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
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REPORTER'S TRANSCRIPT
OF
PROCEEDINGS

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

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

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

MR. BRYANT: Go ahead.

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

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

I believe that the Resource Management Agency will also ask the county's environmental
consultants ESA to make a presentation.

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

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

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

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

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

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

David, you may begin your presentation.

Thank you, very much.
MR. BRYANT: Thank you, Mr. Chairman.

Good morning, chairman, members of the commission.

Dave Bryant, special projects manager with the County of Tulare Resource Management Agency.

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

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

The actual General Plan document, GP 2030 Update, goals and policies report, parts one and two, the recirculated draft Environmental Impact Report, the background report, the Climate Action Plan, and final Environmental Impact Report, volumes one and two.
There are several big ideas. Agricultural land sustainability, natural resource preservation, city and community centered growth, and community economic viability.

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

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

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

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

You can see that there are areas that are delineated for urban boundaries. We have the eight incorporated cities, we have over 30 unincorporated communities in the valley, foothill and mountain region, and we also have areas that
are set aside, such as the valley area in green, for intensive agriculture as dictated by the Rural Valley Lands Plan.

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

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

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

Since 2003, there have been a host of different meetings and community outreach efforts. To date, there have been over 70 different community outreach public hearings, meetings with various technical committees, presentations to your commission, the Board of Supervisors,
workshops with your commission and Board of Supervisors, and extensive community outreach efforts that have occurred along the way, including 26 outreach meetings that were conducted during the summer of 2010 and a few that have spilled over into 2011.

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

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

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

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

To recognize the unique historical context of those communities and also recognizing that there is a unique geography, as well as different sizes of each of those communities, and that there are context-sensitive requirements that are appropriate for each of those communities, those
have now been further defined as communities. Those are large communities. Typically, they are designated by the census bureau as rural service centers and community designated places.

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

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

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

There are regional growth corridors along Highway 99 and Highway 65 that would provide for the development of future plans, for the eventual preservation of areas along there, not only for the continued operation of agriculture, but specifically looking at various notes that would be appropriate for economic development opportunities.
Scenic corridors are located on not only certain designated county roads, but also on State Highway 198 and State Highway 190.

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

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

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

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

This is the actual General Plan document.
Again, it includes, as part of the physical document, part one, which includes goals and policies. Part two is area plans. Part three primarily consists of existing plans that have been previously adopted and will not be amended as part of this process.

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

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

I'd like to spend just a couple of minutes and review the relationship between the proposed county General Plan and the state mandated elements.
Across the top of the screen you'll see the current state mandated elements that include your traditional elements that include land use, noise, circulation, housing, open space, conservation, and safety.

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

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

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

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

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

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

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

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

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

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

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

More specifically, in regards to area
plans and corridors, again the current area plans
are the planning framework element, again which is
the current urban boundaries element, the Rural
Valley Lands Plan, the federal growth management plan, the mountain framework plan, and as I mentioned earlier a new element that is being proposed is corridors, which covers urban growth corridors, scenic corridors, and urban corridors within Porterville and the Visalia urban boundary areas.

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

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

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

As proposed by this plan, the Great Western Divide South Half, Posey Plan, Redwood Mountain Plan, South Sierra Plan, and Upper Balch Park Plan are included as subarea plans that would
be completed through future planning efforts.

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

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

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

Specifically, in regards to hamlet plans,
there are 11 hamlet plans that are being proposed and included, which include Allensworth, Delph Colony, East Tulare Villa, Lindcove, Monson Seville, Teviston, Tonyville, Waukena, West Goshen, and Yettem.

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

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

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

Attachment three (b) is in the -- in your agenda packet as well. It identifies recommended policy changes suggested as part of the -- in the recirculated draft Environmental Impact Report. These are more environmental-specific as opposed to policy-specific.
Attachment three (c) is the General Plan 2030 Update correctory table. It identifies clerical and staff recommended changes to the General Plan 2030 Update.

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

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

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

We had an opportunity to work with city staff during this past year, and the recommendations that you see there, I believe that there are recommendations included that are highlighted in gray which represent input from the cities amending the language that's currently included in the proposed documents, and that's
presented for your consideration.

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

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

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

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

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

As I indicated in my opening remarks, this is a programmatic level document, and we are not considering individual -- the staff is not recommending various property-specific, individual property owner requests, but as a courtesy to the individuals that have expressed an interest in pursuing a General Plan amendment regarding their
property, again we have presented that for your information only.

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

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

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

Some of the things we'll talk about as part of our presentation is we provide an overview of the recirculated draft EIR, what went into the preparation of that document, we'll provide a readers guide or an overview of the final EIR, which is important to the document, we'll go over some of the major findings that were presented in the final EIR, some statistics there on the number of letters, what type of comments we received, and then we'll briefly go over what the next steps in the CEQA process are as it relates to the General Plan.
This graphic here, this graphic is intended to demonstrate the county's approach to the CEQA document.

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

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

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

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

And, in addition, the EIR itself is a
summary of all this information, and it identifies
what the impacts are and how the mitigation -- the
General Plan policies -- address those impacts to
the extent that it can.

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

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

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

For this, CEQA allows us to prepare a
program level document. And what this means is
we're looking at the same issues at a project
level, but we're just looking at it at a higher
plane, we're looking at it from a policy
perspective.
An example. This table here helps identify how we look at the impacts in a policy-level document.

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

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

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

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

Let's talk a little bit about some key aspects of the RD EIR, the recirculated draft EIR. As part of this document, we looked at updating the environmental and regulatory settings. Again, there was a previous draft that
was done. As part of the recirculated draft, we looked at how to bring the baseline condition up to that current time period.

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

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

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

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

Our DEIR also looked at quantifying private farmland impacts. This was a result of another comment as well.
So we looked at quantifying, to the best available way that we could, what some of the prime farmland impacts would be for the growth areas that are identified as part of the General Plan Update.

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

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

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

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

The alternatives have to meet two key criteria. They have to meet many of the project
or most of the project objectives that are identified for the General Plan Update, and they also have to look at minimizing some of the impacts that are associated with the proposed project.

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

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

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

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

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

So that alternative looked at some very
restrictive growth components. It's essentially a no net loss to, say, agricultural land as part of that alternative. Again, that's all contained in the recirculated draft document.

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

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

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

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

The EIR looked at both. It included an analysis using both the list method, some of the key larger projects that are expected to occur during the life span of the General Plan, and we also conducted an inventory of all the General
Plans and EIRs for many of the jurisdictions within the county and also the counties surrounding Tulare County and looked at the cumulative impacts as a result of those as well.

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

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

We looked at updating the General Plan background report.

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

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

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

We identified what sort of key regulations
have been enacted that affect the county as part of the document, and one of the key things we looked at was climate change because that's something that's happened relatively recently in the last several years.

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

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

As part of this final EIR, which you're looking at, is the RD EIR, which is bound separately. That becomes part of the final. It includes a list of persons, organizations, the public agencies that commented on the document, in
other words, the various comment letters, that's included in a separate section, the comment letters themselves, including all the attachments and all the background information that is part of those comment letters, the lead agency responses, two significant environmental issues, and then other information that is relevant to the final EIR.

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

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

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

You can see on the upper right-hand corner
of the letter, this one here is denoted letter I-22. It's an individual comment letter, and it's number 22 in the series of letters under that category.

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

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

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

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

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

A key aspect of responding to comments was our use of master responses. There is 11 of these
total. They are contained in a separate chapter. The purpose of the master response is to take a series of related individual comments. So one of those, for example, is water supply. Many of the commenters provided unique comments that were related about this specific topic, so our approach to kind of provide a comprehensive response to this was to link all those comments into a larger master response.

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

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

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

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

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

MR. MITCHELL: Thank you.

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

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

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

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

Finally, it has a monitoring program and
implementation plan so to make sure that all the strategies are implemented over time and get kept track of.

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

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

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

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

Another key issue is for the future, as development occurs, this provides a framework for
projects to come in to show how they can comply
with CEQA provisions for greenhouse gasses.

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

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

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

There is three different inventories, the
2007 baseline inventory, which coincides with the
General Plan baseline, the 2020 inventory, which coincides with the targets set by the state under AB32, and then the 2030 inventory that coincides with the General Plan buildout.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is -- another big energy consumer is water pumping and water conveyance. So anything that saves water also saves energy from pumping.
Solid waste reduction. Recycling provides reductions through, one, when you use a recyclable material it uses less energy when it's remanufactured, and then also you save from transport to the landfill by reducing waste. And even at the landfill there are methane generated landfills for different kinds of waste.

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

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

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

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

And then, also, things like solar panel
installations or also you can keep track of energy
efficiency of individual structures with Title 24
building reports to show that you're exceeding
Title 24 or not.

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

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

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

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

Process to consider and certify the final
Environmental Impact Report. Copies must be
received by public agencies commenting on the
draft EIR at least ten days before certification.
That would occur at the Board of Supervisors
level.
Review and consider the final EIR during public hearings on the proposed General Plan Update.

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

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

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

A greater level of specificity is provided through the area plans, subarea plans, community plans, hamlet plans, mountain service center
plans, and in addition to that through the development and utilization of our ordinance code. Healthy growth alternative. Ray, in his presentation, mentioned how that was addressed as part of the final EIR.

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

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

As I mentioned in my opening remarks, the General Plan update's primary objective is to serve as a guide for future decision making. Improvement of existing conditions may occur through the implementation and utilization of the various policies and programs, although again that's not the primary purpose of the General Plan Update.

Planning framework. Again, this is the urban boundaries, the current urban boundaries element that has simply been retitled. The objectives of the program in order to provide in
areas that are designated for urban growth, thereby separating them to preserve resource conservation uses.

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

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

There are various components that are included in the General Plan that address the following topics that are consistent, again with SB375: Providing a range of housing opportunities, walkability, collaboration with other agencies, attractive communities, providing a sense of place, predictable decisions, an appropriate mix of land uses, open space preservation, variety of transportation choices, direct development to existing urban areas, compact building design, economic vitality, and resource management. Those are the primary
principals that are contained in SB375, and the
General Plan provides an extensive host of
policies that demonstrate compatibility with the
regional blueprint process.

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

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

We received some comments and questions in
regards to the appropriate level of detail.
Again, since this is a General Plan document, the
large umbrella, the level of detail that is
provided in that figure is appropriate at this
level.
If some of you are familiar with city General Plan updates, or even our own community plans, each individual parcel is specific -- has a specific land use designation, and there was confusion on the part of some commenters and questioners that our land use diagram should provide the same level of specificity.

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

Level of detail in the programmatic plan.

Again, Ray addressed that this again is a policy-oriented document as opposed to a specific policy and land use oriented document that you may find in our existing community plans and future community plans.

Water supply. Again, Ray mentioned that we had a very comprehensive water supply evaluation that was provided as part of the process. It took a look at forecasting existing conditions based on specific detailed analysis units as provided by the Department of Water
Resources that was included in that study.

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

Staff recommendations. To open the public hearing and receive a staff presentation on the proposed General Plan 2030 Update, proposed Climate Action Plan, and proposed Environmental Impact Report, to receive public comment regarding the proposed General Plan 2030 Update, certification of the proposed final Environmental Impact Report, and approval of the proposed Climate Action Plan.
To close the public hearing and continue the item for Planning Commission's receipt of staff summary of public input, prepare Planning Commission's recommendation to the Board of Supervisors. That will include a resolution recommending certification of the proposed final EIR for the proposed General Plan 2030 Update and proposed Climate Action Plan, resolution recommending the adoption of the proposed General Plan 2030 Update, incorporating modifications as may be recommended, resolution recommending adoption of the proposed Climate Action Plan, resolution recommending adoption of the mitigation monitoring and reporting program.

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

At this time, Maria would like to read into the record additional comments that have been received to bring to your attention that were not included as part of our printed materials that were made available to you at the start of the meetings.
THE CLERK: We did receive a comment from Bob Keenan from the Home Builders Association. He says this memo outlines some of the legal issues and substantial constitutional questions that would arise in a situation where a county and one or more cities may be considering entering into some kind of agreement whereby the city would agree to impose development fees on projects within the city limits to provide funding for county projects or projects on a study created by the county.

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

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

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

The exercise of police power authority by California cities and counties is subject only to
the limitation that they exercise this power within their territorial limits and subordinate to state law.

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

Police regulations of cities and of counties are enforceable only within their respective limits. Since a city and county are separate and district governmental entities or agencies within the scope --

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

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

THE CLERK: No. I will duplicate it right now. This is the only comment that we have
received so far.

CHAIRMAN MILLIES: How many more are there, Maria?

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

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

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

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

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

MR. BRYANT: Yes. In the water supply evaluation, the consultant Tolen Young utilized, through the Department of Water Resources, detailed analysis units which broke down urban and
agricultural uses based on historical use.

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

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

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

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

So in looking at the wide variety of those different types of uses and collectively including it in the aggregate, I believe that there was a very marginal increase in regards to the difference between the water that's currently used
now versus the projected use in the future.

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

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

MR. ELLIOTT: Okay.

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

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

MR. ELLIOTT: I had another point on the
Climate Action Plan. The CAP we're trying to achieve is the six percent reduction as I understand it. And can the county actually offer incentives to achieve that?

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

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

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

MR. MITCHELL: Specifics, no.

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

MR. ELLIOTT: Okay.

CHAIRMAN MILLIES: Any other questions?

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

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

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

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

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

MR. NORMAN: Right.

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

CHAIRMAN MILLIES: Dave, I have a question. I don't want to take a lot of time. This is on AB32 relative to climate action plans. I know there are tactical elements to this plan, long term.

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

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

And part of the idea is some of that data is needed for other purposes, say the housing element update, and you have to keep track of that.
anyway, it's computerized, it comes in through the
development process.

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

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

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

And as each project is approved, depending
on what type of measures were included as part of that project, then they would be kept track of in that spreadsheet process.

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

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

MR. MITCHELL: I'm aware of some incentive programs that do exist for dairy digesters as a
specific example. I have seen several projects get funding. Right now, it's in development, so it's mainly research and development money comes in to say test out this new digester to make sure it works, we'll pay for half of it or something like that.

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

MR. DIAS: Thank you.

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

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

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

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

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

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

Although it's mentioned as part of an implementation strategy in the General Plan, but not formally included as part of the General Plan
Update proposal for your consideration.

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

MR. BRYANT: Yes.

CHAIRMAN MILLIES: Thanks, Dave.

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

(A recess was taken.)

CHAIRMAN MILLIES: We'll reconvene.

October 19, 2011. Would you all take your seats, please. Thank you, very much.

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

MR. BRYANT: Yes.

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

There is not a fee that's currently proposed or projected to be proposed as part of
the Climate Action Plan process.

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

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

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

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

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

   CHAIRMAN MILLIES: Thank you, David.

   MR. BRYANT: Thank you.
CHAIRMAN MILLIES: This is a public hearing this morning, and I'm going to again state that I am opening the public hearing at this point.

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

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

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

No clapping, cheering, or other
out-of-order comments will be allowed. Violation of this rule may cause me to clear the room.

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

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

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

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

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

If you have any written materials to submit to the Planning Commission at the time you speak, please hand them to the clerk to distribute
and Maria over here, please, will accept that
material.

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

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

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

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

And I would suggest that maybe, so that
you all don't have to stand there for long periods
of time, maybe we should try to see if we can
manage five at a time, five or six, and then as we get down to the last one or two, maybe another five could move up. It's your choice. I just don't like to see you standing there for such a long period of time. Just a recommendation.

So gentlemen and ladies, your name, sir.

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

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

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

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

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

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

CEQA is here as -- it's a planning document to provide a process so that the
citizenry can evaluate the planning decisions that are made by the Planning Commission and the Board of Supervisors, and it needs to be complete and clear and intelligible to the public so that we can evaluate the work that you do, and I'm grateful for all of the efforts. It's a huge work project that you have been working on, that we have all been working on.

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

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

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

That means that you can read it and throughout you have a clear understanding of what the project entails.
Unfortunately, this EIR fails to meet this basic requirement, if only because as we add together all of the various plans that might happen, we don't know the total extent of the impacts on the environment.

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

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

I provided each one of you with a packet which I hope you look over, and at the next
hearing, which might be the 16th, if you have any
questions about that, I would be glad to discuss
those with you.

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

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

CHAIRMAN MILLIES: Does anyone have
questions?

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

MR. CLUM: Okay. Thank you.

CHAIRMAN MILLIES: Thank you, very much.

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

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

And the issue is that it's now 80/20.
It's contiguous to the Kings River subplan, and
it's of course in the new quarter of the regional
growth quarter opportunities area. It's C-1.6.
And those two -- there is one issue within that policy that troubles me. It is that we have to leave this property fallow for five years if we would like to do something for the property.

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

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

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

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

CHAIRMAN MILLIES: Thank you, very much.
MR. MCINTIRE: Mr. Chairman, members of the commission, thank you for the opportunity to speak with you this morning. My name is Richard McIntire. I'm the campaign director for the Sierra Nevada Alliance based in South Lake Tahoe.

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

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

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

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

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

To that end, I would strongly urge you for the next public hearing or a subsequent public
hearing to hold the public hearing in the evening so that the working people of Tulare County actually have an opportunity to comment on this.

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

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

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

This is not the kingdom of Tulare as is noted behind you on the symbol the county crest. It is a county in California. California is part of the United States. And the treasures of Tulare County are valued by all the people of this country, the national heritage, the open ag lands, the wildlife values, the mountains behind, the open ag land on the valley floor.
I urge the Planning Commission not to recommend this document for approval, to take the courageous step to recognize that there are numerous holes in it, numerous holes that are going to cost the taxpayers of Tulare County a tremendous amount of money, and to reopen the process and responsibly address the massive shortcomings it contains.

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

CHAIRMAN MILLIES: Thank you, very much.

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

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

Having come from California, there is a lot of tongue in cheek jesting about Californians moving up to Montana, and the natives don't like it. They don't like Californians coming into
Montana, because what they do is when Californians -- I'm speaking in generalities -- when they move into Montana, they try to make Montana like California, and they don't want Montana to be like California.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

CHAIRMAN MILLIES: Thank you, very much.

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

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

And one of my biggest reasons for moving out of those areas, I'm originally from Colorado, I got trapped here after the military, it's where I was dumped, I chose Tulare County because it reminded me of home, reminded me of Colorado, it
reminded me of small non-invasive government, good people, farm land, mountains, and I like that about Tulare County.

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

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

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

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

Pretty soon, we are going to be importing products into this county because of restrictive
ordinances and regulations that are not voted on by the people, but are decided on by honorable people like yourselves.

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

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

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

We don't need more codes. We don't need more compliance. And I would just suggest you
guys be wise when reviewing this document. If it
needs to be thrown out, I don't know, I haven't
read the whole thing, it's physically impossible
for me to do with my time constraints.

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

CHAIRMAN MILLIES: Thank you, very much.

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

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

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

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

By encouraging corridor development
beyond the urban boundaries, the plan would
inevitably contribute drastically to increasing
health problems, especially asthma, for our
children, which has already been well documented.
Effective land use and transportation strategies are essential for these areas.

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

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

Thank you.

CHAIRMAN MILLIES: Thank you, very much.

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

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

And that requires the county to amend the land use element of its General Plan on or before the adoption of the county's housing element to identify the presence of disadvantaged communities and to look at communities that are within the household median income below 80 percent of the
statewide level within the boundaries of the county.

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

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

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

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

The reason why I wanted to bring to your attention SB244 after that long, long speech there is because, by that standard, the Tulare County General Plan will need to take into account those standards in that analysis for communities that are -- I am going to list some of them, but it's not limited to these -- it includes Cutler-Orosi, East Orosi, Tuleville, Allensworth, Poplar, Pixley, Seville, and many more.
So I just wanted to make sure that I know that you're all diligently reading this plan, you're all looking at all of these different things, but I'm adding one more thing to the table here to bring to your attention to just be mindful of SB244, and I want this honorable commission to make sure that they are abiding by that which will be taken into effect soon.

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

MS. CID: Thank you, so much.

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

And the main point that I wanted to make, I'm submitting a lot of comments, so I'm just
going to hit the main point, but basically this commission cannot actually suggest the adoption of the General Plan at this time because it would be illegal.

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

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

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

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

The General Plan would have to wait for the housing element to come out and to look at all the policies and to insure that the housing
element and the General Plan remain consistent with one another.

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

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

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

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

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

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

These Matheny Tract residents are a large community, and they're members of the county, and
the county has a duty to plan for them like everyone else, especially because they have contaminated drinking water, a lack of sewer, they have a lack of an incredible amount of public infrastructure, and they would really benefit and are entitled to be part of the hamlet plan.

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

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

CHAIRMAN MILLIES: Thank you, very much.

MR. ELLIOTT: Could I ask her a question?

CHAIRMAN MILLIES: Yes.

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

MS. BRODFUEHRER: Sure.

MR. ELLIOTT: And also your name.

MS. BRODFUEHRER: Sure. It's Matheny,
M-a-t-h-e-n-y, and it's Tract, T-r-a-c-t, and I think you already know who I am. The last name is spelled B-r-o-d-f-u-e-h-r-e-r.

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

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

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

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

It is lacking specific mandates about
where and how development may occur.

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

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

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

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

From 2000 to 2011, I served on the Exeter City Council, fulfilling two terms as mayor in my
fair city.

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

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

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

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

Our county is growing and with that growth specific needs like the need for comprehensive water resource management practices so we can become less dependent on groundwater, the need for compact development that reduces piecemeal development and protects the life blood of our local economy, which is high quality farm land, the need for contiguous open space planning, and the need for innovative planning to better
implement new state regulations for reducing greenhouse gasses.

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

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

I have served on many county positions. I have served on boards of most entities one place
or another throughout my life here in the county.

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

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

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

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

I hope that Tulare County continues to maintain its agricultural base which is important to me. It's our roots, it's our employment, it's
our monies that come from the agriculture base, and from everything I can see there you're trying to do this as best you can.

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

CHAIRMAN MILLIES: Thank you.

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

Good morning, Chairman Millies and members of the commission.

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

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

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

We remain committed to community-centered
growth, and that means no new towns.

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

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

We prefer the word shall and abhor the word may.

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

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

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

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

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

And in the course of an opera, he sung an
aria, and the crowd just went crazy. They
applauded thunderously, and they yelled encore,
encore, and he came back and he sang it a second
time.

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

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

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

CHAIRMAN MILLIES: Thank you.

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

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

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

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

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

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

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

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

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

CHAIRMAN MILLIES: I think we can,
correct?

MR. KIMBALL: Yes.

MS. DONG: Yes.

CHAIRMAN MILLIES: Before the Board of Supervisors meeting?

MR. SPATA: Yes.

MS. BODNER: Thank you.

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

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

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

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

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

I have been involved in this process since 2005. I submitted over 100 pages of comments in response to the 2008 version of the DEIR. I submitted over 100 pages of comments on the
revised RDEIR because the county chose not to look at the first batch.

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

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

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

CEQA Section 15088 (a) provides that written responses shall describe the disposition of significant environmental issues raised, in particular, the major environmental issues raised when they are at variance with recommendations and objections raised must be addressed in detail giving reasons why specific comments and
suggestions were not accepted.

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

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

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

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

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

With good and detailed analysis of the
program, any subsequent activities could be found
to be within the scope of the project with no
further environmental documents required.

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

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

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

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

CHAIRMAN MILLIES: Thank you.

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

My name is Laurie Schwaller. I live at
43857 South Fork Drive, Three Rivers. I'll turn
this in with the spelling.
At the beginning of the General Plan Update process, the county asked its citizens what they wanted for our county's future, and a strong consensus was returned.

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

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

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

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

Responsible growth locates people where jobs, workers, services, infrastructure, public
transportation, and other amenities already exist. It uses land, water, and energy resources efficiently and enables us to use public transit, bikes, or our own two feet to reach many destinations, promoting a healthier lifestyle, more affordable housing, and other social benefits while reducing greenhouse gas emissions and traffic congestion.

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

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

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

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

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

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

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

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

And the agency must comply with this requirement even if the mitigation would not reduce the impact to lessen significant levels as long as the measure would have some mitigating effect.
And so the fundamental purpose of the EIR is to identify appropriate measures, and this defect needs to be corrected.

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

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

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

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

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

One of them was for exactly what the state requires now to do with human remains, and I certainly appreciate having those measures in now. So everybody has a good idea of what they should do. Thank you.

CHAIRMAN MILLIES: Thank you, very much.
MR. SCHWALLER: Good morning commissioners, staff, fellow citizens.

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

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

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

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

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

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

For example, General Plan land use
policies that do not specify or -- that do not
specify or require actions but merely encourage
development to locate near existing
infrastructure, encourage residential development
to be clustered, encourage high-density
development to locate near facilities, encourage
infill, and encourage use of solar and energy
conservation, but how will you encourage these
worthwhile actions to occur?

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

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

Such vague policies and implementation
measures also fail to produce the basis for
necessary useful monetary measuring and reporting
that would enable the county and allows us, its citizens, to ascertain whether the CAP and the GPU are producing the desired good results.

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

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

Could I see a show of hands how many other of the public plan to speak? About five or six.

Do you want to continue or do you want to break?

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

Planning Commission members, the question, the question, is what is one of the spoken and unspoken reasons for the current concerns over this proposed General Plan for Tulare County for
the next 20 years?

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

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

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

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

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

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

Now, there is historical precedent for courage, education, and leadership regarding
preservation versus profits.

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

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

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

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

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

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

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

Thank you for extending the comment period. I really appreciate that because I received the documents several weeks ago, and I
have to say that I was overwhelmed by the last round of documents. I find them kind of very arcane. I'm very impressed with any or all of you if you've been able to get through them and understand them.

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

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

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

I don't believe in secrecy. I know that
discretion is important, but that in a small county like ours, as grand as it is, that the supervisors should find it necessary to convene in less than two years that much time spent speaking off the record out of public view about pending litigation in regards to this process and everything that we're talking about here.

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

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

CHAIRMAN MILLIES: Thank you, very much.

MR. WHITLACH: This is Shirley Kirkpatrick, a former fellow planning commissioner. Shirley and I have been involved in the process of this General Plan since the very beginning. We sat on the committee to pick the consultant, and I highly respect what you have to
say, Shirley. So thank you for coming.

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

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

CHAIRMAN MILLIES: Yes, you do.

MS. KIRKPATRICK: I'm on the clock.

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

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

MS. KIRKPATRICK: 23114 Carson Avenue in Exeter.

CHAIRMAN MILLIES: Thank you, very much.

MS. KIRKPATRICK: Thank you.

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

I reviewed some of them at your workshop on the 30th, but I neglected to add that there has been an almost complete turnover in RMA staff,
planning staff since the beginning, and no one person that I know of has been on board the whole way through beginning to end.

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

And the first consultants were curiously and quietly dismissed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. ELLIOTT: Shirley, can I answer your
question real quick?

MS. KIRKPATRICK: If you have an answer.

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

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

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

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

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

CHAIRMAN MILLIES: Thank you, very much, Shirley.

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

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

CHAIRMAN MILLIES: Thank you.

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

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

I just want to go on record as reporting what these other speakers have said, particularly Mr. Lasky, Mr. McIntire, Mr. Dackawich, the League of Women Voters, and every speaker from
Mr. Manning to Mr. Manro, all eight of those, because I agree with them completely. Thank you.

CHAIRMAN MILLIES: Thank you, very much.

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

The impact on water quality of the General Plan 2030 Update was found to be less than significant by the RDEIR. This is incorrect. Here is why. One, Tulare Lake Basin has been in a condition of critical groundwater overdraft for decades. New development will depend almost entirely on wells for water supply. As the water table is drawn down, contamination of ground water becomes more concentrated. Natural sources of contamination will continue, and human-caused contamination, such as agriculture, dairy corrals and feed lots, septic and storm water runoff sources will increase, but there will be less water in the aquifer to dilute it.

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

This increase in groundwater contamination
is a public health risk which was not analyzed by the RDEIR.

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

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

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

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

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

The aggressive development proposed by the General Plan will expose more people to existing and deteriorating water quality problems. This impact was not analyzed by the Environmental Impact Report.
Dr. Tom Harder's 2011 draft report on nitrate contamination in groundwater in the San Joaquin Valley contains sobering conclusions about nitrate contamination and its spread in our valley.

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

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

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

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

Treatment is unaffordable for most communities.

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

There are higher operation and maintenance
costs for small systems. Some people in small communities with nitrate contamination will have no other option but to move.

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

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

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

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

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

Some east-side wells are contaminated with arsenic from a Chilean fertilizer imported in the 1950s and '60s. That's the end of that report.
The General Plan does not prohibit development in areas with contaminated drinking water, and the RDEIR does not analyze the effect on public health of developing in these areas.

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

CHAIRMAN MILLIES: Thank you.

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

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

It was not addressed as part of the General Plan comments, but reading through it the content indicates that they meant it for the General Plan comments. It was not given to the
General Plan team and, therefore, not part of the previous submittal.

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

CHAIRMAN MILLIES: Thank you.

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

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

(The noon recess was taken.)

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

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

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

Okay. Now that we finished the public
comment, does staff have any further statements or recommendations? David?

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

CHAIRMAN MILLIES: Did I say 1:55?

MR. BRYANT: I believe so.

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

MR. BRYANT: Staff recommendations:

Again, to open the public hearing, receive the staff presentation on the proposed General Plan 2030 Update, proposed Climate Action Plan, proposed final Environmental Impact Report, receive public comment regarding the proposed General Plan 2030 Update, certification of the proposed Environmental Impact Report, and approval of the Climate Action Plan.

To close the public hearing and continue the item for Planning Commission's receipt of staff's summary of public input and prepare Planning Commission's recommendations to the Board of Supervisors that will include, one, resolution recommending certification of the proposed final EIR for the proposed General Plan 2030 Update and
proposed Climate Action Plan, resolution
recommending the adoption of the proposed General
Plan 2030 Update, incorporating modifications as
may be recommended, three, resolution recommending
adoption of the proposed Climate Action Plan, and,
finally, four, resolution recommending the
adoption of the mitigation monitoring and
reporting program.

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

CHAIRMAN MILLIES: If you would all please
refer to your agendas for the actions needed.
And David has just articulated those
actions upon the screens.

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

Do I have a motion to --

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

What we are asking for is that you close
the public hearing, and what we want to do is
basically reconvene the commission at a later date with those resolutions for your consideration.

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

So that's what our actual recommendation is.

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

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

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

CHAIRMAN MILLIES: So we are going to leave the public comments --
MR. RAPER: No. The public comment period is closed, if you're so desired to close the public hearing, give us direction to come back with those four resolutions for your consideration.

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

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

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

It doesn't necessarily have to be reviewed by you as the Planning Commission, but that would be one of the processes that you would have at your option.
MR. ELLIOTT: Well, in lieu of what we heard today, is it prudent for us to close the public hearing now?

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

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

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

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

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

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

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

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

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

    Basically, the county has the authority to adopt the housing element. The issue lies that it's not certified by the State of California yet. But we are authorized by local authority to adopt the housing element and to implement that, and we -- and the CRLA has presented that same statement to the Board of Supervisors on a number of occasions, and, again, it's a legal issue, and I have to defer to county counsel to verify what my thoughts are, but we are not held in abeyance from adopting the General Plan because of that
The housing element that we have is currently adopted. Staff believes that the current policies are internally consistent with the General Plan Update. And that as policies are amended, and we can receive certification from the state, the General Plan policies are so broad and so general that I would not see any internal inconsistency with the more specific implementation programs relating to housing.

And keep in mind, the housing element is a policy document that identifies the housing development issues. It's not a land use document. The land use element is your land use. The land use element identifies what types of uses are permitted, the intensity, the density, and development criteria in support of our zoning codes.

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

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

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

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

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

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

It has been formally adopted by the Board
of Supervisors. We are in the process of
submitting that to the state for certification.

It would not invalidate what you do on the General
Plan today.

MR. ELLIOTT: Well, that's good enough for
me. But the consistent thing I hear, you know,
beyond that when pointing to the law, is that
we're not being strong enough in where we're
directing the growth to occur.
Is that -- can you speak to that a little bit, Mr. Bryant?

MR. BRYANT: Sure.

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

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

At the unincorporated community level, urban development boundaries and urban area boundaries for the county adopted city general plans, which are highlighted in the orange. We're proposing hamlet development boundaries around some of the smaller communities, which again the hamlet development boundaries
again would be a hard physical boundary that would
clearly distinguish and delineate between areas
that are under the jurisdiction of the Rural
Valley Lands Plan versus areas that are
appropriate for urban development.

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

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

Within the mountain areas, again, as most
of those areas are under federal ownership, the
private inholdings, we've developed a proposed
mountain framework plan which provides that that
mountain area is broken down into a number of sub
area plans.

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

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

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

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

If you look in the Golden policy report
part one, the land use element, land use policy
LU-2.1, as corrected -- we had a clerical error, but we recommend that it reads the county shall maintain agriculturally designated areas for agricultural use by directing urban development away from valuable agricultural lands to cities, unincorporated communities, hamlets, and planned community areas where public facilities and infrastructure are available.

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

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

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

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

What you are working with is a General Plan that's been in place since 1964 and zoning ordinances that have been in place since 1947 or 1951.
So there is no place in Tulare County where development is prohibited, because even in the ag zones we allow two residences per 20 acres, that kind of thing.

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

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

Mr. Elliott: Right. There are different levels, of course.

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

And when I put my developer hat on, the way I could develop ground the way I wanted to, as I do up in Visalia, is I have -- bring it in to the City of Visalia, and then I didn't have to worry about the ag land, and I almost hate to
admit this, but I have developed lots of prime agricultural ground because the city policy was they apparently felt no pressure, but I'm thinking that we're covering up a lot of prime land.

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

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

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

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

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

And so anything that helps redevelop that, and some of our hamlets, you know, if a big developer wanted to come into one of the smaller
communities and do a decent-size development and provide decent housing, and that has happened a lot in Tipton, and places like that, if we have to take some farm land out of production in order to make it better, you know, and we're talking about quality of water, sewage, and overall living conditions, we should have the ability to look at that on a case-by-case issue, because we have an awful lot of unincorporated areas, a lot of towns or hamlets, whatever, that have bad water, bad sewage, and the only way that that will ever improve, unless there is some magic grants that comes up, but it will be developers like myself that see there is an economic reason to go there and we'll improve housing.

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

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

I don't think it's our policy, but places
like Dinuba, they're always wanting to expand their boundary lines, so they can take that orchard and turn it into houses.

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

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

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

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

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

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

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

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

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

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

And so I think, by adopting this, it may have its shortfalls, but we need to adopt something soon, and of course I agree we need to
have public testimony, because we want to hear what people have to say, but the sooner we adopt it, the better it's going to be for Tulare County, because there is things like -- things change. Who would have ever guessed that the trailer park on the Kings River that would -- as long as it's licensed by the State of California, you can put it there almost indefinitely. I mean, I don't know how many hours we spent on that hearing on the Kings River, whatever it's called, for those licensed vehicles. There is no way you can go down the road with them. But things change. Technology changes. What about cell towers? I mean, all these things we didn't have in 1960.

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

And I heard several people come up claiming to be Californians. My kids are fifth generation Californians. Our family came to California before it was a state. We raised cotton, grapes where the Union Station is in downtown Los Angeles. And I left the Los Angeles
area in 1971 to come here as a policeman, because as a policeman at Huntington Beach I couldn't stand what I saw at nighttime.

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

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

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

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

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

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

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

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

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

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

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

You try to incorporate tactics inside of this, and that's good, but the more important
focus in my mind is is the strategy correct in all of those categories that we're looking at. And I think it is.

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

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

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

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

If we want to amend things going down the line here, we can do that. This is not a forever document. I hope no one thinks it is.
MR. WHITLACH: The community plan will be more specific, all those community plans. That's the appropriate place to be or shall be.

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

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

So does anyone else have a comment?

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

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

And I like what we're doing for our smaller communities, and I think that community plans are very important, and I have seen one, you know, Tipton is a perfect example, and it's only been good what's happened to it. And I think it
follows all these guidelines.

CHAIRMAN MILLIES: So the question becomes at this stage, Director Raper, we want to incorporate as much of the public's input as we can. And there were some additional.

So were you suggesting that this latest input your organization have a chance to analyze?

MR. RAPER: We will, and we will include it into those resolutions, become part of the public record, and that will be forwarded to the Board of Supervisors.

CHAIRMAN MILLIES: So we can close the public testimony today to be reopened?

MR. RAPER: No.

CHAIRMAN MILLIES: You want us to leave it open?

MR. RAPER: Well, our basic recommendation was to close the public hearing, direct staff to come back with those resolutions that we've identified, those four resolutions, which basically talks about the EIR, and most of the comments that presented are focused on the content of the final EIR, and so the consultants and staff will be doing that last look-at from the planning commission's public hearing standpoint, and that
will be part of the resolutions that will be considered by the commission on November 16 if you choose to close the public hearing.

CHAIRMAN MILLIES: We had some testimony this morning that there are folks that have some input to give.

So what am I going to be doing when I close the public hearing?

MR. RAPER: They would not be able to come back to you and receive public testimony. That's one option.

The other option, if the commission wishes to receive additional public testimony, you can continue the public hearing and open it back up for public comment.

CHAIRMAN MILLIES: I'll defer to my fellow commissioners. What would you like to do?

MR. DIAS: You know, I think if we close the public testimony portion right now, we're allowing written statements to come in. If we give direction to come back with those resolutions --

CHAIRMAN MILLIES: Incorporated?

MR. DIAS: -- incorporated with what we've done today, anything that comes in there will be
submitted to the Board of Supervisors.

CHAIRMAN MILLIES: Okay. I agree with that.

MR. DIAS: And then they will have an opportunity to testify before the board if there was anything new that shows up.

CHAIRMAN MILLIES: All right. I agree with that.

MR. NORMAN: I would like to hear more public comment, public hearing. I would like to see it remain open.

Just any time we're dealing with this, out of 24 people that spoke, I mean, six said litigation, three or four said they hadn't been heard, you know, with any malpractice lawsuit, why do you get sued, you get sued because you didn't treat somebody well, it's not because of your patient treatment.

I think people have a vision of open government and we need to continue this. At the worst, we don't get any public comment.

MR. ELLIOTT: I'm inclined to agree with Charles on that. I know that, for whatever reason, 24 or so showed up, and there is -- it raised some really complex issues today, and I'm
confident that staff can come back and interpret those things.

One that I was a little confused of was the last minute e-mail we got in terms of a letter signed by seven incorporated cities, telling us not to approve the plan.

And I didn't notice Dinuba among that group, and I still don't understand that.

So I guess what I'm saying is there is a lot of information that came with us in the last 48 hours, including today, and I -- I mean I know we've sat on this thing and spun our wheels on it for so long that --

CHAIRMAN MILLIES: So, John, do you want this to be renoticed for November 16?

MR. RAPER: You would not have to renotice.

MR. ELLIOTT: I think we ought to give at least one more opportunity for the public.

CHAIRMAN MILLIES: For the public?

MR. ELLIOTT: And I don't think that's asking too much.

CHAIRMAN MILLIES: But don't we have to notice the public there is going to be input received on November 16?
MR. RAPER: No. You did close the public comment period. Public comments -- and I have to defer to county counsel.

MS. DONG: Well, the public hearing right now is still open, so you could continue it to November 16, and you could receive --

CHAIRMAN MILLIES: More input.

MS. DONG: -- more writing. And, if you wish, you can reopen the public testimony on November 16.

MR. RAPER: And we would not have to readvertise.

MR. ELLIOTT: I, for one, would make a motion to go with that option. I just think we shouldn't cut it off right now.

CHAIRMAN MILLIES: Well, let's do it on a motion basis then.

MR. ELLIOTT: I'll make that motion.

MR. NORMAN: I second the motion.

CHAIRMAN MILLIES: Can I have a roll call?

THE CLERK: Gong?

MR. GONG: Yes.

THE CLERK: Millies?

CHAIRMAN MILLIES: No.

THE CLERK: Elliott?
MR. ELLIOTT: Yes.

THE CLERK: Dias?

MR. DIAS: No.

THE CLERK: Whitlach?

MR. WHITLACH: No.

THE CLERK: Pitigliano?

MS. PITIGLIANO: Yes.

THE CLERK: Norman?

MR. NORMAN: Yes.

CHAIRMAN MILLIES: So moved.

So we will leave the public hearing open, continue it to November 16, 2011, in these chambers.

THE CLERK: We actually have a tie vote. I need to take Gil's vote. Aguilar?

MR. AGUILAR: Say that again.

THE CLERK: I need to take your vote.

MR. RAPER: Well, he's an alternate, and he only votes when there is not a full quorum.

THE CLERK: Okay.

CHAIRMAN MILLIES: No, we didn't have a tie, did we?

MR. DIAS: It was four/three.

THE CLERK: Four/three, I'm sorry.

CHAIRMAN MILLIES: That's what I thought.
So the public hearing remains open.

MR. RAPER: Basically, staff would recommend that you accept staff's recommendation, continue the public hearing to November 16, and at that time -- during that time, you the commission will most likely, or staff will most likely receive additional written correspondence, and as county counsel said when you convene back on November 16, the commission, if you so desire, can receive additional public testimony, but if you do not desire to receive public testimony, then you can follow up with your appropriate actions at that point.

CHAIRMAN MILLIES: Do you want public testimony at that time?

MR. ELLIOTT: I think we need to decide by who shows up.

CHAIRMAN MILLIES: Okay.

MR. RAPER: You can leave that open until November 16.

CHAIRMAN MILLIES: All right. So moved.

MR. WHITLACH: Just one last quick statement. You know, the longer we postpone this, the more the people who live in these hamlets -- and I don't see one person from a hamlet or one of
those unincorporated cities here -- the longer they have to suffer through, you know, a lot of conditions because we don't have decent plans for all of those communities. So we need to take care of people.

MS. PITIGLIANO: That's a question I was going to ask actually later, but I'll ask it now. If these plans are in place, isn't it easier for them -- easier is not a word I want to say -- it puts in place for them to be able to apply for better water systems, wells, isn't that --

MR. BRYANT: It places them in a better position to be competitive for state and federal grants in order to provide -- for our community development division to apply for those grants for sewer, water, storm drain, curb, gutter, sidewalk, and working with the agencies that would supply grant revenues for those projects.

MR. ELLIOTT: We're taking hits in the New York Times on some of these communities. Does the plan address any upgrades in drinking water or anything like that?

MR. BRYANT: Yes. In the -- in the water element, we have policies that specifically are
addressed to water quality.

One, in particular, I think there was a comment that was raised in regards to development that may occur in groundwater recharge areas.

We have a specific policy that specifically addresses that particular issue to make sure that we retain the opportunities for appropriate groundwater recharge and not preclude those opportunities for occurring. So we have addressed that through the water element.

MR. WHITLACH: I want to hold our fellow planning commissioners' feet to the fire, because I'm the president of the Samaritan Center. You know where we see all these people who can't afford care? It's not from Three Rivers. It's not from Visalia. They come from Goshen. They come from all these other unincorporated areas. You know, we talk about some serious diseases from bad water and poor living conditions. We have to take care of this and soon. So end of comments.

CHAIRMAN MILLIES: So to remind members of the public, we will continue this to November 16, 2011, 9:00 a.m., in these chambers.

And our obligation is still to digest that and come up with recommendations for the Board of
Supervisors, at which time there will be a notice and date certain for the Board of Supervisors to hear what the Planning Commission has adopted and sent to their office.

Any other questions on this topic? If not, we'll move on to item six of today's agenda.

MR. BRYANT: Thank you.

CHAIRMAN MILLIES: Thank you, David, very much for all your work.

(Proceedings on concluded at 1:35 p.m.)
STATE OF CALIFORNIA )
COUNTY OF TULARE ) ss.

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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wrote [1] - 78:12

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year-round [1] - 70:16
yelled [1] - 93:2
Yettem [1] - 18:5
yield [1] - 64:6
Yokohl [1] - 91:9
Young [1] - 51:23
yourself [1] - 144:5
yourselves [1] - 78:3

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