lower right-hand
21 corner of the screen above our heads. A warning
22 will sound when you have 30 seconds left.

23 If you have any written materials to
24 submit to the Planning Commission at the time you
25 speak, please hand them to the clerk to distribute

1 and Maria over here, please, will accept that
2 material.

3 Materials will become public record and
4 the property of the county. If you need a copy,
5 you may request one from the clerk after this
6 meeting is over.

7 Please address all questions to me and not
8 to any individual planning commissioner, staff
9 member, or any other person. I will ask for any
10 response we believe needed.

11 Also, we ask anyone who comments to
12 provide the spelling of your name and your address
13 to Danette after your comments so that we have it
14 for the record. Maria has some forms for this
15 purpose. And, again, Maria is over here in front
16 of us.

17 Now, will the first person who wishes to
18 speak to the proposed county 2030 plan update,
19 proposed final EIR, and proposed Climate Action
20 Plan, please approach the open podium and speak
21 directly into the microphone. Give your name and
22 address.

23 And I would suggest that maybe, so that
24 you all don't have to stand there for long periods
25 of time, maybe we should try to see if we can

1 manage five at a time, five or six, and then as we
2 get down to the last one or two, maybe another
3 five could move up. It's your choice. I just
4 don't like to see you standing there for such a
5 long period of time. Just a recommendation.

6 So gentlemen and ladies, your name, sir.

7 MR. LASKY: My name is Gary Lasky,
8 L-a-s-k-y. I reside at 4677 North Safford,
9 S-a-f-f-o-r-d, Avenue, in Fresno.

10 I am the vice chair of the Sierra Club,
11 Tehipite Chapter, spelled T-e-h-i-p-i-t-e. That's
12 a large rock named after an Indian name in the
13 Sierra.

14 We represent five counties -- over 2,000
15 members in five counties, including a portion of
16 Tulare County, which brings me here today.

17 Thank you for -- chairperson, thank you
18 for your attention.

19 I'm here to represent the Sierra Club, and
20 -- did I start my time piece? I believe so.

21 I want to clarify the purposes of the
22 California Environmental Quality Act that brings
23 us all here today. I appreciate going first.

24 CEQA is here as -- it's a planning
25 document to provide a process so that the

1 citizenry can evaluate the planning decisions that
2 are made by the Planning Commission and the Board
3 of Supervisors, and it needs to be complete and
4 clear and intelligible to the public so that we
5 can evaluate the work that you do, and I'm
6 grateful for all of the efforts. It's a huge work
7 project that you have been working on, that we
8 have all been working on.

9 What I'm looking for is an understanding
10 that we're here to protect the public health, the
11 environmental health, the habitat that we live in,
12 the beautiful places of Tulare County, the
13 agricultural land that we're all trying to
14 protect.

15 These are some of the goals that I've
16 heard this morning expressed by the Planning
17 Commission, and we, the Sierra Club, are firmly in
18 favor of this, especially retaining our family
19 farms.

20 We want to know that there is a stable and
21 finite project description. This is a hallmark of
22 an Environmental Impact Report.

23 That means that you can read it and
24 throughout you have a clear understanding of what
25 the project entails.

1 Unfortunately, this EIR fails to meet this
2 basic requirement, if only because as we add
3 together all of the various plans that might
4 happen, we don't know the total extent of the
5 impacts on the environment.

6 There is no clear footprint and no clear
7 map. We cannot add up all those aggregate
8 impacts.

9 As a result, we need more specificity
10 about not the detailed zoning of any particular
11 property, but in fact where there is going to be
12 development and where there is going to be
13 retained farmland.

14 So I'm at the end of my three minutes, and
15 I want to thank you for this opportunity today,
16 and we will continue to be in touch, but I want to
17 make that clear, that we're here to protect the
18 public health as well. Thank you.

19 CHAIRMAN MILLIES: Thank you, very much.

20 MR. CLUM: Good morning. Peter Clum,
21 45638 South Fork Drive, Three Rivers.

22 I'm only going to speak briefly because I
23 have a cold.

24 I provided each one of you with a packet
25 which I hope you look over, and at the next

1 hearing, which might be the 16th, if you have any
2 questions about that, I would be glad to discuss
3 those with you.

4 I know this stuff is mind-numbing, but
5 it's very important. So I would ask that you give
6 it the time it deserves.

7 Does anyone have any questions about the
8 packet at this time?

9 CHAIRMAN MILLIES: Does anyone have
10 questions?

11 MR. DIAS: We just got it today. We have
12 to read it first.

13 MR. CLUM: Okay. Thank you.

14 CHAIRMAN MILLIES: Thank you, very much.

15 MR. JACKSON: Good morning, commissioners
16 and staff and RMA. My name is James Jackson, 1348
17 Draper Street, Kingsburg, J-a-c-k-s-o-n, like the
18 \$20 bill.

19 I am addressing two simple issues on the
20 40-acre parcel -- two twenties -- that my wife and
21 I just presently acquired.

22 And the issue is that it's now 80/20.
23 It's contiguous to the Kings River subplan, and
24 it's of course in the new quarter of the regional
25 growth quarter opportunities area. It's C-1.6.

1 And those two -- there is one issue within
2 that policy that troubles me. It is that we have
3 to leave this property fallow for five years if we
4 would like to do something for the property.

5 And our vision of this property is not to
6 make it some big grandiose shopping center. We
7 would like to make it as a gateway to Tulare
8 County, which it is. It services the Riverland
9 and the Ward Horse Ranch. The horse ranch is
10 already in the sub area. It's just this little
11 triangle of about 32 acres that would square it
12 off. It would be perfect. We could go that way.

13 I can vision a welcome center, kind of a
14 mini Fruit De Casa type arrangement for Tulare
15 County fruits and vegetables, although we need
16 some zoning because it has to be a year-round
17 program, and whatever may be, camping or whatever
18 would be environmentally friendly for the area.

19 And I have submitted my written comments
20 on that. That's all I have to say. Thank you.

21 By the way, I want to thank all of the
22 help from the RMA. They've been wonderful to me
23 in this because I'm just a private citizen, and we
24 don't know the ins and outs. Thank you.

25 CHAIRMAN MILLIES: Thank you, very much.

1 MR. MCINTIRE: Mr. Chairman, members of
2 the commission, thank you for the opportunity to
3 speak with you this morning. My name is Richard
4 McIntire. I'm the campaign director for the
5 Sierra Nevada Alliance based in South Lake Tahoe.

6 We are here supporting several of our area
7 member organizations, including the CCRG, Tulare
8 County Citizens for Responsible Growth.

9 I have waded through as much of the FEIR
10 as possible, not having several years to do it. I
11 can only comment on what I see as the highlights
12 and the low lights.

13 From our perspective, this represents, as
14 it stands, one of the if not the worst proposed
15 General Plan document in the entire State of
16 California.

17 It is going to result in extraordinarily
18 expensive lawsuits that are going to be paid for
19 by the taxpayers of Tulare County. I think the
20 scale of that cost is not very well known right
21 now, but it's going to be discussed.

22 I might strongly suggest you discuss that
23 with the appropriate people at the county level.

24 To that end, I would strongly urge you for
25 the next public hearing or a subsequent public

1 hearing to hold the public hearing in the evening
2 so that the working people of Tulare County
3 actually have an opportunity to comment on this.

4 Some of us have the luxury of being able
5 to take time out of our working days to be here.
6 There are a lot of folks working in this county
7 right now from the fields to the offices that do
8 not have that opportunity.

9 Supervisor Ishida was quoted at a public
10 hearing in Three Rivers as saying we are not here
11 to direct growth anywhere. Development will go
12 where development wants to go.

13 After that was reported in the press, the
14 sound that you heard was the sound of collective
15 jaws dropping across the state because that is
16 precisely what the supervisors are supposed to do,
17 and that is the charge of the Planning Commission.

18 This is not the kingdom of Tulare as is
19 noted behind you on the symbol the county crest.
20 It is a county in California. California is part
21 of the United States. And the treasures of Tulare
22 County are valued by all the people of this
23 country, the national heritage, the open ag lands,
24 the wildlife values, the mountains behind, the
25 open ag land on the valley floor.

1 I urge the Planning Commission not to
2 recommend this document for approval, to take the
3 courageous step to recognize that there are
4 numerous holes in it, numerous holes that are
5 going to cost the taxpayers of Tulare County a
6 tremendous amount of money, and to reopen the
7 process and responsibly address the massive
8 shortcomings it contains.

9 I thank you, very much, for this
10 opportunity to speak, and I thank you for your
11 attention in this matter.

12 CHAIRMAN MILLIES: Thank you, very much.

13 MR. CAMPBELL: I'd like to thank you for
14 the opportunity to speak. My name is Warren
15 Campbell, C-a-m-p-b-e-l-l. My address is 44252
16 North Fork Drive in Kaweah. I pastor the church
17 at Kaweah up there.

18 Earlier this year, I was invited to
19 address the legislators of the State of Montana,
20 and after addressing the legislators, we had a
21 time of informal discussion.

22 Having come from California, there is a
23 lot of tongue in cheek jesting about Californians
24 moving up to Montana, and the natives don't like
25 it. They don't like Californians coming into

1 Montana, because what they do is when
2 Californians -- I'm speaking in generalities --
3 when they move into Montana, they try to make
4 Montana like California, and they don't want
5 Montana to be like California.

6 And I find that a lot of folks that have
7 moved into Tulare County in more recent years, or
8 into Three Rivers, try to make Three Rivers or
9 Tulare County like Santa Barbara County or like
10 Los Angeles County.

11 I like the fact that I live in the County
12 of Tulare. My family has been here for just under
13 50 years, and we've seen a lot of changes.

14 But I do have a problem with people that
15 they've got their place in Tulare County, and now
16 they don't want anybody else to get into Tulare
17 County.

18 I find that those that have been in Tulare
19 County a long time, and some of course two or
20 three generations, they're much more accommodating
21 to those that want to come into the county.

22 One of the things up in Three Rivers and
23 Kaweah that I've noticed that I've talked to
24 people when a business closes, I ask them why did
25 you close, and usually the answer is onerous

1 county regulations.

2 We don't need more county regulations, you
3 know. So I would, in your General Plan, you have
4 a much more strident tone than the General Plan of
5 the '60s.

6 The new Three Rivers community plan has a
7 much more strident adversarial tone toward the --
8 to the people of the community, and so I'd like to
9 encourage you to maybe work on that just a little
10 bit.

11 I'd like to close my comment with a
12 passage from the book of Isaiah. It's found in
13 Isaiah, chapter 10, verses one and two.

14 God is kind of angry with the Israelites
15 at this point, and he's going to tell why he's
16 angry with them.

17 In Isaiah 10, verse one, it says woe unto
18 them that decree unrighteous decrees, and they
19 write grievousness which they have prescribed.

20 To turn aside the needy from judgment and
21 to take away the right from the poor of the
22 people, that widows may be their prey and that
23 they may rob the fatherless.

24 What God is saying here, through the
25 prophet Isaiah, is regulations upon regulations,

1 fees upon fees, make it very difficult for the
2 widow and the orphan, those that are poor in the
3 land, to be able to live here, to be able to buy a
4 home, to be able to exist because the fees just
5 keeping adding up, they keep compounding, and God
6 says I'm mindful of that, so I'm going to judge
7 Israel because of their onerous regulations, woe
8 unto them that decree unrighteous decrees and they
9 write grievousness which they have prescribed.

10 Many people are fleeing California like
11 scalded dogs because of this overregulation.

12 Thank you.

13 CHAIRMAN MILLIES: Thank you, very much.

14 MR. JOHNSON: My name is David Johnson,
15 J-o-h-n-s-o-n. My address is 43943 North fork
16 Drive, Kaweah Commonwealth.

17 I have been to several Planning Commission
18 meetings when I lived in Los Angeles, San
19 Bernardino, and Riverside counties as an employee
20 of those counties.

21 And one of my biggest reasons for moving
22 out of those areas, I'm originally from Colorado,
23 I got trapped here after the military, it's where
24 I was dumped, I chose Tulare County because it
25 reminded me of home, reminded me of Colorado, it

1 reminded me of small non-invasive government, good
2 people, farm land, mountains, and I like that
3 about Tulare County.

4 I have been here six years. I'm one of
5 the new people here. I'm not trying to change it
6 to fit what my paradigm is.

7 But there are those of you in the public
8 that I see that are trying to pressure this
9 commission into creating a document which will
10 limit growth, reduce small towns to borders that
11 are unnatural. Towns should be allowed to grow as
12 they're meant to grow as people choose to move
13 there.

14 The restriction of travel. I heard Ishida
15 once say at a meeting in Three Rivers that if you
16 want to get rid of the air quality problems, get
17 rid of the 99.

18 Go ahead. Get rid of the 99. Get rid of
19 these emitting creatures, the cows, everything,
20 and then see how expensive your food products,
21 your clothing -- there was a mention about cotton
22 being a consumer of large amounts of water. Get
23 rid of the cotton, then go buy a pair of jeans.

24 Pretty soon, we are going to be importing
25 products into this county because of restrictive

1 ordinances and regulations that are not voted on
2 by the people, but are decided on by honorable
3 people like yourselves.

4 I want to remind you that this nation was
5 based on property ownership, the joy of owning
6 that land and doing with that land what you will
7 as long as it doesn't conflict with your
8 neighbors. They didn't need a lot of regulations.

9 John Locke, who is the philosophical
10 godfather of the American Revolution, the
11 Constitution, the Declaration of Independence, and
12 Jefferson who founded or wrote our Declaration of
13 Independence, said lives, liberty, and states,
14 which are called by the general name of property.

15 Property, ownership, and rights are the
16 basis of this nation, and every time you make a
17 restriction, when you guys send off your code
18 compliance or new officer up there to tell us all
19 kinds of neat stuff, says it's not about fines,
20 it's about compliance, how many chickens you have,
21 then he gave out a number to tell on your
22 neighbors if you see your neighbors doing
23 something beyond the code.

24 We don't need more codes. We don't need
25 more compliance. And I would just suggest you

1 guys be wise when reviewing this document. If it
2 needs to be thrown out, I don't know, I haven't
3 read the whole thing, it's physically impossible
4 for me to do with my time constraints.

5 Review it and be wise in the regulations
6 you impose on us. That's all I ask. Thank you
7 for your time.

8 CHAIRMAN MILLIES: Thank you, very much.

9 MR. DACKAWICH: Mr. Chairman, commission
10 members, my name is John Dackawich. I'm from 5841
11 West Judy Court, Visalia, California.

12 And that name is D -- as in David --
13 a-c-k-a-w-i-c-h.

14 Now, the EIR recognizes the virtually
15 inevitable increases of gashouse -- greenhouse
16 gasses generated by a quarter million increase of
17 population by 2030.

18 This runs head-on into the CEQA
19 requirements to roll back the gashouse -- the
20 greenhouse gasses to 1990 levels.

21 By encouraging corridor development
22 beyond the urban boundaries, the plan would
23 inevitably contribute drastically to increasing
24 health problems, especially asthma, for our
25 children, which has already been well documented.

1 Effective land use and transportation
2 strategies are essential for these areas.

3 The planning staff recognizes high costs
4 of limiting the GHG, but continued to project
5 newly identified growth corridors, which brings us
6 to the grim specter of leap frog development that
7 has all of the built-in difficulties for us.

8 So I would suggest that we look closely at
9 limiting the amount of expansion for this quarter
10 of a million new population we're going to have.
11 Thank you.

12 CHAIRMAN MILLIES: Thank you, very much.

13 MS. CID: Hello. Honorable members of the
14 commission, I'm Amparo Cid, that's spelled
15 A-m-p-a-r-o, last name C-i-d.

16 And I just wanted to bring to your
17 attention SB244 which was signed on October 7 of
18 2011 and which will be taking effect soon, in the
19 upcoming year.

20 And that requires the county to amend the
21 land use element of its General Plan on or before
22 the adoption of the county's housing element to
23 identify the presence of disadvantaged communities
24 and to look at communities that are within the
25 household median income below 80 percent of the

1 statewide level within the boundaries of the
2 county.

3 Upon identifying the communities, the
4 county must include a description of that
5 community.

6 The county must also include a description
7 of the community and a map that shows the location
8 of it in relation to the county boundaries.

9 Additionally, the land use element must
10 include an analysis of water, wastewater,
11 drainage, and structural fire protection needs or
12 deficiencies for each identified community.

13 And, if necessary, the county must amend
14 the General Plan to update that information as to
15 the goals and programs or the action relating to
16 those communities.

17 The reason why I wanted to bring to your
18 attention SB244 after that long, long speech there
19 is because, by that standard, the Tulare County
20 General Plan will need to take into account those
21 standards in that analysis for communities that
22 are -- I am going to list some of them, but it's
23 not limited to these -- it includes Cutler-Orosi,
24 East Orosi, Tuleville, Allensworth, Poplar,
25 Pixley, Seville, and many more.

1 So I just wanted to make sure that I know
2 that you're all diligently reading this plan,
3 you're all looking at all of these different
4 things, but I'm adding one more thing to the table
5 here to bring to your attention to just be mindful
6 of SB244, and I want this honorable commission to
7 make sure that they are abiding by that which will
8 be taken into effect soon.

9 If you have any questions for me, please
10 feel free to ask away. I know I threw this out
11 there to you right now.

12 CHAIRMAN MILLIES: Any questions? Could
13 you please give your address.

14 MS. CID: Yes. It's 1605 Fulton Street.

15 CHAIRMAN MILLIES: Thank you, very much.

16 MS. CID: Thank you, so much.

17 MS. BRODFUEHRER: Good afternoon, members
18 of the Planning Commission. My name is Kara
19 Brodfuehrer. I'm an attorney for the California
20 Rural Legal Assistance. I'm here on behalf of my
21 client. They're called the Matheny Tract
22 Committee. And our office is located at 2015 Kern
23 Street in Fresno.

24 And the main point that I wanted to make,
25 I'm submitting a lot of comments, so I'm just

1 going to hit the main point, but basically this
2 commission cannot actually suggest the adoption of
3 the General Plan at this time because it would be
4 illegal.

5 The General Plan is required to have
6 internal consistency among all the elements of the
7 General Plan.

8 One of those elements, as you know, is
9 missing right now. That's the housing element.
10 The housing element is part of the General Plan,
11 and the policies in the housing element have to be
12 consistent with the policies in the General Plan.

13 The problem is that, although Tulare
14 County says that they have adopted a housing
15 element, they did so illegally, and that's a known
16 fact, and it was in a letter sent from the
17 Department of Housing and Community Development,
18 and housing and community development actually
19 said the housing element was out of compliance.

20 So the General Plan can't be adopted at
21 this time because the housing element is out of
22 compliance.

23 The General Plan would have to wait for
24 the housing element to come out and to look at all
25 the policies and to insure that the housing

1 element and the General Plan remain consistent
2 with one another.

3 Also, I want to say the information in the
4 General Plan is pretty inaccurate, and it doesn't
5 really put the public on notice as to the actual
6 status of the housing element.

7 I'm just going to hit a couple more
8 points. There is much more in that letter.

9 One of the other things I wanted to hit
10 was that my clients, in particular, live in a
11 community called Matheny Tract. It's about a
12 thousand people. It's south of the City of
13 Tulare.

14 The most recent housing element actually
15 says that the county has failed to invest any
16 infrastructure investment in that community in the
17 past 30 years.

18 That community, for some reason, has been
19 passed over as a hamlet and is not going to be
20 receiving a hamlet plan in the General Plan.

21 I heard at the beginning of this procedure
22 that people were talking about a county-approved
23 city plan. That's not enough.

24 These Matheny Tract residents are a large
25 community, and they're members of the county, and

1 the county has a duty to plan for them like
2 everyone else, especially because they have
3 contaminated drinking water, a lack of sewer, they
4 have a lack of an incredible amount of public
5 infrastructure, and they would really benefit and
6 are entitled to be part of the hamlet plan.

7 One other thing that I want to hit really
8 quickly is that the discussion of drinking water
9 is completely -- it doesn't have any discussion of
10 the drinking water issues that are facing
11 thousands of residents of Tulare County.

12 It is in the background report, but if you
13 look at the water element, the public facilities
14 element, you wouldn't even know that thousands of
15 residents of Tulare County are without drinking
16 water. And that's not acceptable as well. Thank
17 you.

18 CHAIRMAN MILLIES: Thank you, very much.

19 MR. ELLIOTT: Could I ask her a question?

20 CHAIRMAN MILLIES: Yes.

21 MR. ELLIOTT: Would you kindly spell the
22 name of that tract for the record?

23 MS. BRODFUEHRER: Sure.

24 MR. ELLIOTT: And also your name.

25 MS. BRODFUEHRER: Sure. It's Matheny,

1 M-a-t-h-e-n-y, and it's Tract, T-r-a-c-t, and I
2 think you already know who I am. The last name is
3 spelled B-r-o-d-f-u-e-h-r-e-r.

4 MS. BRANNAN: Good morning. I'm Lois
5 Brannan, I live at 1310 Bradley Court, Exeter,
6 California. I'm representing the League of Women
7 Voters, Tulare County.

8 We feel it's necessary to take a stand for
9 the future of our county. The league has action
10 policies and positions that cover all aspects of
11 your plan, air quality, energy, land use, water
12 management, and transportation, so we know
13 something about this.

14 While the plan states that it's important
15 to direct growth in a manner that will preserve
16 the special agriculture and rural nature of the
17 county, the 20-year plan is extremely vague,
18 relies on unenforceable policies that encourage --
19 not enforce -- but do not mandate where growth
20 will occur or sets any amount to be located in any
21 particular area.

22 There is nothing to stop sprawl along
23 roads and foothill corridors or new towns on what
24 is now farm or range land.

25 It is lacking specific mandates about

1 where and how development may occur.

2 It does not adequately address water, air,
3 climate, land use, or transportation issues.

4 In the past, Tulare County has shown
5 remarkable insight in developing plans that
6 actually protected agricultural land from
7 conversion to non-agricultural uses.

8 The county -- the county leaders of today
9 should exercise similar foresight planning.

10 It does not appear that that will happen
11 without considerable pressure from the public.

12 It leaves the county open to hodgepodge
13 development in which the stakeholders with the
14 most money influence the county's decisions about
15 where growth will happen.

16 It reads like a very commendable mission
17 statement, but not a useable General Plan. Thank
18 you.

19 CHAIRMAN MILLIES: Thank you, very much.

20 MR. OOLEY: Good morning, members of the
21 Planning Commission. My name is Leon Ooley,
22 that's O-o-l-e-y. And I reside in Exeter at 327
23 Lenox Avenue.

24 From 2000 to 2011, I served on the Exeter
25 City Council, fulfilling two terms as mayor in my

1 fair city.

2 It is because of this experience that I
3 respect the work that you do as a Planning
4 Commission, especially today when you have the
5 difficult task of reviewing and weighing in on
6 such an important issue.

7 Having been in your position, I hope you
8 don't mind if I offer you some advice. You're
9 going to hear a lot of spirited opinions telling
10 you that the General Plan Update has too much of
11 something and not enough of something else.

12 Unfortunately, what you cannot do is act
13 or deter -- or be deterred by the loudest,
14 angriest voices in the room. That doesn't work.

15 It is essential that you cut through the
16 rhetoric and remain focused on the core issues.

17 Our county is growing and with that growth
18 specific needs like the need for comprehensive
19 water resource management practices so we can
20 become less dependent on groundwater, the need for
21 compact development that reduces piecemeal
22 development and protects the life blood of our
23 local economy, which is high quality farm land,
24 the need for contiguous open space planning, and
25 the need for innovative planning to better

1 implement new state regulations for reducing
2 greenhouse gasses.

3 Commissioners, you have this important
4 task before you. It is essential that this county
5 implement a blueprint for how it is to grow over
6 the next 20 years.

7 As you formulate your position and set
8 your course, you must think long term and large
9 scale.

10 You must think comprehensively, and you
11 must think independently. Thank you.

12 CHAIRMAN MILLIES: Thank you, very much.

13 MR. NIELSEN: Members of the Tulare County
14 Planning Commission, my name is Bill Nielsen,
15 N-i-e-l-s-e-n. I reside at 1420 Arlen in Visalia,
16 California.

17 I have been in business in this county my
18 entire life. I was born in Visalia. I'll
19 probably die in Visalia. My family has roots in
20 California. We've conducted business -- insurance
21 and real estate business for many, many years.
22 We're in the third generation now. My son has
23 taken over the business.

24 I have served on many county positions. I
25 have served on boards of most entities one place

1 or another throughout my life here in the county.

2 I respect the work that you gentlemen and
3 ladies are doing. I think you're doing a
4 marvelous job.

5 The mandates that the government has put
6 on you and all you're trying to do is fulfill
7 them. I mean, what are you to do? This job is
8 almost impossible.

9 When I grew up and went to college at
10 Fresno State, I had the pleasure of having OJ
11 Woodward, you know Woodward Park in Fresno, he was
12 my mentor and teacher there and volunteered his
13 time and taught me everything about real estate,
14 planning, and all these wonderful things. It was
15 simple back then, and it's gotten really complex,
16 and I marvel at you for even taking this job on.
17 Because I know it doesn't pay with a darn to take
18 it on, but you're doing the best you can.

19 With everything I have seen and heard from
20 a positive standpoint has been very, very good. I
21 think you should be commended for what you're
22 doing.

23 I hope that Tulare County continues to
24 maintain its agricultural base which is important
25 to me. It's our roots, it's our employment, it's

1 our monies that come from the agriculture base,
2 and from everything I can see there you're trying
3 to do this as best you can.

4 This place is going to grow. You got to
5 do the best you can with it. I applaud your
6 efforts. Thank you, very much, for your time.

7 CHAIRMAN MILLIES: Thank you.

8 MR. MANNING: My name is Terry Manning. I
9 live at 41576 Yokohl Drive in Springville.

10 Good morning, Chairman Millies and members
11 of the commission.

12 I have been attending and commenting at
13 meetings related to the General Plan and EIR since
14 early 2005.

15 At one of those meetings, I characterized
16 the plan at that time as a wishy-washy,
17 mamby-pamby no plan at all. I'm sorry to say the
18 current version is no improvement.

19 It provides for maximum flexibility in
20 dealing with development proposals and minimum
21 responsibility to the input of citizens of Tulare
22 County who attended those early General Plan
23 workshops and who have remained closely involved
24 in the GPU FEIR process.

25 We remain committed to community-centered

1 growth, and that means no new towns.

2 We remain committed to the preservation of
3 ag land and open space, and that means no new
4 towns.

5 We continue to believe that a real plan
6 contains reasonable implementation and mitigation
7 measures stated in clear and enforceable language.

8 We prefer the word shall and abhor the
9 word may.

10 We believe the county must include in the
11 plan an agricultural conservation easement
12 program.

13 To say that the county may develop such a
14 program is no plan at all.

15 The public clearly cannot rely on this
16 plan to accomplish any of its priorities.

17 We urge the commission to recommend to the
18 Board of Supervisors that major revisions in the
19 current version of the GPU and FEIR be made so
20 that it is accountable to the residents of Tulare
21 County. We're asking them to do it over again.

22 I am reminded of a story of an opera
23 tenor, an American opera tenor, who decided to go
24 to Italy to sharpen up his skills.

25 And in the course of an opera, he sung an

1 aria, and the crowd just went crazy. They
2 applauded thunderously, and they yelled encore,
3 encore, and he came back and he sang it a second
4 time.

5 And the same thing happened, thunderous
6 applause, more encores. He came out and he sang
7 it a third time.

8 Thunderous applause and more encores. And
9 finally, he said, Ladies and Gentlemen, thank you
10 for your generous applause, but we must go on with
11 the opera.

12 And from way up in the highest of the
13 balcony, a broken English voice said, you gonna do
14 it till you get it right. Well, that's what we
15 want the Board of Supervisors to do. Thank you.

16 CHAIRMAN MILLIES: Thank you.

17 MS. BODNER: Good morning, before my time
18 starts, I have a question. At the joint session
19 with the Board of Supervisors, I believe the chair
20 indicated he wanted to have a two-week process for
21 this hearing. I'm asking whether that is still on
22 the table so that other people that can't be here
23 today and people who could not get their thoughts
24 organized into a piece of paper to give you would
25 have the opportunity to turn it in after today.

1 CHAIRMAN MILLIES: How many more people
2 are you referring to?

3 MS. BODNER: Well, I know of two, but --

4 CHAIRMAN MILLIES: Can they submit their
5 issues or their comments in writing?

6 MS. BODNER: I don't believe they've done
7 that. And I know I haven't had the time to get my
8 thoughts organized on paper in a form to give you
9 coherently, and I'd like to do that.

10 CHAIRMAN MILLIES: Sure. Counsel, I think
11 we can accept those in writing if we receive them
12 within the next couple of weeks.

13 MS. DONG: Yes. Assuming that we're going
14 to be continuing the public hearing.

15 MR. KIMBALL: Mr. Chairman, it's also
16 possible to deliver it all the way through the
17 Board of Supervisors public hearing.

18 CHAIRMAN MILLIES: So once the date
19 certain is set for the Board of Supervisors
20 review, they certainly can bring it to that
21 session.

22 MS. BODNER: Will you accept them before
23 that, in other words, after today's hearing, if
24 you don't schedule a second hearing.

25 CHAIRMAN MILLIES: I think we can,

1 correct?

2 MR. KIMBALL: Yes.

3 MS. DONG: Yes.

4 CHAIRMAN MILLIES: Before the Board of
5 Supervisors meeting?

6 MR. SPATA: Yes.

7 MS. BODNER: Thank you.

8 My name Karen Bodner, B-o-d-n-e-r. I live
9 at 42480 Kaweah Drive in Three Rivers.

10 I'm going to try to cut this short since I
11 now can turn my things in on paper.

12 CEQA recognizes public participation as an
13 essential part of the CEQA process.

14 Commendably, the county has provided
15 opportunities for the public to provide input and
16 has done so in some cases on an expanded basis,
17 and I appreciate the willingness of the county to
18 go through those steps.

19 Unfortunately, once those comments were
20 in, they seem to have been pretty much
21 disregarded.

22 I have been involved in this process since
23 2005. I submitted over 100 pages of comments in
24 response to the 2008 version of the DEIR. I
25 submitted over 100 pages of comments on the

1 revised RDEIR because the county chose not to look
2 at the first batch.

3 A comparison of the two documents
4 indicates that what has changed between the first
5 2008 draft and the current revised draft is simply
6 that things have been reorganized, sections that
7 had been omitted from the prior version have been
8 added, and some typographical errors have been
9 corrected.

10 If you look at the chart in either
11 document that shows revised and updated
12 provisions, you will see that they are very
13 limited.

14 I'm concerned that the FEIR misleads the
15 agencies responsible for making decisions by
16 misrepresenting some of the law, some of the
17 provisions, and I'm just going to look at those
18 very quickly.

19 CEQA Section 15088 (a) provides that
20 written responses shall describe the disposition
21 of significant environmental issues raised, in
22 particular, the major environmental issues raised
23 when they are at variance with recommendations and
24 objections raised must be addressed in detail
25 giving reasons why specific comments and

1 suggestions were not accepted.

2 There must be good-faith reasoned analysis
3 in response. Conclusory statements, unsupported
4 by actual information, will not suffice.

5 If you look at the responses, and
6 especially the master responses in the FEIR, they
7 repeat the same points over and over again.

8 They simply repeat back the language that
9 is contained in the RDEIR, or they provide excuses
10 as to why the county doesn't have to do more.

11 They cite the fact that this is a program
12 EIR. Section 15168 of the CEQA notes that the
13 advantages of a program EIR are that they provide
14 an occasion for a more exhaustive consideration of
15 effects and alternatives than would be practical
16 in an EIR in each individual action.

17 They allow the lead agency to consider
18 broad alternatives and program-wide mitigation
19 measures at an early time when the agency has
20 greater flexibility to deal with basic problems,
21 and it says that a program EIR would be most
22 helpful in dealing with subsequent activities if
23 it deals with the effects of the program as
24 specifically and comprehensively as possible.

25 With good and detailed analysis of the

1 program, any subsequent activities could be found
2 to be within the scope of the project with no
3 further environmental documents required.

4 We haven't done that. The county's
5 response, the FEIR, repeatedly says it doesn't
6 have to provide details because it's a
7 programmatic EIR, and that is just not what the
8 law requires.

9 They also point out repeatedly that not
10 every policy requires an implementation measure.

11 The section of the statute and the
12 guidelines that they cite is followed by a
13 sentence that specifically says every policy must
14 have at least one implementation measure, and I'm
15 really concerned that the decision makers are
16 going to be misled.

17 I appreciate the extra time. And I'll
18 turn in my papers. Thank you.

19 CHAIRMAN MILLIES: Thank you.

20 MS. SCHWALLER: Good morning, Chairman
21 Millies, commissioners, staff, and concerned
22 citizens.

23 My name is Laurie Schwaller. I live at
24 43857 South Fork Drive, Three Rivers. I'll turn
25 this in with the spelling.

1 At the beginning of the General Plan
2 Update process, the county asked its citizens what
3 they wanted for our county's future, and a strong
4 consensus was returned.

5 We wanted clean air, a reliable clean
6 water supply, preservation of our agricultural and
7 open space lands, a more diverse economy, and
8 growth centered in our existing communities.

9 The workshop attendees overwhelmingly
10 chose the option of having 90 percent of future
11 growth directed to existing communities.

12 The county's own consultant showed that
13 far more than all the growth projected for the
14 county during the years covered by the General
15 Plan Update could easily be accommodated within
16 those existing boundaries without even increasing
17 density.

18 The General Plan commenters have
19 continually urged the county to prepare a strong
20 clear plan that adheres to the widely endorsed
21 plans and principals of responsible growth that
22 will work to achieve the goals and vision of our
23 citizens.

24 Responsible growth locates people where
25 jobs, workers, services, infrastructure, public

1 transportation, and other amenities already exist.

2 It uses land, water, and energy resources
3 efficiently and enables us to use public transit,
4 bikes, or our own two feet to reach many
5 destinations, promoting a healthier lifestyle,
6 more affordable housing, and other social benefits
7 while reducing greenhouse gas emissions and
8 traffic congestion.

9 It costs less to service and maintain,
10 preserves our highly productive farm and ranch
11 lands, and conserves the natural resources that
12 provide us with essential and free ecosystem
13 services.

14 Implementing smart growth policies will
15 help us to meet the requirements of state and
16 federal laws and also to meet four of the county's
17 six overall objectives of the General Plan.

18 For all these reasons, we urge you to
19 recommend that the General Plan be extensively
20 revised to preclude consideration of the
21 development of any new towns or corridor areas
22 unless and until our existing communities have
23 been developed to the fullest extent possible
24 within their existing boundaries.

25 Development should be required to be

1 highly resource efficient, and mitigation for
2 avoidable loss of agricultural and open space land
3 should be mandatory at a minimum one-to-one ratio.

4 We urge you to recommend, also, that the
5 EIR's range of alternatives be revised to include
6 a true healthy growth alternative, not the one
7 that is in there now, including all the principals
8 of the one proposed by Tulare County Citizens for
9 Responsible Growth and that the county adopt and
10 implement that true healthy growth alternative and
11 the principals of responsible growth.

12 Thank you. We will provide more detailed
13 comments in writing.

14 CHAIRMAN MILLIES: Thank you, very much.

15 MS. GORDEN: Good morning. My name is
16 Mary Gorden, and you spell Gorden G-o-r-d-e-n. I
17 live at 24740 Avenue 324 in Lemon Cove, and I
18 represent the Southern Sierra Archaeological
19 Society, and I also have been part of the planning
20 in our group since 2005.

21 Each time, we have given comments, and we
22 are still here, and our mission to is insure that
23 Tulare County fulfills one of CEQA's objectives,
24 and that's that environmental and cultural
25 resources are not adversely impacted where

1 avoidable.

2 This objective is not fulfilled in the
3 present DEIR, and part of that reason is because
4 where the mitigation measures are is -- the
5 statement is that the county staff shall consider
6 such recommendations and implement them where
7 they're feasible in light of the project design.

8 And then where other California counties
9 have adequate protection for cultural resources,
10 why is it that Tulare County is unable to do this?

11 And so for another one to quote is impact
12 ERN 14, and the conclusion is, quote, impact to
13 historical resources would still result in
14 significant and unavoidable impact. No additional
15 feasible mitigation is currently available, end
16 quote, and this is not a valid conclusion under
17 CEQA which requires that an EIR identify and the
18 decision makers adopt all feasible mitigation
19 measures that would reduce or avoid project
20 significant impacts.

21 And the agency must comply with this
22 requirement even if the mitigation would not
23 reduce the impact to lessen significant levels as
24 long as the measure would have some mitigating
25 effect.

1 And so the fundamental purpose of the EIR
2 is to identify appropriate measures, and this
3 defect needs to be corrected.

4 We certainly don't get the idea that we
5 think that every -- or we suppose that every
6 historic or archaeological thing could be saved.
7 That's not the case.

8 We're asking for mitigation of those
9 articles that can be saved for our children's
10 future.

11 We have a county that is so rich in
12 historic and pre-historic sites and artifacts. We
13 need to respect that.

14 So I wish that or I hope -- the other
15 thing to say is thank you. I told John Elliott
16 this last night.

17 We did propose 26 measures in mitigation.
18 The county in the latest General Plan DEIR adopted
19 three of them.

20 One of them was for exactly what the state
21 requires now to do with human remains, and I
22 certainly appreciate having those measures in now.

23 So everybody has a good idea of what they
24 should do. Thank you.

25 CHAIRMAN MILLIES: Thank you, very much.

1 MR. SCHWALLER: Good morning
2 commissioners, staff, fellow citizens.

3 My name is Greg Schwaller,
4 S-c-h-w-a-l-l-e-r. I reside at 43857 South Fork
5 Drive in Three Rivers.

6 We applaud and respect Tulare County for
7 preparing a draft Climate Action Plan. It is
8 necessary, but it's insufficient.

9 We urge you to extensively revise the CAP
10 to make it truly effective and responsible to the
11 public interests and the law's intent.

12 In the CAP, you state that it is an
13 implementation measure and mitigation measure for
14 the proposed GPU.

15 Therefore, you must make the CAP more
16 clear, comprehensive, specific, enforceable,
17 results-oriented, timely, and measurable.

18 The CAP relies for its effect primarily on
19 policies and implementation measures in a draft
20 GPU which have already been shown repeatedly
21 during the first and second public comment periods
22 over the past five years to be far too vague, weak
23 and unenforceable, to be relied on to accomplish
24 both plan's goals.

25 For example, General Plan land use

1 policies that do not specify or -- that do not
2 specify or require actions but merely encourage
3 development to locate near existing
4 infrastructure, encourage residential development
5 to be clustered, encourage high-density
6 development to locate near facilities, encourage
7 infill, and encourage use of solar and energy
8 conservation, but how will you encourage these
9 worthwhile actions to occur?

10 To find out, we have to turn to the
11 implementation measures. We find that many of
12 these policies have no implementation measures at
13 all or have only very indefinite measures, such as
14 the county shall explore implementation
15 strategies, or shall consider preparing an
16 inventory, or shall cooperate to encourage.

17 These are ineffective policies and
18 implementation measures and they do not make clear
19 to the county's current or prospective residents,
20 businesses, or agriculturalists what they can
21 expect of the plan and what the plan expects of
22 them.

23 Such vague policies and implementation
24 measures also fail to produce the basis for
25 necessary useful monetary measuring and reporting

1 that would enable the county and allows us, its
2 citizens, to ascertain whether the CAP and the GPU
3 are producing the desired good results.

4 They also greatly reduce the county's
5 accountability. Could this be the county's goal?

6 We need a strong, clear, enforceable plan,
7 not paperwork, to produce healthy responsible
8 growth in our county.

9 We urge you to recommend that the draft
10 Climate Action Plan and the General Plan documents
11 be revised to correct these problems.

12 We will provide additional detailed
13 information by the specified deadline. Thank you.

14 CHAIRMAN MILLIES: Thank you, very much.

15 Could I see a show of hands how many other
16 of the public plan to speak? About five or six.
17 Do you want to continue or do you want to break?

18 MR. KENDALL: My name is Roy Kendall, and
19 I'm a private citizen, local real estate broker,
20 proud son of family farmers, California family
21 farmers.

22 Planning Commission members, the question,
23 the question, is what is one of the spoken and
24 unspoken reasons for the current concerns over
25 this proposed General Plan for Tulare County for

1 the next 20 years?

2 The answer is global warming. It has been
3 said that it is not what we know that is
4 dangerous, it is what we know that isn't true that
5 is dangerous.

6 The overriding question is: Is global
7 warming true or not?

8 Now, if global warming is true and
9 scientifically proven, then everyone here needs to
10 watch the movie The Age of Stupid available on
11 Netflix before deciding on the General Plan.

12 Now, if global warming is not true, and
13 not proven scientifically true, then global
14 warming has no effect on what is decided regarding
15 the General Plan.

16 Regarding this, I direct you to see pages
17 seven and eight of the letter dated October the
18 18th from the State Attorney General. It's pages
19 three and four from the back. So it's real easy
20 to find.

21 So what matters is what is scientifically
22 proven, and what you decide needs to be based upon
23 scientific facts.

24 Now, there is historical precedent for
25 courage, education, and leadership regarding

1 preservation versus profits.

2 A hundred forty-three years ago, a
3 Scottish American writer and naturalist left San
4 Francisco on foot. His writings created interest
5 in Yosemite and has long battled to protect its
6 wonders to help make it the centerpiece of a great
7 national park.

8 In 1868, it took courage and concern for
9 John Muir to fight logging and mining interests
10 and make decisions he did regarding conservation
11 that led to Yosemite National Park.

12 Today, it will take concern, courage, and
13 leadership for the Planning Commission and the
14 Board of Supervisors to act based on scientific
15 facts and decide what is in the best interest of
16 current and future Tulare County residents and
17 visitors.

18 Now, in the year 2055, future county
19 residents and visitors may ask -- future county
20 residents and visitors may say it was with great
21 courage and foresight that the Planning Commission
22 and Board of Supervisors of Tulare County in 2011
23 gave us a General Plan that helped save us and the
24 world from global warming.

25 Their leadership provided precedent for

1 positive growth and preservation of the
2 irreplaceable quality of life we enjoy in Tulare
3 County. Their long-term decision was a model for
4 other forward-thinking counties and countries.

5 Or they may say in 2011 it was the age of
6 stupid.

7 Now, in the famous words from the Indiana
8 Jones movie, the Raiders of the Lost Ark, choose
9 wisely. Thank you.

10 CHAIRMAN MILLIES: Thank you, very much.

11 MR. SELIGMAN: Hello, everyone. My name
12 is James Seligman, S-e-l-i-g-m-a-n. I reside at
13 46136 South Fork Drive in Three Rivers.

14 I am also a business owner. I own and
15 operate two businesses, a guest cottage and nature
16 preserve in Three Rivers, and an office rental
17 space in Visalia.

18 So I not only live here, but I derive my
19 livelihood from people that come and visit this
20 county and people that want to, you know, have
21 commerce here and be successful and have a healthy
22 place to live and work.

23 Thank you for extending the comment
24 period. I really appreciate that because I
25 received the documents several weeks ago, and I

1 have to say that I was overwhelmed by the last
2 round of documents. I find them kind of very
3 arcane. I'm very impressed with any or all of you
4 if you've been able to get through them and
5 understand them.

6 I'd love to be able to sit down and take
7 any of you out to lunch and have you explain to me
8 how those documents have improved the previous
9 versions of the FEIR and the GPU that I did study
10 a little bit more closely. I just couldn't see
11 it.

12 I will submit my comments after I have a
13 chance to study it more, but I would like to call
14 attention to an aspect of the process itself that
15 I find very disturbing.

16 Rather than the Board of Supervisors
17 seeking or engaging many of the citizens in this
18 room for discussion about this plan, because I
19 know many of these people have stepped forward to
20 try to talk about these aspects, they have, in
21 fact, convened no less than 70 closed-door
22 sessions off the record out of public view with
23 county counsel to discuss pending litigation in
24 relation to this plan.

25 I don't believe in secrecy. I know that

1 discretion is important, but that in a small
2 county like ours, as grand as it is, that the
3 supervisors should find it necessary to convene in
4 less than two years that much time spent speaking
5 off the record out of public view about pending
6 litigation in regards to this process and
7 everything that we're talking about here.

8 People are talking about science, they're
9 talking about politics, economics, religion, we've
10 heard the whole gamut here today.

11 I would like to request that this Planning
12 Commission get access to the minutes and the
13 recordings of those sessions, and I would love the
14 public to have access to those, but at the very
15 least I would request that you request those
16 minutes and those proceedings so that you can
17 factor those discussions into your decision making
18 process. Thank you.

19 CHAIRMAN MILLIES: Thank you, very much.

20 MR. WHITLACH: This is Shirley
21 Kirkpatrick, a former fellow planning
22 commissioner. Shirley and I have been involved in
23 the process of this General Plan since the very
24 beginning. We sat on the committee to pick the
25 consultant, and I highly respect what you have to

1 say, Shirley. So thank you for coming.

2 MS. KIRKPATRICK: Thank you, Bill. You
3 were never like that when I was on. I'm kidding.
4 You did really say some of the things I was going
5 to say.

6 Do I have to go through my name and all
7 that? I'm not on the clock yet. I'm worried
8 about that three minutes. It's really hard.

9 CHAIRMAN MILLIES: Yes, you do.

10 MS. KIRKPATRICK: I'm on the clock.

11 I gutted my first draft this morning
12 because it was a little too bombastic. If you
13 don't mind, I will read through this one in order
14 to get all my comments in in three minutes.

15 MR. WHITLACH: Her name is Shirley
16 Kirkpatrick and she lives at --

17 MS. KIRKPATRICK: 23114 Carson Avenue in
18 Exeter.

19 CHAIRMAN MILLIES: Thank you, very much.

20 MS. KIRKPATRICK: Thank you.

21 A lot of water has gone under the bridge
22 as you said, Bill, since this process began.

23 I reviewed some of them at your workshop
24 on the 30th, but I neglected to add that there has
25 been an almost complete turnover in RMA staff,

1 planning staff since the beginning, and no one
2 person that I know of has been on board the whole
3 way through beginning to end.

4 There was once a technical advisory
5 committee composed of some of the best planning
6 minds in the cities in the county, but it was
7 dumped long ago.

8 And the first consultants were curiously
9 and quietly dismissed.

10 I find it interesting that after studying
11 the county, holding listening and work sessions
12 with the public, and joint meetings of the
13 commission and supervisors, those first
14 consultants discovered, whoa, what do you know,
15 there is already enough space in the current
16 boundaries of the eight incorporated cities to
17 accommodate the expected growth.

18 I heard members of this commission and the
19 public say that development should be directed to
20 where the infrastructure is already in place.

21 You also said you wanted a clean, clear
22 Highway 99 with open windows to the beautifully
23 tinted crops and orchards. You wanted designated
24 scenic roads. You and the public wanted Tulare
25 County to be unique and beautiful, not just

1 anywhere USA.

2 In time, with nurture and backbone against
3 poor planning decisions, Tulare County can be the
4 Napa County South, reaping the benefits of tourist
5 dollars and national acclaim.

6 But what we have now is the supervisors'
7 plan. I'm afraid we'll have to live with it.
8 Therefore, I depend on you and the caring public
9 to focus on these issues:

10 One, if we have to have boxes around every
11 city, community, and hamlet, please make them
12 ironclad. Exceptions should not be made at will.
13 That's no plan at all.

14 Number two, watch the corridor plan. This
15 one scares me. It could lead to chaotic
16 development and agriculturally incompatible uses.

17 Be aware of what TCAG has in mind. This
18 body has incredible authority that heavily impacts
19 growth. I don't think TCAG's long-range plan for
20 major intersections and Highway 99 interchanges is
21 in this document, is it? And that I do want an
22 answer to later.

23 Where is the mitigation fee plan for ag
24 land conversion? That money could be wisely used
25 for conservation easements to save farms and

1 farmers.

2 I could go on, but my time is up. All I
3 can say is good luck.

4 I do really want an answer to whether the
5 CEQA and -- whether TCAG's long-range plans for
6 roads and intersections is in the document.

7 MR. BRYANT: The regional transportation
8 plan as it exists at the time of preparation --
9 included as part of the General Plan Update
10 process, our consultants Omni-Means worked very
11 closely with TCAG staff, and the existing regional
12 transportation plan that was in place at the time,
13 those improvements were considered extensively as
14 part of the General Plan Update process for
15 consistency.

16 MS. KIRKPATRICK: Well, when I was -- Bill
17 was an alternate member of TCAG, and you always,
18 Bill, seemed to know of places that roads were
19 going to go and interchanges on Highway 99,
20 especially Avenue 328 and the one when we were
21 talking about the golf course that went west was
22 supposed to connect to Highway 99.

23 I'm really concerned about additional
24 interchanges on Highway 99 and where they are.

25 MR. ELLIOTT: Shirley, can I answer your

1 question real quick?

2 MS. KIRKPATRICK: If you have an answer.

3 MR. ELLIOTT: Well, you know, when we
4 compare Tulare County to a lot of the other
5 counties, we're probably right about in the middle
6 of the pack in terms of conservation easements.
7 We have some good examples of those, and I can
8 think of some in our district.

9 Is there a priority of what kinds of
10 easements and where they should be directed to in
11 the future?

12 MS. KIRKPATRICK: No, but they've been
13 used successfully -- especially I'm thinking in
14 Madera County. There was in Madera County eight
15 property owners went together, and they were able
16 to get conservation easements on their property
17 which kind of further -- well, it stopped growth
18 to the west to their properties and beyond.

19 And if we're going to have boxes around
20 these communities, somebody needs to protect the
21 farms that are next to these boxes because are the
22 boxes going to have industrial growth, commercial
23 growth, big roads?

24 You know, these boxes, who drew them?
25 Where did they come from? I don't know. Thank

1 you.

2 CHAIRMAN MILLIES: Thank you, very much,
3 Shirley.

4 MR. MANRO: Good morning or afternoon,
5 whatever it is right now. My name is Don Manro,
6 M-a-n-r-o, and I'm a native of Tulare. And I'm
7 one of the commenters on the so-called revised
8 draft EIR.

9 And all I have to say is I want to urge
10 you to recommend that the Board of Supervisors
11 make the necessary revisions to the draft plan to
12 reflect the stated policy opinions of the citizens
13 of the county and also to make a legally adequate
14 Environmental Impact Report.

15 CHAIRMAN MILLIES: Thank you.

16 MR. NEWTON: Good morning. I will be
17 equally brief. My name is Brian Newton,
18 N-e-w-t-o-n, 1407 West Laurel Avenue in Visalia.

19 And I simply want to -- well, I also want
20 to say I'm a long-term long-time board member of
21 Tulare County Audubon Society.

22 I just want to go on record as reporting
23 what these other speakers have said, particularly
24 Mr. Lasky, Mr. McIntire, Mr. Dackawich, the League
25 of Women Voters, and every speaker from

1 Mr. Manning to Mr. Manro, all eight of those,
2 because I agree with them completely. Thank you.

3 CHAIRMAN MILLIES: Thank you, very much.

4 MS. CLUM: My name is Carol Clum. I live
5 at 45638 South Fork Drive, Three Rivers.

6 The impact on water quality of the General
7 Plan 2030 Update was found to be less than
8 significant by the RDEIR. This is incorrect.

9 Here is why. One, Tulare Lake Basin has
10 been in a condition of critical groundwater
11 overdraft for decades. New development will
12 depend almost entirely on wells for water supply.

13 As the water table is drawn down,
14 contamination of ground water becomes more
15 concentrated. Natural sources of contamination
16 will continue, and human-caused contamination,
17 such as agriculture, dairy corrals and feed lots,
18 septic and storm water runoff sources will
19 increase, but there will be less water in the
20 aquifer to dilute it.

21 The county should have at least prohibited
22 development in the most severely overdrafted areas
23 and required strict water conservation in all new
24 development. They did not.

25 This increase in groundwater contamination

1 is a public health risk which was not analyzed by
2 the RDEIR.

3 Two, there are 895 hazardous waste sites
4 identified in the 2010 background report. The
5 county has not created a countywide map showing
6 the location and delineating the boundaries of
7 these sites.

8 The locations of these hazardous waste
9 sites were not considered when the county amended
10 the housing element in 2010.

11 There is no way of knowing if homes will
12 be built and wells drilled on these sites.

13 How can the Environmental Impact Report
14 analyze the impact on water quality of the General
15 Plan without considering hazardous waste sites.

16 Three, the Tulare County disadvantaged
17 community water and sewer issues report of
18 November 2010 details many communities with
19 nitrate, arsenic, or DBCP contamination in their
20 wellwater.

21 The aggressive development proposed by the
22 General Plan will expose more people to existing
23 and deteriorating water quality problems. This
24 impact was not analyzed by the Environmental
25 Impact Report.

1 Dr. Tom Harder's 2011 draft report on
2 nitrate contamination in groundwater in the San
3 Joaquin Valley contains sobering conclusions about
4 nitrate contamination and its spread in our
5 valley.

6 Nitrate is the most common groundwater
7 pollutant. Nitrate occurs at shallow depths where
8 domestic wells are. Most domestic well owners do
9 not treat their water.

10 Tulare Lake Basin is the most affected
11 groundwater basin in California. The leading
12 nitrate loading source is agriculture.

13 The nitrate problem will likely worsen and
14 not improve for several decades, a 50-year time
15 lag.

16 All remediation solutions are costly, both
17 in capital cost and operation cost, unless the
18 community is hooked up to a nearby uncontaminated
19 water system.

20 Treatment is unaffordable for most
21 communities.

22 There are promising funding options for
23 remediation, but no funding is available now for
24 feasibility studies and planning.

25 There are higher operation and maintenance

1 costs for small systems. Some people in small
2 communities with nitrate contamination will have
3 no other option but to move.

4 Much of the nitrate contamination on the
5 east side is above the drinking water limit. Most
6 nitrate contamination in groundwater occurs on the
7 east side of the valley, including Visalia,
8 Exeter, Lindsay, Porterville, and Tulare, where
9 irrigated agriculture first began in the Central
10 Valley and where the soil is more porous.

11 Most dairies have at least one domestic
12 well that exceeds nitrate MCL.

13 In the valley portion of Tulare County,
14 all wells will reach nitrate contamination in 100
15 years. Some deep wells are already contaminated
16 with nitrates.

17 Often, wells with nitrate contamination
18 are taken offline and deeper wells are then
19 driven.

20 Multiple contamination of wells will
21 increase in the future. It is more expensive to
22 remediate more than one contaminant.

23 Some east-side wells are contaminated with
24 arsenic from a Chilean fertilizer imported in the
25 1950s and '60s. That's the end of that report.

1 The General Plan does not prohibit
2 development in areas with contaminated drinking
3 water, and the RDEIR does not analyze the effect
4 on public health of developing in these areas.

5 Do not recommend that the General Plan
6 meet for approval until the proper analysis and
7 the proper mitigation have been accomplished.

8 I have this report about the disadvantaged
9 communities, two sides. Their contamination
10 includes Matheny Tract.

11 And then I have the -- Thomas Harder's
12 report, and there is a copy for each of you.

13 CHAIRMAN MILLIES: Thank you, very much.

14 MS. CLUM: And one for the court reporter
15 if she wants it.

16 CHAIRMAN MILLIES: Thank you.

17 Are there any other members of the public
18 who would like to speak at this time?

19 MR. KIMBALL: Mr. Chairman, before you
20 close, I do have a piece of correspondence to add
21 to the record.

22 It was not addressed as part of the
23 General Plan comments, but reading through it the
24 content indicates that they meant it for the
25 General Plan comments. It was not given to the

1 General Plan team and, therefore, not part of the
2 previous submittal.

3 It's dated October 14, and it's from the
4 California Native Plant Society. So I'm going to
5 give this to the clerk to add to the record.

6 CHAIRMAN MILLIES: Thank you.

7 At this time, I'm going to close the
8 public comments.

9 I'm going to adjourn the session for 60
10 minutes for a lunch break. We will return at five
11 minutes till 1:00, at which time we will take
12 final comments from staff and recommendations, and
13 we will then pursue our recommendations to the
14 Board of Supervisors.

15 (The noon recess was taken.)

16 CHAIRMAN MILLIES: The time is 1:55 p.m.
17 The Tulare County Planning Commission is now
18 reconvened on October 19, 2011.

19 The public comment portion of the public
20 hearing is now closed.

21 Before we go any further, are there any
22 comments from my fellow planning commissioners on
23 any of the comments made by the public at this
24 time?

25 Okay. Now that we finished the public

1 comment, does staff have any further statements or
2 recommendations? David?

3 MR. BRYANT: Yes. Thank you, Mr.
4 Chairman. Just to mention, the time is 12:55.

5 CHAIRMAN MILLIES: Did I say 1:55?

6 MR. BRYANT: I believe so.

7 CHAIRMAN MILLIES: I never learned. That
8 was one of the toughest things I had to do in
9 grade school.

10 MR. BRYANT: Staff recommendations:
11 Again, to open the public hearing, receive the
12 staff presentation on the proposed General Plan
13 2030 Update, proposed Climate Action Plan,
14 proposed final Environmental Impact Report,
15 receive public comment regarding the proposed
16 General Plan 2030 Update, certification of the
17 proposed Environmental Impact Report, and approval
18 of the Climate Action Plan.

19 To close the public hearing and continue
20 the item for Planning Commission's receipt of
21 staff's summary of public input and prepare
22 Planning Commission's recommendations to the Board
23 of Supervisors that will include, one, resolution
24 recommending certification of the proposed final
25 EIR for the proposed General Plan 2030 Update and

1 proposed Climate Action Plan, resolution
2 recommending the adoption of the proposed General
3 Plan 2030 Update, incorporating modifications as
4 may be recommended, three, resolution recommending
5 adoption of the proposed Climate Action Plan, and,
6 finally, four, resolution recommending the
7 adoption of the mitigation monitoring and
8 reporting program.

9 Staff is happy to take direction from your
10 commission as to how you would like to proceed in
11 regard to our staff recommendations.

12 CHAIRMAN MILLIES: If you would all please
13 refer to your agendas for the actions needed.

14 And David has just articulated those
15 actions upon the screens.

16 We have four resolutions before us, and I
17 won't read through each one in detail again.
18 Resolution number one, recommending certification
19 of the proposed FEIR.

20 Do I have a motion to --

21 MR. RAPER: Mr. Chairman, members of the
22 commission, what we're asking -- how do you go
23 back one slide to the previous.

24 What we are asking for is that you close
25 the public hearing, and what we want to do is

1 basically reconvene the commission at a later date
2 with those resolutions for your consideration.

3 That way, staff can incorporate both the
4 testimony that has been received today, the
5 letters that have been received last night for
6 part of the record, and that way when it comes
7 back to you, if you choose to close the public
8 hearing today, and we will reschedule at a date
9 certain, which I think we're asking for November
10 16, to finalize -- present to the commission those
11 resolutions and that information.

12 So that's what our actual recommendation
13 is.

14 CHAIRMAN MILLIES: Okay. I'm sorry. I
15 didn't pick up on that in what I was reading here.

16 MR. RAPER: Okay. And the other part is
17 that we've committed to receive further comments
18 from the public, and those comments, as they are
19 presented in after the close of the public
20 hearing, will be made part of the record and
21 forwarded to the board for their consideration.

22 Is that correct, Nina? Am I stating that
23 correctly?

24 CHAIRMAN MILLIES: So we are going to
25 leave the public comments --

1 MR. RAPER: No. The public comment period
2 is closed, if you're so desired to close the
3 public hearing, give us direction to come back
4 with those four resolutions for your
5 consideration.

6 Then aside of that issue, we committed --
7 the county is committed to receive additional
8 public comment and letters, which basically it
9 goes all the way up to the board, so they can
10 submit that information all the way up to the
11 board hearing until such time as the board closes
12 their public hearing, that information can be
13 received.

14 Those letters and those comments will be
15 presented to the county and may be made to your
16 attention, but basically that information will be
17 forwarded to the board for their consideration.

18 So it's a different process. We want to
19 keep our commitment to the public by informing
20 them, which we did, that they can submit their
21 comments later.

22 It doesn't necessarily have to be reviewed
23 by you as the Planning Commission, but that would
24 be one of the processes that you would have at
25 your option.

1 MR. ELLIOTT: Well, in lieu of what we
2 heard today, is it prudent for us to close the
3 public hearing now?

4 I know other people that weren't here
5 today that probably want to speak, or do we want
6 to direct them do that via written comment?

7 MR. RAPER: Basically, they had the
8 opportunity to be here today to speak before the
9 commission.

10 For whatever reason and life choices they
11 made, they did not appear. Other folks wanted to
12 expand their thoughts in a written format for the
13 county's consideration. They can do that.

14 However, they do have the other
15 opportunity before the Board of Supervisors during
16 their public hearing to voice their concerns
17 further, expand what their thoughts are on the
18 written format to submit to the county.

19 MR. ELLIOTT: Okay. Do you feel, though,
20 that based on comments that I heard today, are we
21 confident that we're ready to go forward with the
22 way the plan is written now?

23 MR. RAPER: I would state that our county
24 counsel, our staff, and our consultants have done
25 an excellent job in preparing the final EIR and

1 addressing those issues.

2 I believe the comments and the testimony
3 you heard today is nothing new. No new
4 information has been presented to the county, to
5 the Planning Commission, and the consultants or
6 staff, and I would have to ask them to verify
7 that, that is new and significant to continue
8 further discussion or further exploration in terms
9 of those subject issues.

10 MR. ELLIOTT: Well, I mean, we heard, for
11 instance, that the housing element is illegal. Is
12 that true?

13 MR. RAPER: No. She -- the CRLA has taken
14 that position all along.

15 Basically, the county has the authority to
16 adopt the housing element. The issue lies that
17 it's not certified by the State of California yet.
18 But we are authorized by local authority to adopt
19 the housing element and to implement that, and
20 we -- and the CRLA has presented that same
21 statement to the Board of Supervisors on a number
22 of occasions, and, again, it's a legal issue, and
23 I have to defer to county counsel to verify what
24 my thoughts are, but we are not held in abeyance
25 from adopting the General Plan because of that

1 housing element.

2 The housing element that we have is
3 currently adopted. Staff believes that the
4 current policies are internally consistent with
5 the General Plan Update. And that as policies are
6 amended, and we can receive certification from the
7 state, the General Plan policies are so broad and
8 so general that I would not see any internal
9 inconsistency with the more specific
10 implementation programs relating to housing.

11 And keep in mind, the housing element is a
12 policy document that identifies the housing
13 development issues. It's not a land use document.

14 The land use element is your land use.
15 The land use element identifies what types of uses
16 are permitted, the intensity, the density, and
17 development criteria in support of our zoning
18 codes.

19 So the housing element is a policy
20 document that identifies certain programs that we
21 can implement and to encourage affordable housing
22 to -- or housing to all economic segments of the
23 county.

24 MS. ROBERTS: I will just add one comment
25 to what Jake is telling you about the housing

1 element.

2 I'm Julia Roberts, chief deputy county
3 counsel, Tulare County Counsel's office.

4 CRLA has filed a lawsuit on behalf of
5 Matheny Tract citizens, or Matheny Tract, or the
6 name of that community, I'm not sure. They have
7 filed a lawsuit challenging the housing element.

8 We have entered into what we call a
9 tolling agreement, which means that the lawsuit
10 will not be pursued because the county is still
11 working with the state to get the housing element
12 certified.

13 The housing element is not illegal at this
14 time, and it has not been declared illegal by a
15 court of law.

16 It has been formally adopted by the Board
17 of Supervisors. We are in the process of
18 submitting that to the state for certification.
19 It would not invalidate what you do on the General
20 Plan today.

21 MR. ELLIOTT: Well, that's good enough for
22 me. But the consistent thing I hear, you know,
23 beyond that when pointing to the law, is that
24 we're not being strong enough in where we're
25 directing the growth to occur.

1 Is that -- can you speak to that a little
2 bit, Mr. Bryant?

3 MR. BRYANT: Sure.

4 The planning framework element is very
5 clear in the exhibit, the Figure 4.1, as to where
6 it's appropriate for urban development to occur
7 that currently exists in the urban boundaries
8 element where we have established urban
9 development boundaries which are representative of
10 20-year time frames.

11 Urban area boundaries around the cities
12 which provide for the next logical area of
13 expansion, and those urban boundaries clearly
14 define and delineate in a hard physical boundary
15 where it's appropriate for urban development to
16 occur and where it's appropriate for the
17 maintenance of agricultural development. That's
18 currently defined in urban development boundaries.

19 At the unincorporated community level,
20 urban development boundaries and urban area
21 boundaries for the county adopted city general
22 plans, which are highlighted in the orange.

23 We're proposing hamlet development
24 boundaries around some of the smaller communities,
25 which again the hamlet development boundaries

1 again would be a hard physical boundary that would
2 clearly distinguish and delineate between areas
3 that are under the jurisdiction of the Rural
4 Valley Lands Plan versus areas that are
5 appropriate for urban development.

6 Within the Foothill Growth Management Plan
7 area, same concept in the Foothill Growth
8 Management Plan. You have the communities of
9 Three Rivers or Springville. They have a hard
10 physical urban development boundary that clearly
11 distinguishes between the appropriateness of urban
12 development versus areas outside of that that are
13 in yellow which are currently identified for --
14 due to the extensive nature of cattle grazing,
15 extensive ag.

16 The development boundaries, development
17 corridors that are also included there in brown in
18 the Foothill Growth Management Plan, again, by
19 using the Foothill Growth Management Plan
20 four-step process, which is a step-down process
21 providing for the delineation of those corridors,
22 again to provide areas that will be appropriate
23 for suburban urban-type development versus the
24 extensive agriculture.

25 Within the mountain areas, again, as most

1 of those areas are under federal ownership, the
2 private inholdings, we've developed a proposed
3 mountain framework plan which provides that that
4 mountain area is broken down into a number of sub
5 area plans.

6 To date, we have the Great Western Divide
7 North Half and Kennedy Meadows plans that are
8 currently adopted.

9 The proposed General Plan Update would
10 take the balance of those sub areas, provide a
11 plan that would distinguish those areas mountain
12 service centers. Again, those would have the
13 mountain service center boundary would be clearly
14 distinguishable between areas primarily resource
15 conservation uses that would be recommended for
16 urban-type development.

17 So, again, there is -- the planning
18 framework element, in coordination with the
19 various area plans, provides very definitive and
20 clear direction in regards to the appropriate
21 areas for urban development.

22 MS. ROBERTS: If I may add one simple
23 addition to Dave's statement.

24 If you look in the Golden policy report
25 part one, the land use element, land use policy

1 LU-2.1, as corrected -- we had a clerical error,
2 but we recommend that it reads the county shall
3 maintain agriculturally designated areas for
4 agricultural use by directing urban development
5 away from valuable agricultural lands to cities,
6 unincorporated communities, hamlets, and planned
7 community areas where public facilities and
8 infrastructure are available.

9 That's a pretty clear statement of where
10 the county is going to direct this population
11 growth it has to demand, and this is just one of
12 the policies that goes to that point.

13 MR. ELLIOTT: One other question along
14 that line. Is there anywhere in unincorporated
15 Tulare County where we are prohibited to grow?

16 MS. ROBERTS: I will weigh in just briefly
17 on that, then Dave can.

18 You have to remember that when you are
19 working on this General Plan, it is a General Plan
20 amendment. You are not working with a clean
21 slate. You are not working with bare land.

22 What you are working with is a General
23 Plan that's been in place since 1964 and zoning
24 ordinances that have been in place since 1947 or
25 1951.

1 So there is no place in Tulare County
2 where development is prohibited, because even in
3 the ag zones we allow two residences per 20 acres,
4 that kind of thing.

5 So when you talk about significant urban
6 development, it's going into our communities,
7 hamlets, and community area zones, and that kind
8 of thing.

9 I don't know if that answers you. I mean,
10 you have to define development.

11 MR. ELLIOTT: Right. There are different
12 levels, of course.

13 MR. WHITLACH: I heard the testimony of
14 the words using shall and should. Shall is
15 absolute, and the problem we have is Tulare County
16 is so big that some cities -- I applaud the City
17 of Visalia for bringing all those little islands,
18 they still haven't got them all, that the county
19 ends up making land use decisions and some of
20 these have has prime farmland on it.

21 And when I put my developer hat on, the
22 way I could develop ground the way I wanted to, as
23 I do up in Visalia, is I have -- bring it in to
24 the City of Visalia, and then I didn't have to
25 worry about the ag land, and I almost hate to

1 admit this, but I have developed lots of prime
2 agricultural ground because the city policy was
3 they apparently felt no pressure, but I'm thinking
4 that we're covering up a lot of prime land.

5 Then when you get into cities like
6 Porterville, it's full of all these islands and
7 we're making the decisions on that land use.

8 So if we say shall or should, how do we
9 handle those decisions when there is prime ag land
10 involved within incorporated cities?

11 So I'm saying that the county should have
12 some wiggle room on that in order that we can
13 service the different incorporated cities as to
14 what their wishes are with that land.

15 And we always ask for letters from City of
16 Porterville, whatever city has the sphere of
17 influence, what their wishes would be, and for the
18 most part we honor that.

19 There are also a lot of little islands of
20 land that have been developed for years and years,
21 and the chance of ever going back to agriculture
22 are practically impossible.

23 And so anything that helps redevelop that,
24 and some of our hamlets, you know, if a big
25 developer wanted to come into one of the smaller

1 communities and do a decent-size development and
2 provide decent housing, and that has happened a
3 lot in Tipton, and places like that, if we have to
4 take some farm land out of production in order to
5 make it better, you know, and we're talking about
6 quality of water, sewage, and overall living
7 conditions, we should have the ability to look at
8 that on a case-by-case issue, because we have an
9 awful lot of unincorporated areas, a lot of towns
10 or hamlets, whatever, that have bad water, bad
11 sewage, and the only way that that will ever
12 improve, unless there is some magic grants that
13 comes up, but it will be developers like myself
14 that see there is an economic reason to go there
15 and we'll improve housing.

16 So having covered some of those, and, then
17 of course, as was brought up, you can build two
18 residential units per lot. That's not Tulare
19 County law. That's the State of California
20 mandated law. We cannot trump what the state
21 says.

22 So since I've been on the Planning
23 Commission, which has been a long time, we are
24 very careful about developing agricultural land.

25 I don't think it's our policy, but places

1 like Dinuba, they're always wanting to expand
2 their boundary lines, so they can take that
3 orchard and turn it into houses.

4 So I don't -- I think the county needs to
5 have some wiggle room on those words shall and
6 should.

7 And if we are good stewards, then we
8 should be able to take care of it.

9 Now, on the economic side, there really
10 hasn't been any major subdivisions approved for
11 the last three years, and I don't see it happening
12 for a long time, but we need to protect the
13 future.

14 If the people who are interested in
15 preserving ag land want to take a stand, I suggest
16 to them they go south of Caldwell, Lovers Lane on
17 the east, Santa Fe on the west, Kaweah Delta
18 Hospital has a huge tract there that they keep
19 threatening to build a hospital on, and they're
20 not bound by whatever we say. They can do
21 whatever they want. And then the city has
22 proposed a huge intensive development south of
23 Caldwell.

24 So it goes to prove my point. It's not
25 the county that is developing all this farm land.

1 It's the incorporated cities.

2 And that's not a negative comment, but
3 that's just a fact. And you can go around to all
4 the different cities, and I'm telling you where
5 the growth has gone, it's been a city-centered
6 sponsored program.

7 And you take the hospital. The hospital
8 is to be built on south Lover's Lane. I only have
9 to tell you to go to Clovis and go to St. Agnes
10 Hospital. When they built that, it was out in the
11 middle of nowhere, and now it's just one
12 subdivision after another. It's a huge, huge
13 development.

14 So I'm kind of liking the idea of shall
15 and should in our plan.

16 Also, when I first became a planning
17 commissioner, I was given a stack of books that
18 are not consistent. This General Plan makes the
19 rules more consistent.

20 There's 40 years of community plans, and,
21 you know, one rule -- it's not clear to the staff
22 what the rule is.

23 And so I think, by adopting this, it may
24 have its shortfalls, but we need to adopt
25 something soon, and of course I agree we need to

1 have public testimony, because we want to hear
2 what people have to say, but the sooner we adopt
3 it, the better it's going to be for Tulare County,
4 because there is things like -- things change.
5 Who would have ever guessed that the trailer park
6 on the Kings River that would -- as long as it's
7 licensed by the State of California, you can put
8 it there almost indefinitely. I mean, I don't
9 know how many hours we spent on that hearing on
10 the Kings River, whatever it's called, for those
11 licensed vehicles. There is no way you can go
12 down the road with them. But things change.
13 Technology changes. What about cell towers? I
14 mean, all these things we didn't have in 1960.

15 So I think the General Plan is a good plan
16 because it's taking care of a lot of these changes
17 that happened and gives our staff better ability
18 to manage and making us all better stewards of
19 land.

20 And I heard several people come up
21 claiming to be Californians. My kids are fifth
22 generation Californians. Our family came to
23 California before it was a state. We raised
24 cotton, grapes where the Union Station is in
25 downtown Los Angeles. And I left the Los Angeles

1 area in 1971 to come here as a policeman, because
2 as a policeman at Huntington Beach I couldn't
3 stand what I saw at nighttime.

4 I was amazed as a teenager growing up in
5 Southern California. People say you're a native
6 Californian? I don't think I've ever met one.

7 So, you know, something changed there, and
8 I don't want to see it come here. I love the
9 rural part of our community, although I choose to
10 live in the city.

11 We need to maintain our agricultural land.
12 So I'm not saying any more.

13 MR. DIAS: I'll keep it short. Much of
14 what I heard today from much of the people applies
15 more to the project-specific development end.

16 Again, this is a General Plan for a
17 reason. Every development, every project that
18 comes in is going to have its own environmental
19 document. And at that point in time is when we
20 get to review it. It's either going to be a
21 negative dec, or mitigated dec, or EIR. That's
22 when these -- the public will have an opportunity
23 to come in and specifically outline what their
24 objections are and what their suggestions are and
25 stuff like that. And that's when you handle some

1 of that stuff.

2 But I think the General Plan should stay
3 consistent with what it is, and I'm kind of in
4 agreement with Bill in that sense.

5 So I've gone through as much as my mind
6 will allow me to go through this thing here, but
7 so far I think I'm pretty comfortable with it.

8 CHAIRMAN MILLIES: Well, I think let's try
9 to keep it simple, first thing.

10 And it's very clear, David, in the
11 document you gave us this morning, which is the
12 project in itself, and says it's important to note
13 that the General Plan Update is a living document,
14 and each element can be amended up to four times a
15 year.

16 So you're never going to get it absolutely
17 positively perfect, but the structure, you know,
18 the overall strategy seems to be correct and
19 proper.

20 We can do all sorts of machinations on the
21 inside of it, but that's just part of a strategic
22 plan. A strategic plan is a direction. It's not
23 a tactical plan. There is a difference.

24 You try to incorporate tactics inside of
25 this, and that's good, but the more important

1 focus in my mind is is the strategy correct in all
2 of those categories that we're looking at. And I
3 think it is.

4 It says here we protect the county's
5 important agricultural resources. Ask yourself
6 are we doing that? I think we are.

7 Strict limits on rural residential
8 development, promotes sustainability, promotes
9 opportunities for small unincorporated communities
10 to grow or improve quality of life and economic
11 viability, promotes reinvestment in existing
12 unincorporated communities, allows existing and
13 outdated agricultural facilities in rural areas to
14 be retrofitted, and enhance planning,
15 coordination, cooperation with the agencies and
16 organizations with land management
17 responsibilities.

18 I think it does that in everything I have
19 read over the last six or eight months.

20 So my tendency, as the gentleman on my
21 left, is to say that I think the plan is adequate
22 as adopted or structured today.

23 If we want to amend things going down the
24 line here, we can do that. This is not a forever
25 document. I hope no one thinks it is.

1 MR. WHITLACH: The community plan will be
2 more specific, all those community plans. That's
3 the appropriate place to be or shall be.

4 CHAIRMAN MILLIES: There is an old Chinese
5 military strategist some of you may know, San Soo,
6 that said strategy without tactics is the slowest
7 route to victory. Tactics without strategy is the
8 noise before defeat.

9 So if we bind ourselves to a lot of
10 tactics here, and we don't get the big picture,
11 which is what is the strategy here, we're missing
12 the target in my mind.

13 So does anyone else have a comment?

14 MS. PITIGLIANO: I just want to say I
15 concur with my fellow commissioners.

16 As you probably know, I of all people
17 definitely believe in saving our ag land, but I
18 also know that we need to be planning smart, and I
19 don't like that phrase smart planning, but we need
20 to be smart about it.

21 And I like what we're doing for our
22 smaller communities, and I think that community
23 plans are very important, and I have seen one, you
24 know, Tipton is a perfect example, and it's only
25 been good what's happened to it. And I think it

1 follows all these guidelines.

2 CHAIRMAN MILLIES: So the question becomes
3 at this stage, Director Raper, we want to
4 incorporate as much of the public's input as we
5 can. And there were some additional.

6 So were you suggesting that this latest
7 input your organization have a chance to analyze?

8 MR. RAPER: We will, and we will include
9 it into those resolutions, become part of the
10 public record, and that will be forwarded to the
11 Board of Supervisors.

12 CHAIRMAN MILLIES: So we can close the
13 public testimony today to be reopened?

14 MR. RAPER: No.

15 CHAIRMAN MILLIES: You want us to leave it
16 open?

17 MR. RAPER: Well, our basic recommendation
18 was to close the public hearing, direct staff to
19 come back with those resolutions that we've
20 identified, those four resolutions, which
21 basically talks about the EIR, and most of the
22 comments that presented are focused on the content
23 of the final EIR, and so the consultants and staff
24 will be doing that last look-at from the planning
25 commission's public hearing standpoint, and that

1 will be part of the resolutions that will be
2 considered by the commission on November 16 if you
3 choose to close the public hearing.

4 CHAIRMAN MILLIES: We had some testimony
5 this morning that there are folks that have some
6 input to give.

7 So what am I going to be doing when I
8 close the public hearing?

9 MR. RAPER: They would not be able to come
10 back to you and receive public testimony. That's
11 one option.

12 The other option, if the commission wishes
13 to receive additional public testimony, you can
14 continue the public hearing and open it back up
15 for public comment.

16 CHAIRMAN MILLIES: I'll defer to my fellow
17 commissioners. What would you like to do?

18 MR. DIAS: You know, I think if we close
19 the public testimony portion right now, we're
20 allowing written statements to come in. If we
21 give direction to come back with those
22 resolutions --

23 CHAIRMAN MILLIES: Incorporated?

24 MR. DIAS: -- incorporated with what we've
25 done today, anything that comes in there will be

1 submitted to the Board of Supervisors.

2 CHAIRMAN MILLIES: Okay. I agree with
3 that.

4 MR. DIAS: And then they will have an
5 opportunity to testify before the board if there
6 was anything new that shows up.

7 CHAIRMAN MILLIES: All right. I agree
8 with that.

9 MR. NORMAN: I would like to hear more
10 public comment, public hearing. I would like to
11 see it remain open.

12 Just any time we're dealing with this, out
13 of 24 people that spoke, I mean, six said
14 litigation, three or four said they hadn't been
15 heard, you know, with any malpractice lawsuit, why
16 do you get sued, you get sued because you didn't
17 treat somebody well, it's not because of your
18 patient treatment.

19 I think people have a vision of open
20 government and we need to continue this. At the
21 worst, we don't get any public comment.

22 MR. ELLIOTT: I'm inclined to agree with
23 Charles on that. I know that, for whatever
24 reason, 24 or so showed up, and there is -- it
25 raised some really complex issues today, and I'm

1 confident that staff can come back and interpret
2 those things.

3 One that I was a little confused of was
4 the last minute e-mail we got in terms of a letter
5 signed by seven incorporated cities, telling us
6 not to approve the plan.

7 And I didn't notice Dinuba among that
8 group, and I still don't understand that.

9 So I guess what I'm saying is there is a
10 lot of information that came with us in the last
11 48 hours, including today, and I -- I mean I know
12 we've sat on this thing and spun our wheels on it
13 for so long that --

14 CHAIRMAN MILLIES: So, John, do you want
15 this to be renoticed for November 16?

16 MR. RAPER: You would not have to
17 renotice.

18 MR. ELLIOTT: I think we ought to give at
19 least one more opportunity for the public.

20 CHAIRMAN MILLIES: For the public?

21 MR. ELLIOTT: And I don't think that's
22 asking too much.

23 CHAIRMAN MILLIES: But don't we have to
24 notice the public there is going to be input
25 received on November 16?

1 MR. RAPER: No. You did close the public
2 comment period. Public comments -- and I have to
3 defer to county counsel.

4 MS. DONG: Well, the public hearing right
5 now is still open, so you could continue it to
6 November 16, and you could receive --

7 CHAIRMAN MILLIES: More input.

8 MS. DONG: -- more writing. And, if you
9 wish, you can reopen the public testimony on
10 November 16.

11 MR. RAPER: And we would not have to
12 readvertise.

13 MR. ELLIOTT: I, for one, would make a
14 motion to go with that option. I just think we
15 shouldn't cut it off right now.

16 CHAIRMAN MILLIES: Well, let's do it on a
17 motion basis then.

18 MR. ELLIOTT: I'll make that motion.

19 MR. NORMAN: I second the motion.

20 CHAIRMAN MILLIES: Can I have a roll call?

21 THE CLERK: Gong?

22 MR. GONG: Yes.

23 THE CLERK: Millies?

24 CHAIRMAN MILLIES: No.

25 THE CLERK: Elliott?

1 MR. ELLIOTT: Yes.

2 THE CLERK: Dias?

3 MR. DIAS: No.

4 THE CLERK: Whitlach?

5 MR. WHITLACH: No.

6 THE CLERK: Pitigliano?

7 MS. PITIGLIANO: Yes.

8 THE CLERK: Norman?

9 MR. NORMAN: Yes.

10 CHAIRMAN MILLIES: So moved.

11 So we will leave the public hearing open,
12 continue it to November 16, 2011, in these
13 chambers.

14 THE CLERK: We actually have a tie vote.
15 I need to take Gil's vote. Aguilar?

16 MR. AGUILAR: Say that again.

17 THE CLERK: I need to take your vote.

18 MR. RAPER: Well, he's an alternate, and
19 he only votes when there is not a full quorum.

20 THE CLERK: Okay.

21 CHAIRMAN MILLIES: No, we didn't have a
22 tie, did we?

23 MR. DIAS: It was four/three.

24 THE CLERK: Four/three, I'm sorry.

25 CHAIRMAN MILLIES: That's what I thought.

1 So the public hearing remains open.

2 MR. RAPER: Basically, staff would
3 recommend that you accept staff's recommendation,
4 continue the public hearing to November 16, and at
5 that time -- during that time, you the commission
6 will most likely, or staff will most likely
7 receive additional written correspondence, and as
8 county counsel said when you convene back on
9 November 16, the commission, if you so desire, can
10 receive additional public testimony, but if you do
11 not desire to receive public testimony, then you
12 can follow up with your appropriate actions at
13 that point.

14 CHAIRMAN MILLIES: Do you want public
15 testimony at that time?

16 MR. ELLIOTT: I think we need to decide by
17 who shows up.

18 CHAIRMAN MILLIES: Okay.

19 MR. RAPER: You can leave that open until
20 November 16.

21 CHAIRMAN MILLIES: All right. So moved.

22 MR. WHITLACH: Just one last quick
23 statement. You know, the longer we postpone this,
24 the more the people who live in these hamlets --
25 and I don't see one person from a hamlet or one of

1 those unincorporated cities here -- the longer
2 they have to suffer through, you know, a lot of
3 conditions because we don't have decent plans for
4 all of those communities. So we need to take care
5 of people.

6 MS. PITIGLIANO: That's a question I was
7 going to ask actually later, but I'll ask it now.

8 If these plans are in place, isn't it
9 easier for them -- easier is not a word I want to
10 say -- it puts in place for them to be able to
11 apply for better water systems, wells, isn't
12 that --

13 MR. BRYANT: It places them in a better
14 position to be competitive for state and federal
15 grants in order to provide -- for our community
16 development division to apply for those grants for
17 sewer, water, storm drain, curb, gutter, sidewalk,
18 and working with the agencies that would supply
19 grant revenues for those projects.

20 MR. ELLIOTT: We're taking hits in the New
21 York Times on some of these communities. Does the
22 plan address any upgrades in drinking water or
23 anything like that?

24 MR. BRYANT: Yes. In the -- in the water
25 element, we have policies that specifically are

1 addressed to water quality.

2 One, in particular, I think there was a
3 comment that was raised in regards to development
4 that may occur in groundwater recharge areas.

5 We have a specific policy that
6 specifically addresses that particular issue to
7 make sure that we retain the opportunities for
8 appropriate groundwater recharge and not preclude
9 those opportunities for occurring. So we have
10 addressed that through the water element.

11 MR. WHITLACH: I want to hold our fellow
12 planning commissioners' feet to the fire, because
13 I'm the president of the Samaritan Center. You
14 know where we see all these people who can't
15 afford care? It's not from Three Rivers. It's
16 not from Visalia. They come from Goshen. They
17 come from all these other unincorporated areas.
18 You know, we talk about some serious diseases from
19 bad water and poor living conditions. We have to
20 take care of this and soon. So end of comments.

21 CHAIRMAN MILLIES: So to remind members of
22 the public, we will continue this to November 16,
23 2011, 9:00 a.m., in these chambers.

24 And our obligation is still to digest that
25 and come up with recommendations for the Board of

1 Supervisors, at which time there will be a notice
2 and date certain for the Board of Supervisors to
3 hear what the Planning Commission has adopted and
4 sent to their office.

5 Any other questions on this topic? If
6 not, we'll move on to item six of today's agenda.

7 MR. BRYANT: Thank you.

8 CHAIRMAN MILLIES: Thank you, David, very
9 much for all your work.

10 (Proceedings on concluded at 1:35 p.m.)

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1 STATE OF CALIFORNIA)
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I, DANETTE M. HENDRIX, a pro tempore
Certified Shorthand Reporter of the Superior Court
of the State of California, do hereby certify:

That the foregoing action was taken down
in stenographic shorthand writing and thereafter
transcribed into typewriting, and that the
foregoing transcript constitutes a full, true, and
correct transcript of said proceedings.

Dated: November 1, 2011

DANETTE M. HENDRIX, CSR #6412

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