

1 BEFORE THE TULARE COUNTY PLANNING COMMISSION

2 IN AND FOR THE COUNTY OF TULARE

3 ORIGINAL

4
5 PUBLIC HEARING IN RE:)

6 GENERAL PLAN 2030 UPDATE,)
7 PROPOSED FINAL ENVIRONMENTAL)
8 IMPACT REPORT, AND PROPOSED)
9 CLIMATE ACTION PLAN)
_____)

10 Visalia, California

11 November 16, 2011

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15 **REPORTER'S TRANSCRIPT**

16 **OF**

17 **PROCEEDINGS**
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23 *Moore Court Reporters*

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1 VISALIA, CALIFORNIA

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

3 -----

4 CHAIRMAN MILLIES: We will move
5 immediately on to item five, continued public
6 hearing.

7 I will make a comment very briefly at this
8 point. There were two items timed for 9:00 a.m.,
9 PSP 10-003, Shirley Maxim, and item 6(A), PSP
10 06-044, White Ranch Land Company LLC, Provost &
11 Pritchard Engineering Group. Both of those are
12 scheduled.

13 We will address the General Plan first on
14 this agenda, and we will move to those two items
15 afterwards.

16 So let's begin with item 5(A), General
17 Plan 2030 Update, Proposed Final Environmental
18 Impact Report, and Proposed Climate Action Plan.

19 We are here to consider the Tulare County
20 General Plan 2030 Update, Proposed Final EIR, and
21 Climate Action Plan continued from October 19,
22 2011, and our contact this morning, David Bryant.

23 MR. BRYANT: Good morning, Mr. Chairman,
24 members of the commission.

25 Dave Bryant, special projects manager with

1 the County of Tulare Resource Management Agency.

2 The purpose of today's meeting is to
3 receive a staff presentation on staff's summary of
4 the public input regarding the Proposed General
5 Plan 2030 Update, Proposed Climate Action Plan,
6 and Proposed Final Environmental Impact Report
7 from the Planning Commission public hearing on
8 October 19, 2011.

9 Second, to receive public comment
10 regarding the proposed General Plan 2030 Update,
11 recommendation of the certification of the
12 Proposed Environmental Impact Report, and approval
13 of the proposed Climate Action Plan.

14 Third, to close the public hearing, review
15 staff's recommendations, and approve the following
16 Planning Commission recommendations to the Board
17 of Supervisors:

18 Number one, resolution recommending
19 certification of the Proposed Final EIR for the
20 Proposed General Plan 2030 Update and Proposed
21 Climate Action Plan.

22 Resolution recommending adoption of the
23 Proposed General Plan 2030 Update, incorporating
24 modifications as described therein.

25 And, three, resolution recommending the

1 adoption of the Proposed Climate Action Plan.

2 At your October 19, 2011 meeting, 24
3 individuals presented verbal comments. Before,
4 during, and subsequent to that meeting, we
5 received approximately 30 written comments. Many
6 of those are incorporated in your agenda
7 materials.

8 As of last night, we had a binder which
9 includes those materials. I did receive some
10 additional materials this morning, right before I
11 left the office. I believe those are being
12 printed, and those will be distributed to your
13 commission when our clerical staff is able to
14 arrive with those materials.

15 The following list represents areas of
16 continued comment regarding the General Plan
17 update.

18 Those areas include climate change, water
19 quality and quantity, land use and project
20 build-out assumptions, level of detail and
21 programmatic nature of the recirculated draft
22 Environmental Impact Report, enforcement of
23 General Plan policies, range of alternatives.

24 Regarding those specific areas, the
25 following list references how those are addressed

1 in our various documents.

2 More specifically, in regards to climate
3 change, we have prepared a Climate Action Plan.
4 There are policies included in the General Plan
5 Update planning framework element, agricultural
6 element, air quality element, land use element,
7 environmental resources management element, health
8 and safety element, transportation and circulation
9 element, public facilities and financing element,
10 transportation and circulation element, scenic
11 landscapes element, water resources element, the
12 recirculated draft EIR and its appendices,
13 including the final EIR, which also includes
14 master response 10.

15 In regards to water quality and quantity,
16 the General Plan Update planning framework
17 element, environmental resources management
18 element, health and safety element, public
19 facilities and financing element, water resources
20 element, the recirculated draft EIR and its
21 appendices, and the final EIR, including master
22 response number 6, address that subject area.

23 In regards to land use and project
24 build-out assumptions, the General Plan Update
25 land use element, the recirculated draft EIR and

1 its appendices, and the final EIR, including
2 master response 5, addresses that topic.

3 Regarding the appropriate level of detail
4 and programmatic nature of the recirculated draft
5 EIR, the recirculated draft EIR and its appendices
6 and the final EIR, including master response 4,
7 address that topical area.

8 Enforcement of the General Plan policies,
9 the recirculated draft EIR and its appendices, and
10 the final EIR, including master response number 3,
11 address that topical area.

12 Range of alternatives, the recirculated
13 draft EIR and the final EIR, including master
14 response number 9, address that topical area.

15 To date, staff's review of the written
16 materials and the verbal comments presented at
17 your last meeting on October 19, 2011, have not
18 identified any new CEQA issues that would require
19 additional environmental studies.

20 Attached to your agenda materials today in
21 attachment one, there are some minor corrections
22 to the final environmental impact report, Chapter
23 2, which is titled minor revisions correctory.

24 The policy comment matrices that were
25 previously attached as modified are included in

1 attachment two.

2 Today, I have Ray Weiss here again with
3 ESA to address any environmental-related questions
4 that you may have.

5 Staff's recommendation, to receive a staff
6 presentation on staff summary of public input
7 regarding the Proposed General Plan 2030 Update,
8 Proposed Climate Action Plan, and Proposed Final
9 Environmental Impact Report with a Planning
10 Commission public hearing on October 19, 2011, to
11 receive public comment regarding the Proposed
12 General Plan 2030 Update, certification of the
13 Proposed Final Environmental Impact Report and
14 approval of the Proposed Climate Action Plan.

15 Three, to close the public hearing, review
16 staff's recommendations, and approve the following
17 planning commission recommendations to the Board
18 of Supervisors:

19 Number one, resolution recommending
20 certification of the Proposed Final Environmental
21 Impact Report for the Proposed General Plan 2030
22 Update and Proposed Climate Action Plan.

23 Resolution recommending adoption of the
24 Proposed General Plan 2030 Update, incorporating
25 modifications described therein, and resolution

1 recommending adoption of the Proposed Climate
2 Action Plan.

3 That concludes staff's presentation.

4 CHAIRMAN MILLIES: Thank you, David.

5 Before taking any comments from the public
6 in this public hearing, do any members of the
7 commission have questions at this time?

8 MR. ELLIOTT: I have a question. In our
9 specific recommendations to the Board of
10 Supervisors, how do we -- do we have an
11 opportunity for staff to draft that for us and
12 then us approve that and forward that on to the
13 board?

14 MR. BRYANT: That is included in your
15 agenda packet in the three resolutions. Your
16 recommendations would be included in those
17 resolutions that are currently attached to your
18 agenda item.

19 MR. ELLIOTT: Is that alternative one?

20 MR. BRYANT: Alternative one would be to
21 -- based on the testimony received today -- to
22 direct staff to review materials and to return to
23 your commission on December 7 with final
24 recommendations.

25 MR. ELLIOTT: All right.

1 CHAIRMAN MILLIES: Any other questions?

2 At this time, we would open the public
3 hearing on this matter. Now that we've heard
4 staff's presentation, we invite comments by the
5 members of the public and other interested parties
6 who have not submitted written comments previously
7 or who have not spoken previously at the prior
8 public hearing.

9 Please limit your remarks to the subject
10 at hand, the Proposed County 2030 General Plan
11 Update, the Final EIR, and the Climate Action
12 Plan.

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

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

1 review any written materials.

2 No clapping, cheering, or other
3 out-of-order comments will be allowed. Violations
4 of this rule may cause the room to be cleared.

5 Each interested person or party will have
6 three minutes to speak. The only exception to
7 this limit will be at my discretion. And we are
8 doing some translating this morning in Spanish, so
9 there may be a little bit of a delay, but we'll be
10 very fair there.

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

16 We do have a court reporter here this
17 morning to record the testimony given, so please
18 try to speak clearly at a normal rate so that the
19 court reporter can accurately record your
20 statements. The court reporter may briefly stop
21 you or ask you to slow down if you are speaking
22 too rapidly.

23 When you start to speak, the clerk of the
24 commission will start a clock. The amount of time
25 you have left will appear on the lower right-hand

1 corner of the screen above your head. A warning
2 will sound when you have 30 seconds left.

3 If you have any written materials to
4 submit to the Planning Commission at the time you
5 speak, please hand them to the clerk to distribute
6 -- and that's Maria over here to my left, your
7 right. The materials will become public record
8 and the property of the county. If you need a
9 copy, you may request one from the clerk after
10 this meeting is over.

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

15 Also we ask for anyone with comments to
16 provide the spelling of your name and your address
17 to staff after giving your comments so that we
18 have it for the record.

19 Also, there are some forms for this
20 purpose if you wouldn't mind filling those out.

21 Now, will the first person who has not
22 spoken previously and who wishes to speak to the
23 proposed 2030 General Plan Update, Proposed Final
24 EIR, and Proposed Climate Action Plan, please
25 approach the open podium and speak directly into

1 the microphone, giving your name and address.

2 Other first speakers may queue up behind,
3 and if it's too long of a line let's try to keep
4 it perhaps to five persons, five folks, and you
5 then can just move in behind those five.

6 MS. CID: Hello, honorable members of the
7 commission. My name is Amparo Cid, and I'm here
8 on behalf of the California Rural Legal Assistance
9 Foundation, and today we have a total of three
10 residents from different communities in Tulare
11 County that would like to speak, and I will be
12 doing the translating. So I hope you are patient
13 with me and that my voice doesn't start going
14 away.

15 CHAIRMAN MILLIES: We will be.

16 MS. CID: And I also would like to read a
17 comment from one of the members from the Matheny
18 Tract Committee also who wasn't able to be here
19 today because of the time of the meeting and she
20 had to be at work.

21 So we will begin with Mr. --

22 MR. QUEVEDO: Hello. Good day. Please
23 don't worry about the faulty translation at the
24 beginning. You know, even the president sometimes
25 gets it wrong.

1 CHAIRMAN MILLIES: We will need his name
2 and address now.

3 MR. QUEVEDO: My name is Jesus Quevedo.
4 And I come representing the communities that are
5 in the plan that are not currently represented.

6 MS. CID: I'm asking him to please give
7 his address.

8 MR. QUEVEDO: 12610 --

9 MS. CID: He says I'm not speaking more
10 English because I'll forget. I can't quite catch
11 the drive, but it's in Cutler Orosi.

12 MR. QUEVEDO: And my telephone number is
13 52805055.

14 And I come representing the communities
15 that cannot currently come at this time. And they
16 come from the communities that are the poorest in
17 this county, and they're currently working right
18 now, and for them it's impossible to come before
19 you today to give testimony.

20 I am coming here to remind you about the
21 problems that we have. You may say, ahh, again
22 about the water issues, and the consequences of
23 not having clean water is that we have a lot of
24 diseases, and I know that what I'm telling you you
25 probably have heard before and that you're aware

1 of.

2 And I have the experience because of the
3 water three years ago, one of my sons actually
4 passed away three years ago. He was working with
5 pesticides. My son was perfectly fine beforehand,
6 and suddenly he became very ill, and they thought
7 it was because of his stomach.

8 And when we took him to the hospital, the
9 doctor said, please, open your mouth, and then at
10 that time diagnosed him with only six months to
11 live because you have leukemia.

12 And when they did the studies and tests,
13 it said it was because he was with that
14 contaminated water and the water that they had
15 drank, and so I have this moral obligation to be
16 before you today, that when there is an
17 opportunity to speak on behalf of people and
18 before commissions that can do something on behalf
19 of the poor people, and I think I came to the
20 right place today because we chose you all to
21 represent us.

22 And now in regards to the communities, I
23 have a list here of the communities, and sometimes
24 we're not even mentioned in the plan.

25 And, you know, when there is a rewriting

1 of revisions in the plan, I want to participate.
2 And before in 1970 there were no looking at the
3 plan to see what the revisions would be.

4 And so, you know, we're people that work
5 hard and we're people that pay our taxes, and I
6 think our communities need people that are safe
7 and healthy to be able to continue to work.

8 And I am not here looking to blame
9 anybody. I'm just here looking for people that
10 can help us.

11 And if you have any opinion or you're able
12 to answer what I have said today, I would
13 appreciate it because I have to report back to my
14 community and tell them what has happened here
15 today.

16 And I brought five copies here. I thought
17 there were five people. And I wanted to submit
18 this to you on behalf of -- regarding them.

19 CHAIRMAN MILLIES: Five copies of what?

20 MS. CID: Of a document here. But he's
21 sorry that he only brought five copies.

22 CHAIRMAN MILLIES: That's okay.

23 MR. QUEVEDO: And so that's it for now,
24 but if anyone has any questions or would like to
25 make a comment as to what I have said today.

1 CHAIRMAN MILLIES: What was the diagnosis
2 on your son's passing? And I'm sorry that he did.

3 MR. QUEVEDO: He passed away because of
4 leukemia.

5 CHAIRMAN MILLIES: Right.

6 MR. QUEVEDO: And now that I'm talking
7 about that point.

8 CHAIRMAN MILLIES: Did they say it was
9 contamination?

10 MR. QUEVEDO: Yes. They sent him to San
11 Francisco to the university, the hospital that's
12 there, and honestly I really don't like to talk
13 about this issue, but I'm going to talk about it.

14 When the doctor sent him to San Francisco,
15 they told him that they would have to implant some
16 sort of bone marrow, and they told us -- for my
17 wife and me -- to not participate in the bone
18 marrow transplant.

19 You know, my sons and kids, they took
20 blood out for an exam, too, and, you know, you may
21 feel bad about what I'm saying. You know, my kids
22 and the rest of our family, we've all tried to be
23 there with my son, and three days before he died
24 my kids said, you know, what is happening, and the
25 doctor said, you know, hey, we weren't even able

1 to do the test because the machine didn't work at
2 that point. I'm sorry if I'm taking so much time.

3 CHAIRMAN MILLIES: That's okay. Thank you,
4 very much.

5 MR. QUEVEDO: And if you don't have any
6 additional comments, I'll be done.

7 CHAIRMAN MILLIES: Thank you, very much.

8 MS. CID: So then I'm now going to read a
9 quick statement from Deborah that will then
10 transition to the rest of the Matheny Tract
11 committee, and Deborah is -- her name is Deborah
12 Hollingshed. Her address is 498 West Prine Drive,
13 Tulare, California, 93274.

14 And she said that Matheny Tract does meet
15 the definition of a hamlet. We have a store, we
16 have a community water system, we have a very good
17 public school, and many commercial businesses,
18 mostly small trucking companies. These are the
19 trucking companies that support our local farming
20 operations.

21 Our community is situated in the perfect
22 area to support our local farms and dairies. We
23 don't need additional community developments built
24 to support our farms and dairies with. We need
25 the County of Tulare to support our community to

1 help rehabilitate our homes and neighborhood so we
2 can continue to grow our family businesses.

3 We are located exactly where we need to be
4 to support our farms and dairies with workers and
5 the types of companies they need.

6 What we need is an updated infrastructure,
7 the infrastructure that the county should have
8 been providing us for the past 35 years.

9 So those were her comments.

10 MS. ZARAGOZA: My name is Ofelia Zaragoza
11 from Matheny Tract in Tulare, and my address is
12 466 Pratt in Tulare.

13 And today I'm making some comments, and
14 they are similar concerns to what the man before
15 said.

16 And I want to know why we're being left
17 out of this plan when we're within the
18 requirements that the county is requiring.

19 For example, we have a school, we have a
20 store, and we have more than 100 residents.

21 And I don't think it's fair that we're
22 being left out of the plan, especially when we're
23 paying taxes, when we're also being part of this
24 community, and our kids need a better place.

25 CHAIRMAN MILLIES: This is Matheny Tract?

1 MS. ZARAGOZA: Matheny Tract.

2 MS. LAPALMA: Good morning. My name is
3 Jeanette LaPalma. So I live on 255 East Beacon
4 Avenue in Tulare. And I come here representing
5 the community of Matheny Tract.

6 So we've been in this community for over
7 30 years, and nothing has been done for this
8 community, and it's unfair because we're actually
9 taxed, and we're actually double taxed because we
10 pay our property taxes and we also pay irrigation
11 taxes.

12 We have contaminated water. And we don't
13 have sewage. And that makes the community be more
14 affected by the contamination that exists.

15 And in the streets, we don't have any
16 street lights, and that makes it really difficult
17 to walk at night.

18 You know, if you want to go outside and
19 try to find some sort of address it makes it
20 really difficult to see what the address is.

21 And that's why we're asking to be included
22 in the plan to have lights, to have sewer, to have
23 sidewalks because the streets get flooded when it
24 starts to rain and you can't walk through the
25 streets at that point, and the kids and the people

1 are unable to walk because of the rain and
2 flooding.

3 And the way that the General Plan is
4 written to permit the addition of more
5 communities, and I don't think that's fair because
6 that takes away what we already don't have the
7 resources and what we really need in our
8 community. Thank you.

9 CHAIRMAN MILLIES: Thank you, very much.

10 MS. CID: Thank you for being patient with
11 me.

12 CHAIRMAN MILLIES: No problem.

13 Yes, ma'am, good morning.

14 MS. FRY: Good morning. I'd like to make
15 comments on your General Plan. My name is Connie
16 Fry, F-r-y. I live at 701 South Woodland,
17 Visalia, 93277.

18 In 2008, with the first draft of the
19 General Plan, Deputy Attorney General for the
20 State of California Susan Fiering wrote a scathing
21 letter on your draft.

22 She said that you were allowing market
23 forces to decide on land use planning and ignored
24 smart growth and said that air pollution problems
25 were significant, but unavoidable. In other

1 words, no action.

2 I would like to speak about the air
3 quality and land use which are tied together.

4 As far as no restrictions, no specific
5 goals, AQ-1.3 says the county shall require
6 development to be located in a manner that would
7 minimize cumulative air quality impacts.

8 But applicants are supposed to propose
9 alternatives to reduce air emissions. In other
10 words, the developers are supposed to come up with
11 a plan. You have no plan.

12 AQ-1-12, the county shall encourage new
13 development to promote energy conservation and
14 sustainability. The county is only going to
15 encourage. There are no teeth in anything like
16 that. No plans. No goals.

17 AQ-3.4, the county shall encourage
18 ecologically based landscape principles.

19 Again, AQ-3.5, the county shall encourage
20 all new development to incorporate energy
21 conservation and green building practices. No
22 goals. No restrictions. No teeth in it. Just
23 let the developers do what they want, just like
24 Susan Fiering says, market driven forces in Tulare
25 County.

1 AQ-4.1, the county shall support air
2 quality attainment plans. Measures will be
3 applied to new development approvals and permits
4 as appropriate. What are the measures? What is
5 appropriate? Nothing in there.

6 Another thing I would like to speak to
7 specifically are the ranchettes. Someone says,
8 oh, I'd like to live in a place out in the
9 country, I'll buy five acres. Usually that takes
10 it out of ag land. They could be growing
11 agricultural products on that land. Usually it's
12 just vacant. Or it could be subdivided with smart
13 growth principles. It makes for rural sprawl.

14 There are no plans which would be the
15 responsibility of the Tulare County for towns to
16 grow together.

17 You could have one stop sign here that is
18 in Visalia City limits, go across the street, and
19 another one would be Tulare City limits. This
20 could happen with Farmersville and Exeter, too.

21 CHAIRMAN MILLIES: You're just about out
22 of time, ma'am. If you could wrap it up please.

23 MS. FRY: All right. With the dairies,
24 there is no plan. There are no goals. Although
25 63 percent of the greenhouse gasses are attributed

1 to dairies. Even though methane containment
2 equipment is available, there are no goals for
3 that, to encourage that.

4 CHAIRMAN MILLIES: Thank you, very much.

5 MR. SMITH: Good morning, Ladies and
6 Gentlemen.

7 CHAIRMAN MILLIES: Good morning.

8 MR. SMITH: My name is Ken Smith. I live
9 at 219 East Beacon in Matheny Tract. I would
10 address it as Tulare, but they don't address us.
11 So it's Matheny Tract.

12 The reason I'm here today is to show
13 concern with the County of Tulare.

14 First of all, let me thank you for
15 everything you have done for us in the last six to
16 eight months. We have gotten some improvement
17 over the last four years and the last six to eight
18 months with your help. Thank you.

19 Now, we're asking, if possible, if we can
20 be recognized as a community that needs to be
21 helped in Tulare County.

22 With this plan that's been put together,
23 unfortunately we've been left out. I have lived
24 in that community for the better part -- excuse me
25 -- someone in my family has lived in that

1 community for the better part of 45 years, and
2 we've had to fight, scrape, everything for any
3 little thing we've gotten out there.

4 Right now, we just found out that we're
5 actually in the middle of Tulare City and Tulare
6 County as far as -- on the growth issues of what
7 Tulare County wants to do and what Tulare City
8 wants to do. Truthfully, it's kind of unfair to
9 us.

10 Like one of my fellow neighbors stated
11 earlier, we pay taxes to Tulare County. We
12 wouldn't mind being a part of Tulare City, but at
13 this time they do not want us.

14 Why Tulare County is leaving us out, we
15 don't understand also.

16 Please, if you can, keep in mind that we
17 are Tulare County citizens, and we would like your
18 help in any manner you can give us. Thank you.

19 CHAIRMAN MILLIES: Thank you, very much.

20 MS. SELIGMAN: Good morning,
21 commissioners. I want to thank you all for giving
22 me this opportunity to speak to you about my
23 concerns about the General Plan Update.

24 It's been some time now. I can remember
25 reading the beginnings of the General Plan.

1 THE CLERK: Excuse me. Could we get your
2 name and address for the record?

3 MS. SELIGMAN: I'm sorry. You want my
4 address, right?

5 THE CLERK: And your name as well.

6 MS. SELIGMAN: Kathleen Seligman,
7 S-e-l-i-g-m-a-n. And I live at 46136 South Fork
8 Drive in Three Rivers.

9 Before I start, too, I would also like to
10 have permission to read a statement from a
11 neighbor of mine in Three Rivers who was unable to
12 attend and asked that I read her statement. Do I
13 have your permission to do that?

14 CHAIRMAN MILLIES: Yes.

15 MS. SELIGMAN: Thank you. So I'll do that
16 afterwards.

17 So, anyway, I began reading the General
18 Plan, and I was initially pleased because at the
19 beginning of the plan you have your value
20 statements and your framework concepts.

21 And I want to read two of the concepts
22 because I was really excited when I read them.
23 The first one is concept one, agriculture.

24 One of the most identified assets in
25 Tulare County is the rich agricultural land on the

1 valley floor and in the foothills. The General
2 Plan identifies agriculture not only as an
3 economic asset to county, but also as a cultural,
4 scenic, and environmental element to be protected.

5 The other one I wanted to read was concept
6 three, which is called landscape -- scenic
7 landscapes.

8 The scenic landscapes in Tulare County
9 will continue to be one of the most visible
10 assets.

11 The Tulare County General Plan emphasizes
12 the enhancement and preservation of these
13 resources as critical to the future of the county.

14 The county will continue to assess through
15 recreational tourism, quality of life, and
16 economic benefits that scenic landscapes provide
17 and implement programs that preserve and use this
18 resource to the fullest extent.

19 However, when I read the policies and
20 implementation measures, as well as the corridors
21 framework plan, which promotes development in
22 identified corridors along our scenic highways,
23 and also throughout arteries throughout the
24 county, I realized there clearly was a disconnect.

25 What initially appeared to be a plan based

1 on protecting ag land and its economy, its rural
2 heritage, open space, and quality of life and its
3 related values, was really a plan that encouraged
4 leap frog development. Or what is most likely or
5 generally called a market-driven plan.

6 Can I continue on?

7 CHAIRMAN MILLIES: I'll give you another
8 minute.

9 MS. SELIGMAN: Now, I can understand how
10 our Board of Supervisors would be in favor of a
11 market-driven plan. Tulare County is financially
12 struggling, to put it mildly, and a market-driven
13 plan would appear to solve immediate problems.

14 It could help generate revenue through
15 creating construction jobs, permits, and
16 development fees and attracting certain kinds of
17 businesses to help grow and develop the county.

18 But that market-driven kind of plan has
19 proven to be harmful in the long term because the
20 constant sprawl that it creates through air
21 pollution and water shortage which ultimately
22 outweighs the short-term benefits.

23 It also encourages new town development
24 which slowly and incrementally carve up our
25 agricultural land, our scenic open space, and our

1 agricultural-based economy.

2 I am in favor of a city-centered healthy
3 growth alternative because this type of planning
4 will protect our ag and our economy here, and it
5 will also create -- okay. Thank you.

6 CHAIRMAN MILLIES: Did you want to read
7 something else or was that what you were doing?

8 MS. SELIGMAN: Yes. And because I didn't
9 get to finish my last paragraph, I want to hand in
10 at the end my statements. And I thank you.

11 This particular statement -- and I hope I
12 can read it fast because I just picked it up -- is
13 by Sarah Campe, and she lives at 46101 South Fork
14 Drive in Three Rivers.

15 CHAIRMAN MILLIES: If you like, you can
16 submit it to us and we'll have it as part of the
17 package of other documents if you don't want to
18 read the whole thing.

19 MS. SELIGMAN: Okay. What I would like to
20 do --

21 CHAIRMAN MILLIES: Do you want to
22 summarize?

23 MS. SELIGMAN: Okay. All right.

24 My husband and I were raised in Tulare
25 County. And after an extended time away, we

1 decided our hearts still resided in this county
2 and we chose to move back.

3 We were called back by a rural life, by
4 the Sierras, by the smell of orange blossoms in
5 the spring, by the idea of living in a place where
6 people were still connected to the land.

7 And we're happy here. But there are times
8 we question our decision to return, like when the
9 smog is so bad we can't see the Sierras from just
10 a few miles away. Like when we hear that a
11 sprawling new city is planned in an area we
12 associate with biking, cattle grazing, and
13 wildflowers. Like when I read that our changing
14 climate threatens our pollinators, our water
15 supply, and the very foundation upon which this
16 county stands -- agriculture. Like when I hear my
17 child is tremendously more likely to develop
18 asthma than are kids almost anywhere else in the
19 county just because he lives in Tulare County.
20 Like when I review the latest version of the
21 General Plan and environmental impact report and
22 realize, despite thousands of pages of comments by
23 concerned citizens and millions of dollars of
24 taxpayer money, our Board of Supervisors have done
25 almost nothing to improve this critically flawed

1 General Plan.

2 Please, please, reject this General Plan
3 and this FEIR. Please, please, encourage our
4 supervisors to adopt the principles laid out in
5 TCCRG's healthy growth alternatives. They are not
6 radical, nor are they groundbreaking.

7 They're smart, and they're being adopted
8 by counties all over California.

9 If Tulare County wants to pull itself off
10 the list of poorest air quality, worst quality of
11 life, highest levels of poverty, then we need to
12 be brave enough to make some changes and to
13 protect the parts of this county that those of us
14 who live here, who choose to live here, care
15 about.

16 A good strong General Plan that wisely
17 plans for growth is a critical first step.

18 CHAIRMAN MILLIES: Thank you.

19 MS. SELIGMAN: Thank you.

20 MR. PECK: Mr. Chairman, members of the
21 commission, my name is Stephen Peck with Peck
22 Planning and Development, 1005 North Demaree in
23 Visalia.

24 I'm here on behalf of the Travis property
25 and also the Jim Jackson property at Avenue 384

1 and 99.

2 I have previously submitted written
3 comments on the Travis property. I believe
4 Mr. Jackson submitted written comments and
5 testified earlier.

6 But what I'm here to do is to suggest that
7 the growth corridor policies, if there is an
8 intent to actually make those actionable and
9 useful, probably are missing a key element, and
10 that's a diagram. Not a diagram that actually
11 changes the General Plan of those properties, but
12 a diagram showing where those policies are to
13 apply.

14 It's been real clear in the General Plan
15 law and in case law that followed that up that not
16 only do you need development policies, but a
17 diagram within which those apply, just like you
18 have a mountain area and mountain area policies,
19 you will have growth corridors and policies and
20 the specific intersections to which they apply.

21 So my recommendation to you this morning
22 is to simply complete what you started with those
23 policies and identify intersections that will be
24 included in that growth corridor concept.

25 Mr. Jackson could not be here this

1 morning. I met with him, and he is in concurrence
2 with that recommendation.

3 I also have some written correspondence so
4 I don't go through it that I can hand to the
5 clerk.

6 But our recommendation to you is to sort
7 of finish what you started in that regard. I'd be
8 happy to work with staff on that. I've had some
9 experience over the years in completing that, and
10 sort of conditional approvals, but if your intent
11 indeed is to make those useful as a guiding tool
12 in the future, there is still a missing element.
13 Thank you for your attention.

14 CHAIRMAN MILLIES: Thank you, Stephen. So
15 noted.

16 MR. SARTUCCHE: Good morning. My name is
17 Johnny Sartucche. I'm a member of the local
18 Wuksachi tribe.

19 First off, I want to thank you guys for
20 approving the Native American Center that we are
21 trying to get going over there in Tulare.

22 My address is 1028 East Kay Avenue in
23 Visalia.

24 What I would like to encourage is that the
25 county recognize our tribe as being a legitimate

1 state recognized tribe in some of your planning
2 because a lot of the times we don't get included
3 in those.

4 And we like to preserve the county, as
5 well as a lot of the others, and we know growth
6 has to continue, but it is special for us because
7 some of us in the tribe have taken classes, you
8 know, for monitoring and pertaining to some of the
9 CEQA and other acts and state laws that require
10 the participation of the Native Americans, and it
11 seems that we get excluded of that, and because of
12 that, as I have taken those classes for the
13 monitoring or the state requirements classes to be
14 categorized as able to monitor some of the areas
15 or projects that you guys are doing, we don't get
16 those opportunities.

17 And we ask why, you know, if we went and
18 took the classes, we took these other things, and
19 a lot of the answer is because we're not a
20 federally recognized tribe.

21 Well, my grandmother, my great
22 grandfather, grandpa, all of them have lived in
23 Tulare County even before it was Tulare County.

24 So, to me, it goes back a lot longer than
25 other people here, but I see today that a lot of

1 our people are still struggling.

2 And we try to do these things and
3 encourage our youth to learn these laws and
4 requirements that are needed so that they can
5 perhaps get a job and become somebody as well.
6 But we keep being left off.

7 So I just want to encourage you board
8 members to recognize the Wuksachi tribe as a
9 legitimate state recognized tribe and to include
10 us.

11 I mean, we like to work with you guys. We
12 try to do things from a good heart. With that
13 there, I'm sure you guys can do that as well.
14 That's my main thing.

15 You know, please include us in there
16 because we would like to help and share our
17 knowledge that we have gathered over the years
18 with you as well and keep the county growing and
19 healthy because, to us, a healthy county is an
20 important part of our lives.

21 And on behalf of the Wuksachi tribe, I
22 thank you guys again for your support of the
23 Native American group. Hope you have a nice day.
24 Thank you.

25 CHAIRMAN MILLIES: Thank you, very much.

1 MR. NESMITH: Good morning. My name is
2 Rudy Nesmith. I live in Three Rivers.

3 CHAIRMAN MILLIES: Address.

4 MR. NESMITH: 43429-A Sierra Drive.

5 I would like to lend my support in terms
6 of those who have spoken before in rejecting the
7 General Plan.

8 You certainly have heard from many people
9 who are not even included in the plan, let alone
10 what future development might mean, and we've
11 certainly heard from people who have emphasized a
12 whole area of growth and development that could be
13 done that includes a more general and widespread
14 approach.

15 What I would like to mention is I know
16 whenever we have discussions of development, there
17 is also philosophies underlying these things, and
18 from a very conservative to a very liberal
19 philosophy, and I know as a -- I would call myself
20 a renaissance humanist, you won't be hearing me
21 support one side which could actually propose such
22 things as total corporate land development greed
23 and shortsightedness that would, you know, impose
24 a system similar to the Orange County urban sprawl
25 model across the county.

1 On the other extreme, you have this
2 Luddite movement, a faction within the
3 environmentalist movement, that would speak to us
4 of the extremes of no growth and reducing
5 population. Again, another very shortsighted ill
6 thought-out development.

7 The reason I bring these up is that within
8 this plan it doesn't have any way to even guide
9 your consideration and vote to reject these two
10 extremes. It's a plan that is not a plan.

11 The detail and actual -- as one person
12 said, the teeth of it -- but even that which says,
13 oh, we can easily reject this because we don't
14 want to go there, you couldn't hold the plan up to
15 justify your vote on that.

16 Take a couple of examples. Suppose a land
17 development firm came to you and said, hey, we'd
18 like to approve -- we're going to throw up 5,000,
19 10,000, 15,000 homes out there on prime
20 agricultural and pristine scenic land, and we're
21 not even going to go into the questions of
22 infrastructural development and what has to be
23 done in terms of clean water, sewage, education,
24 jobs, transportation, telecommunications, all the
25 stuff that we don't even have currently in the

1 existing towns, cities, and unincorporated areas,
2 I don't think you could answer that. I don't
3 think you could say, oh, yes, we hold up the plan,
4 look the General Plan says we can't do that. Or
5 the General Plan says we've got to do that. I
6 don't think you can say that. So what is a plan
7 that is not a plan?

8 You go to the other extreme. Someone
9 comes in, like I said, a Luddite faction of the
10 environmental movement and says, oh, we're for no
11 growth. We're for zero population growth. So you
12 can't expand anything. You can't do anything
13 because you're protecting the environment from
14 this human species that we think is a plague on
15 the planet. That would be ridiculous. But you
16 can't use the current plan to do that. To even
17 reject it.

18 So given that, I urge that you simply
19 reject the current plan, certainly you don't push
20 it through at this point.

21 I suggest you look at some of the ideas
22 that are coming for a more reasonable growth,
23 planned areas that will actually build what we
24 need using the existing cities and growth that we
25 can make there, and keep this the kind of

1 wonderful place that we all appreciate and love,
2 and I think that it could be even much better. I
3 thank you, very much.

4 CHAIRMAN MILLIES: Thank you.

5 MS. WEST: Good morning, members of the
6 Planning Commission. My name is Shiela West. I
7 live at 1820 North Cedar Court in Visalia.

8 First of all, I'd like to thank the
9 Planning Commission and the staff for all the hard
10 work they've done in putting this proposal
11 together.

12 I'd like to address the Climate Action
13 part of the plan.

14 Because climate action is still a
15 scientifically undecided issue in fact from what I
16 have read, many of the opinions are based on plain
17 based science.

18 Requirements to reduce greenhouse gasses
19 should not be made any stricter than they are in
20 the Climate Action Plan. Such requirements are
21 going to obligate the county to enact new
22 beauracracies to enforce them.

23 At this time, with county revenues
24 decreasing, our county does not need to obligate
25 itself to further regulations that it won't be

1 able to pay for in the future.

2 Strict requirements would further drive
3 business out of the county, especially the
4 dairies, which are our number one source of
5 agricultural revenue in this county.

6 Putting strict requirements on greenhouse
7 gasses here is not going to influence the main
8 problem with our air, which is the bay area
9 dumping their pollution down on us daily. Thank
10 you.

11 CHAIRMAN MILLIES: Thank you, very much.
12 Are there any other members of the public?

13 MS. CLUM: I spoke last time.

14 CHAIRMAN MILLIES: You did.

15 MS. CLUM: But I have something brief to
16 say this time that's entirely different.

17 My name is Carol Clum, and I live at 45638
18 South Fork Drive.

19 Please do not recommend approval of the
20 General Plan 2030 Update, the Climate Action Plan,
21 and the Final Environmental Impact Report.

22 The Final Environmental Impact Report
23 finds that the General Plan will negatively impact
24 humans and the environment in 28 different ways
25 from air quality to traffic to public health to

1 agriculture to greenhouse gasses to noise levels
2 to groundwater levels to flood risk to failure of
3 dams and levees, to wildlife, to historic
4 structures, and to archaeological resources, and
5 to the scenic character of our county.

6 A convincing case can be made that
7 wildflowers will increase at a time when fire
8 department budgets are falling all across
9 California, water quality will suffer
10 significantly, soil erosion will become a big
11 problem.

12 The FEIR inadequately analyzed these three
13 impacts. The county could have tread much more
14 lightly on our health and resources. Certainly,
15 the residents of Tulare County deserve better.
16 Thank you.

17 CHAIRMAN MILLIES: Thank you.

18 How many more members of of the public are
19 going to want to speak this morning? Now, those
20 that have spoken before, we'll let it happen. Try
21 to be as brief as you can, please.

22 MS. BODNER: Good morning, commissioners.
23 My name is Karen Bodner. I live at 42480 Kaweah
24 Drive in Three Rivers.

25 I did speak last time, so I'm going to

1 keep this very short.

2 This morning, I E-mailed each of you a
3 copy of my written comments. I have a few copies
4 extra here which I can give you, but you should
5 all have them on-line somewhere.

6 As the officials responsible for advising
7 the supervisors on planning issues, I urge, beg,
8 plead, entreat you to recommend against
9 certification of this FEIR.

10 In the alternative -- and I join with
11 those who will groan when they hear it -- I ask
12 you to send it back to RMA with instructions to
13 please finally comply with the law and get it
14 right this time.

15 An EIR is a planning tool. Its purpose is
16 not just to generate a lot of paper and eat up
17 millions of hours in taxpayer dollars.

18 As explained by the California Court of
19 Appeal, the purpose of an EIR is to demonstrate to
20 an apprehensive citizenry that the agency has, in
21 fact, analyzed and considered the ecological
22 implications of its actions.

23 The apprehensive citizenry who submitted
24 extensive comments in response to the DEIR and to
25 the RDEIR remain decidedly unreassured by the

1 proposed FEIR.

2 I'm going to skip through the rest of it.
3 But if you look at the contents of the FEIR and
4 the content of my comments, you'll see that the
5 law is misquoted, is taken out of context, and
6 it's just plain wrong, as it's been cited in a
7 number of places.

8 The master responses are not responses at
9 all. For the most part, they simply pull the
10 language out of the RDEIR and plunk it into a
11 response.

12 If you look at the packet that you
13 received this morning from RMA at the matrix in
14 the back, there are two things where it says they
15 might change some language. Everything else is no
16 change required, no change required, no change
17 required.

18 As a member of the public who has invested
19 a lot of time in this, I feel like I'm beating my
20 head against a wall. Everything we've said has
21 fallen on deaf ears, and it's really, really
22 discouraging.

23 So I'm asking you, please, to step up for
24 the people in the county who have a vested
25 interest in this. Let's make this the best plan

1 we can get. Not just something that is going
2 through the motions of complying with the law.
3 Thank you.

4 CHAIRMAN MILLIES: Thank you.

5 Are there any others members of the public
6 that would like to speak? Please make it brief.

7 MR. MANNING: Yes. Brief.

8 I did speak here in October. My name is
9 Terry Manning. I live at 41576 Yokohl Drive,
10 approximately 15 to 20 miles away from Yokohl
11 Ranch.

12 I was going to make clear that I'm not
13 here as a NIMBY. I think the whole county is my
14 backyard.

15 When last we had a chance to talk to you,
16 two commissioners said they were comfortable with
17 the General Plan.

18 I want you to be uncomfortable. I liked
19 it better at the other venue when you didn't have
20 those great big cushy seats and this grandiose
21 structure.

22 CHAIRMAN MILLIES: We didn't ask for this.

23 MR. MANNING: I know. And this additional
24 space between you and us lowly citizens.

25 I also understand that you are a

1 recommendation body, that the final decision will
2 be made by the Board of Supervisors, and they were
3 the people who appointed you to the Planning
4 Commission. Am I correct? I think so.

5 I hope that, although you don't make the
6 final decision on the General Plan, you consider
7 yourself as leaders, and that you are willing to
8 take risks, that you are willing to be
9 uncomfortable.

10 If you have not read every single word of
11 the General Plan, and I swear I know for sure none
12 of you have, I haven't, if you have not read every
13 single word of every comment letter, I swear I
14 know you haven't, neither have I, I have read a
15 lot of it, which gives me a little authority to
16 speak about the General Plan, but I know it's
17 overwhelming.

18 But leadership does not mean you are
19 comfortable. So you should be a little
20 uncomfortable knowing that maybe there was
21 something in those comment letters that would
22 affect your decision.

23 I'm asking you to take a risk. I'm asking
24 you to tell the County Board of Supervisors that
25 this document is an invitation to litigation, that

1 we can get it right, we don't have to go through
2 years of fighting this thing over in the courts,
3 and that ultimately we will have a plan that
4 really does deal with the next 19 years, because
5 it is the update 2030. Had it been done the right
6 way seven years ago, it would have been closer to
7 30 years.

8 Please, tell the Board of Supervisors this
9 is not the one the people need. Thank you.

10 CHAIRMAN MILLIES: Thank you.

11 MR. NEWTON: Good morning. I'm Brian
12 Newton, 1407 West Laurel Avenue in Visalia.

13 At the October 19 Planning Commission
14 hearing, I picked up the 52-page document that the
15 law firm Shute, Mihaly & Weinberger sent you on
16 October 18. Thank you for making it available.

17 I read it completely and although I'm not
18 qualified to evaluate its accuracy, I have had an
19 excellent professional experience with them, and I
20 know that they are highly respected statewide.

21 I think it behooves you to acknowledge
22 their opinions regarding the General Plan Update
23 and implement their suggested improvements.

24 You, no doubt, are aware of their
25 concerns, but for the record I'd like to repeat a

1 few of their words.

2 They wrote, quote, the General Plan's new
3 policies would permit sprawling growth throughout
4 the county and would undermine, if not eliminate,
5 any coordination and cooperation between the
6 county and its incorporated cities in insuring
7 city-centered growth, close quote.

8 In another section, the documents states,
9 quote, in short, the final Environmental Impact
10 Report fails to remedy the deficiencies of the
11 revised draft Environmental Impact Report.

12 As a result, we conclude, once again, that
13 the county would violate state law were it to
14 certify this fatally flawed final EIR, close
15 quote.

16 The final EIR states that the county with
17 4,840 square miles is just too big to consolidate
18 the many local land use plans. This is a quote
19 from them.

20 The size and diversity of the county make
21 it impossible to provide any level of detail
22 according to the final EIR, close quote.

23 However, only approximately 170 square
24 miles out of 4,480 require any level of planning
25 because the remainder is either state or federal

1 lands and therefore out of the county's planning
2 jurisdiction.

3 Their document further states, quote, the
4 county can and must do better. The county can
5 achieve the city-centered growth it claims to
6 want, close quote.

7 And, later, the document states although
8 the Proposed General Plan would permit
9 ranchette-style development, the EIR refuses to
10 analyze the impact of such development. The EIR
11 also refuses to analyze the impact of new planned
12 communities, close quote.

13 And regarding public services, they wrote,
14 quote, the EIR's analysis of the impacts of demand
15 for public services is essentially nonexistent.

16 My last excerpt from them is, quote,
17 finally, the EIR does not identify mitigation
18 measures despite the document's conclusion that
19 there would be numerous significant cumulative
20 impacts, close quote.

21 In conclusion, I find these findings very
22 disturbing, and I encourage you to send the plan
23 back for further revision. Thank you.

24 CHAIRMAN MILLIES: Thank you.

25 MR. MANRO: Good morning, planning

1 commissioners. My name is Don Manro. I'm from
2 Tulare, and I also spoke briefly last time.

3 CHAIRMAN MILLIES: Your address?

4 MR. MANRO: 693 East Kern.

5 CHAIRMAN MILLIES: Thank you.

6 MR. MANRO: You've heard a lot of
7 testimony that there are good reasons and specific
8 reasons for rejecting the plan and not
9 recommending approval to the Board of Supervisors,
10 and I think it's important for people to -- the
11 public to understand why the people that are
12 responsible for drafting the plan and responding
13 to public comments and so forth have not -- have
14 not responded coherently to what has been asked
15 for.

16 And the plan has been characterized as
17 being market driven. I don't think that that
18 really explains the situation that well.

19 Terms like free market and market driven
20 are pretty much overwhelming and double speak and
21 don't really explain the reason why. I think you
22 have to look at the big picture.

23 There is a movement called Occupy Wall
24 Street that is growing, and the dialogue that is
25 going on basically focuses on the why and what can

1 be done about it.

2 I think if you look at what followed the
3 money behind this plan, such as campaign funding
4 for the Board of Supervisors and what motivates
5 technocrats, you'll find that they represent the
6 one percent of the people that have incomes and
7 personal wealth in the six and seven figure range.

8 And without -- there is not enough time to
9 go into that kind of detail that they're talking
10 about in the various communities that are
11 occupying parts, but I think that if you start
12 listening to the uprising and take it seriously,
13 you'll see that that is at the root of the
14 problem, which is greed and the redistribution of
15 wealth upward.

16 CHAIRMAN MILLIES: Thank you.

17 MR. DUNLAP: Good morning. Brad Dunlap,
18 community development director, City of
19 Porterville.

20 I'm debating over whether to address you
21 as a city employee, city planner for 25 years, and
22 somebody who has been involved integrally in the
23 adoption of the General Plan, or to address you as
24 a resident.

25 However, I'm here -- I will address you as

1 a city planner, somebody with tremendous
2 experience, or significant experience in planning,
3 and having been involved from the very beginning
4 on this General Plan.

5 I will tell you that I think your staff is
6 doing as good a job as they possibly can given the
7 circumstances.

8 I really implore you to hear what the
9 public is saying.

10 Without any reservation, I come before you
11 today and share with you that this is an
12 ineffective, inadequate, poorly developed plan,
13 and I will tell you where I believe this occurred.

14 When the county embarked on this process,
15 they established a technical advisory committee
16 represented by many segments of the community,
17 water interests, ag interests, city interests, and
18 other environmental interests, and at some point
19 in the process, as that was moving onward, that
20 was discontinued and a dramatic turn in the
21 direction of the General Plan occurred.

22 Now, I think that, for whatever reason you
23 want to label that, I have my beliefs, but
24 nonetheless it derailed the process of the General
25 Plan being a public document.

1 It truly is a public document. It's not
2 intended to be a Supervisors document or a
3 Planning Commission document. It is the voice of
4 the community, the community being Tulare County.
5 And I think it's very important for us to see
6 that.

7 This is the single most significant
8 decision that this county can make and this
9 Planning Commission's recommendation can be made
10 on.

11 This will guide the future growth
12 economically, physically, and socially into the
13 year 2030 and beyond because we can't undo
14 mistakes.

15 It's like turning a cruise ship. It takes
16 miles and miles to turn a cruise ship. This is
17 long overdue from 1969 until now. We don't want
18 to make a mistake. We don't want to turn the
19 cruise ship in the wrong direction only to run
20 upon a sand bar.

21 So I very strongly encourage you to
22 consider what the public is saying. You know, a
23 lot of money and a lot of time has been spent
24 here, but that can't reverse what will happen over
25 the next 20 years if the wrong plan is adopted.

1 I will tell you that I'm not a native --
2 and hopefully I can have a few extra seconds --
3 I'm not a native of Tulare County. I came up here
4 11 years ago as a city planner for the City of
5 Porterville, and what I observed in this county
6 was a balance between growth and opportunity, as
7 well as the rural character and the natural
8 amenities that are accessible to us. It's a gem.
9 It's a gem that we have here.

10 I grew up in the LA area. If you want to
11 see what is going to happen with a plan that is
12 this inadequate, go down to LA, drive the
13 corridors that are now the 10 and the 210 and the
14 57 and the 710, and all the others, and that will
15 ultimately be what we deal with.

16 I'll leave with one last note. I grew up
17 in a community in the East San Gabriel Valley that
18 was the leading producer of citrus in 1902 at the
19 World Fair. I grew up down the street from citrus
20 groves and next to a dairy. None of it remains.
21 None of it.

22 Vitapak just closed their headquarters
23 office in Covina a couple years ago. Nothing
24 remains. A stray citrus tree in somebody's yard
25 is what remains.

1 I urge you to think about the implications
2 of this plan and the effect -- the long-term
3 effect -- that it will have on this county and
4 decide whether or not it is appropriate for this
5 county. Thank you.

6 CHAIRMAN MILLIES: Thank you.

7 MR. KENDALL: My name is Roy Kendall. I
8 live at 1213 South Fairway Street, Visalia,
9 California. And I think probably I'll just give
10 this to you.

11 THE CLERK: Okay.

12 MR. KENDALL: And I'd like to keep it
13 extremely brief. And that is that I think our
14 biggest challenge is two percent.

15 Between the year 2000 and 2010, Tulare
16 County and the San Joaquin Valley grew at an
17 average rate of two percent per year in
18 population.

19 Now, the State of California, by
20 comparison, grew at one percent per year, 10
21 percent, over the same ten years.

22 So right there you can see if the San
23 Joaquin Valley and Tulare County grew at the same
24 rate as the State of California, we would have
25 only half the population growth.

1 It's my opinion, and I'm not a scientist,
2 that part of our problem -- a contributing factor
3 -- is population growth here in Tulare County and
4 in the San Joaquin Valley.

5 So there is a peak, peak population, is
6 something that we have to recognize. All you have
7 to do is visit Fresno and say, okay, how many
8 people can fit in this room. There is a peak
9 number of people that can fit in to some 140, 150
10 square miles that we actually are planning for.

11 So how many people makes a difference as
12 to our air quality, water quality, standard of
13 living, and everything else, and I don't want to
14 be one of those to move out of Visalia for health
15 reasons and quality of life reasons. I personally
16 like it here.

17 So I would just like to summarize that I
18 think our biggest single challenge is recognizing
19 that we have a two percent growth right now in our
20 population.

21 The second issue is really another one
22 that is side by side, and that is I think that
23 we're undecided over climate warming. And that is
24 a controversial issue. I accept that.

25 But I think we need to decide is climate

1 warming real or is climate warming false. And if
2 it is real, then let's work with it. If it's
3 false, then let's go right ahead, laissez-faire,
4 whatever, and we'll see what happens.

5 But we know what happens. All we have to
6 do is visit and learn from example. And I would
7 just say let's copy success and decide on the
8 goals and what type of community we wish to live
9 in. So our biggest challenge is, I think, that
10 two percent.

11 CHAIRMAN MILLIES: Thank you.

12 Are there any other comments from the
13 public at this time?

14 MS. SCHWALLER: Good morning, Chairman
15 Millies --

16 CHAIRMAN MILLIES: Good morning.

17 MS. SCHWALLER: -- commissioners, staff,
18 and fellow citizens.

19 My name is Laurie Schwaller. I live at
20 43857 South Fork Drive, Three Rivers.

21 Thank you for continuing the public
22 hearing and for this opportunity to comment on the
23 Proposed General Plan Update.

24 We certainly understand that the county
25 would like to get to the adoption stage of this

1 long drawn-out process. So would we.

2 Along with various agencies and
3 organizations, many Tulare County citizens, like
4 us, have been responding to this planning effort
5 for about the last six years, attending meetings,
6 reading thousands of pages of documents, some of
7 us have actually read them all, and contributing
8 written and oral comments through the comment
9 periods and public hearing.

10 We have been hoping to help shape a plan
11 that will provide for healthy, responsible, and
12 sustainable land use and development for all of us
13 and for our children.

14 Unfortunately, instead of revising the
15 plan documents constructively in response to the
16 hundreds of specific questions and suggestions it
17 has received from over 90 commenters, including
18 the state Attorney General, the county has chosen
19 to present in the draft FEIR a set of 11 broad
20 master responses, which it claims will provide the
21 commenters with a complete picture regarding their
22 concerns, but these master responses do not
23 suffice because they and the FEIR continue not to
24 deal honestly and effectively with the fundamental
25 flaws pervading the General Plan Update documents,

1 and hundreds of the comments are not being
2 addressed at all, except to say that they will be
3 forwarded to county decision makers for their
4 consideration. Well, at this point, that would be
5 you.

6 If the county had made from the outset a
7 good-faith, well-focused effort to respond
8 constructively to the vision and input of its
9 citizens, the requirements of state law, and the
10 large existing body of good planning knowledge and
11 expertise and examples, the General Plan Update
12 could have been successfully completed at a much
13 earlier date, would have been a much more
14 satisfactory and effective plan, and would not be
15 facing the threat of litigation due to its major
16 inadequacies.

17 The citizens and taxpayers of Tulare
18 County, not to mention its overtaxed staff,
19 certainly do not deserve to have the expense and
20 effort of litigation imposed upon them when these
21 could be averted by thorough and responsive action
22 on the part of our decision makers.

23 That's why we're counting on you to
24 address these issues comprehensively and
25 responsively before moving to adopt the proposed

1 plan.

2 Thank you for your work on behalf of a
3 successful General Plan Update.

4 CHAIRMAN MILLIES: Thank you. Are there
5 any other comments from the public at this time?

6 If not --

7 MR. DIAS: Mr. Chair, question.

8 CHAIRMAN MILLIES: Yes.

9 MR. DIAS: We've heard quite a bit of --
10 quite a few comments. Some of these are stuff
11 that we heard in the past, much of it here and
12 through documents. I'm wondering if staff is in a
13 position now to maybe give us a rebuttal on some
14 of this.

15 CHAIRMAN MILLIES: Well, I'd like to close
16 the public hearing first.

17 So if there are no other comments from the
18 public at this time, I will close the public
19 hearing.

20 And Commissioner Dias asked. Are there
21 any comments or questions from the planning
22 commissioners themselves at this time? Do you
23 have something else to add to that?

24 MR. DIAS: That was it. I just wanted to
25 know from Mr. Bryant.

1 CHAIRMAN MILLIES: Any other questions?
2 Comments?

3 MS. PITIGLIANO: I would like to hear it
4 also.

5 MR. ELLIOTT: I have some questions for
6 Mr. Bryant.

7 CHAIRMAN MILLIES: At this time, if we are
8 finished with the public comments, does the staff
9 have any further statements or recommendations?

10 MR. BRYANT: Yes. Thank you, Mr.
11 Chairman.

12 During the course of the public testimony,
13 I have had an opportunity to make a few notes in
14 the margin, and I would be happy to go over those
15 in regards to addressing those comments.

16 There were initially comments in regards
17 to recognizing small communities. It's important
18 to keep in mind that the General Plan is a global
19 document. It includes the entire county.

20 So the small unincorporated areas are
21 included by the General Plan umbrella document.

22 However, as you are aware, there is a
23 stepdown process, and that the county is then
24 broken down into three large area plans.

25 Within that, there are subarea plans, and

1 at the lowest level we have the community and
2 hamlet plans.

3 So the General Plan again is an umbrella
4 document. It includes the entire county.

5 For some of the larger unincorporated
6 communities, those are addressed either through
7 community plans, county adopted city general
8 plans, or hamlet plans, mountain service center
9 plans.

10 Specifically in regards -- there are
11 several communities that were mentioned, Matheny
12 Tract and Tooleville.

13 Those are currently identified in the
14 planning framework element with the diagrams. In
15 the case of Tooleville for the City of Exeter,
16 that's currently included within the urban area
17 boundary of that community.

18 In regards to the Matheny Tract, that is
19 currently included within the urban area boundary
20 that's currently included, again, in the planning
21 framework element for the City of Tulare.

22 Specifically, those communities that were
23 mentioned would be addressed -- specifically
24 addressed at the time that that county adopted
25 city General Plan would be adopted in coordination

1 with those respective cities.

2 More specifically, LAFCO currently has a
3 process of disadvantaged communities, whereby
4 their policy looks at through the -- when sphere
5 of influence updates are recommended to LAFCO, the
6 disadvantaged community program requires that any
7 areas that are currently located either within
8 their sphere of influence or located immediately
9 adjacent to it and, in this case, both Matheny
10 Tract and Tooleville would fall under that review,
11 and those would be included as part of the
12 analysis for providing infrastructure and other
13 public services at the time that those sphere of
14 influence amendments are brought before LAFCO and
15 again would be included within our county adopted
16 city General Plan process.

17 In regards to the -- looking at various
18 issues regarding the provision of infrastructure,
19 one of the proposals in considering hamlets in
20 providing for opportunities for those communities
21 through the General Plan Update would be to
22 promote economic development opportunities there,
23 thereby providing an increase, hopefully, in
24 property tax, sales tax revenues, that could then
25 be -- that would be generated and to be put back

1 into those communities to assist in regards to
2 improvement of those facilities.

3 The water element currently addresses
4 water quality and quantity requirements, as does
5 the public facilities and services element which
6 specifically includes policies that provide for
7 the coordination and cooperation of the county
8 with the various special districts, such as CSDs
9 or PUDs, that provide services to those
10 communities and to work in a cooperative effort to
11 identify outside revenues such as grant funding
12 and to work cooperatively to improve those issues.

13 In regards to hazardous materials, the
14 health and safety element provides for issues
15 relating to pesticide, best available control
16 measures, also looking at requirements for
17 cooperation and enforcement of Regional Water
18 Quality Control Board rules.

19 There were issues -- there were comments
20 related to the Climate Action Plan. The air
21 quality element, as it's presented, meets the
22 requirements set forth in AB170.

23 In regards to actual development review,
24 the air district has an indirect source review
25 program whereby which projects are reviewed for

1 their potential impacts in regards to air quality
2 and is coordinated through the local review
3 process.

4 Comments in regards to ranchette
5 development, urban sprawl, again the foundation of
6 the planning framework element again is to
7 identify areas that are appropriate for urban
8 development, also where infrastructure is
9 available. So urban growth, again, is directed to
10 those urban areas with adequate infrastructure to
11 provide for that.

12 The General Plan also requires a 10-acre
13 minimum in agricultural areas, and also the Rural
14 Valley Lands Plan provides for the long-term
15 sustainability of ag land in the county.

16 One of the commenters raised concerns in
17 regards to growth corridors and providing a
18 diagram. In part two, the corridors element
19 specifically delineates the corridors that are
20 involved. It also recommends that future corridor
21 plans will be developed in those areas.

22 There is an interim policy of which growth
23 could be considered, but at specific nodes that
24 would be consistent with the Rural Valley Lands
25 Plan, and would also require the identification of

1 available infrastructure and that that development
2 would be perpendicular and not parallel to the
3 highways.

4 One of the commenters commented in regards
5 to tribal contacts. The county, I believe, back
6 in '06, conducted through the requirements of SB18
7 for a Native American consultation. We work with
8 the state Native American Heritage Commission.
9 They currently supply us with lists of tribal
10 contacts, and based on the list we have had from
11 the state those consultation notices were offered.

12 There was a concern that was raised, one
13 of the comments, in regards to staff participation
14 in a former technical advisory committee.

15 That was conducted very early in the
16 process. Staff concluded those meetings with the
17 initial drafts of the General Plan Update that
18 were prepared in '06, '07. The technical advisory
19 committee commented on those drafts.

20 Subsequent to that, the council of cities
21 provided comments in regards to the General Plan
22 Update.

23 Based on those comments, staff worked
24 diligently with the city planners. Included in
25 your agenda packet is an addendum to attachment

1 3C.

2 Those, as I mentioned at the October 19
3 hearing, are representative of our discussions
4 with the council of cities staff and a consensus
5 at that time in regard to recommending those
6 policies.

7 That concludes my presentation. I would
8 be happy to address any additional information
9 that you would request.

10 CHAIRMAN MILLIES: At this time -- thank
11 you, David -- I'd like to take a ten-minute break,
12 and we'll reconvene at 10:45.

13 (A recess was taken.)

14 CHAIRMAN MILLIES: The Tulare County
15 Planning Commission is now back in session for
16 November 16, 2011.

17 We ended before the break with staff
18 making some final remarks and statements relative
19 to the public comment.

20 David, do you have anything to continue to
21 wrap up here?

22 MR. BRYANT: Yes. Staff would like to
23 present recommendations.

24 That your commission recommend to the
25 Board of Supervisors to approve a resolution

1 recommending certification of the Proposed Final
2 Environmental Impact Report, the Proposed General
3 Plan 2030 Update, and Proposed Climate Action
4 Plan.

5 Resolution recommending adoption of the
6 Proposed General Plan 2030 Update, incorporating
7 modifications described therein.

8 A resolution recommending adoption of the
9 Proposed Climate Action Plan.

10 The recommendations that are included in
11 the staff resolutions as presented for your
12 consideration today provide sufficient detail for
13 your commission to make an action and are
14 reflective of the various documents and our review
15 of the testimony and written materials that have
16 been presented into the record.

17 CHAIRMAN MILLIES: Are there any comments
18 from my fellow commissioners at this time? I'll
19 make a couple of comments to generalize here.

20 Thank you, David, for all of your hard
21 work.

22 MR. BRYANT: Thank you.

23 CHAIRMAN MILLIES: I made this comment at
24 the last session, and I'll make it again. It's
25 important to realize that the General Plan Update

1 is a living document, number one.

2 And the elements that comprise it are
3 amendable up to four times a year.

4 Certainly, this is an imperfect document.
5 I think we would all agree that nothing is ever
6 perfect. It's the best known work of man at any
7 given time.

8 So I view this coming from my business
9 background. It's a strategic plan, and a
10 strategic plan is a directional plan. It's not an
11 operational plan. It's not a tactical plan in the
12 purest sense, although it does have a lot of
13 tactics contained therein, and I have read many,
14 many hours of those tactics.

15 We, as a commission here, are all citizens
16 of Tulare County, and we're your peers. So we're
17 not here with any agenda. We represent you. We
18 haven't been influenced by lobbyists or any
19 financial interests. We're here to do the best
20 job we can.

21 And the commission has a charter. And
22 that's to rule on land use and all the
23 environmental elements that are affected by that
24 use, i.e., we are the stewards of the land, and,
25 more specifically here in Tulare County,

1 agriculture.

2 Agriculture is the big hitter. We
3 recognize that.

4 So in the computer world sense, we are the
5 parity check on anything within a plan that
6 doesn't fit the public's needs.

7 And to that effect, and to that extent, we
8 will rule on land use, and we will do it in a sane
9 way, and we will do it on actual application of
10 the principles of that strategic plan or the
11 General Plan if you will.

12 So I am going to say today that this is a
13 document that obviously will have revisions to it
14 going over time, but it has the framework of the
15 direction that we want to go.

16 MR. KIMBALL: Mr. Chairman, if I may
17 interrupt, I do need to point out a recommended
18 correction to one of the resolutions that you have
19 before you.

20 This would be a resolution for the final
21 Environmental Impact Report attached to the staff
22 report. It's page three. And it's near the
23 bottom of page three.

24 It says -- we need to change references to
25 the Board of Supervisors to the Planning

1 Commission. I think there is a typographical
2 error on that section.

3 CHAIRMAN MILLIES: Where is that?

4 MR. KIMBALL: The Planning Commission
5 proposed resolution for the final Environmental
6 Impact Report.

7 CHAIRMAN MILLIES: You're in this
8 document?

9 MR. DIAS: Page three?

10 MR. KIMBALL: Page three. It's not a
11 reference to the staff report. It's a reference
12 to the resolution.

13 MR. AGUILAR: Item number three as well?

14 CHAIRMAN MILLIES: I'm not sure where
15 you're looking, Ben.

16 MS. PITIGLIANO: I'm not, either.

17 MR. DIAS: It's in the resolution in the
18 back there, page three.

19 MR. BRYANT: This would be page three of
20 the resolution, titled in the Matter of the Tulare
21 County Proposed General Plan 2030 Update, Proposed
22 Final Environmental Impact Report.

23 On page three, number three, near the
24 bottom of the page, I believe the correction -- it
25 currently reads the final Environmental Impact

1 Report, including the Recirculated Draft EIR, was
2 presented to the Board of Supervisors, and that
3 the Board of Supervisors. The Board of
4 Supervisors should be stricken and replaced with
5 Planning Commission.

6 CHAIRMAN MILLIES: Got it. Okay. Thank
7 you.

8 MR. BRYANT: In each case.

9 CHAIRMAN MILLIES: Thank you.

10 Well, my comments are concluded. Are
11 there no other comments from my fellow
12 commissioners?

13 MR. ELLIOTT: We have some comments down
14 here.

15 MS. PITIGLIANO: Thank you. I don't think
16 I could have presented it better than Chairman
17 Millies just did, and I think that I've been going
18 along thinking I must be pretty naive to think
19 that this document could be used as a tool.

20 That's how I look at it, as a tool, more or less
21 the same as a constitution. It's our plan for us
22 to use when we are in our commission.

23 And it can be changed. It can be amended.
24 And it does not have to be verbatim.

25 And I think a lot of times when I first

1 went into this process and I was on one of the
2 technical committees, and I wanted it to -- I
3 wanted it to say exactly what I wanted done in
4 this county.

5 And I was frustrated all the time because
6 we would go to these meetings, and I would say but
7 I want it to say this, and it isn't that type of a
8 document, which I think I have finally gotten down
9 to.

10 And I think that it's a good tool, and I
11 think that it's something that we can be proud to
12 use, and not to be feeling that we have not done
13 our job, staff, commission, and board. Thank you.

14 MR. NORMAN: Mr. Chairman, I think
15 Mr. Manning put it best: Uncomfortable.

16 And looking at this, this is a living,
17 breathing document that can be modified four times
18 a year.

19 In my experience, I mean, I was on Exeter
20 City Council for three terms. We had a south west
21 specific plan. At the beginning of that process,
22 we had 10, 20 people that did not like this plan.
23 The worst thing you can do is tell somebody what
24 they can do with their own property.

25 After the end of this, after our community

1 outreach, we had a lot of buy-in, we had nobody in
2 opposition to this plan. We have a community of
3 10,000 with no opposition. I felt very positive
4 about this.

5 We have obviously a larger counter area,
6 and we have a quite of bit of opposition. Is it
7 relative to what I have in my past? I don't know.

8 We are stewards of the county. And I am
9 concerned with the council of cities facing any
10 type of litigation with taxpayer money. It
11 concerns me quite a bit.

12 Again, the small community water issues.
13 Again, this is a road map. This isn't a project
14 specific plan.

15 We tried to reach out to Tooleville when I
16 was in the Exeter City Council, and the bottom
17 line is we had no money. Unless there is some
18 state or facilities or infrastructure grants, we
19 had no money to reach out there.

20 Kenny Guinn, the former governor of
21 Nevada, he grew up in Tooleville, and he would
22 always visit Exeter City Council and say take care
23 of my community, take care of my community. We
24 had no money.

25 The gentleman from Orosi, Jesus, I can't

1 imagine losing a child in that way. It's so
2 tragic. It's beyond comprehension. And being a
3 steward of good water, and good services for our
4 public, but with the tax base, county and city
5 services are going to continue to diminish in the
6 State of California. There is just no money.

7 And as you look at the stock market,
8 things continue to get bad -- from bad to worse.

9 This is a great county. I have lived here
10 my entire 47 years.

11 This is a good plan. Is this the best
12 plan? I don't know. Based on my planning
13 experience, I think it's something that we can
14 live with, but I want to make sure that we have
15 buy-in from our communities. Thank you.

16 MR. ELLIOTT: I think we need to -- you
17 know, one of the things I hear today is there is
18 this disconnect thing, and with -- and I think the
19 disconnection part is a key thing that is missing
20 from this plan, but I'm not sure that we can do it
21 at this time. And it has a lot to do with the
22 point Charlie just raised.

23 And I like also what Mr. Dunlap said from
24 the City of Porterville when he mentioned that
25 this is a public document.

1 I think we need to ask ourselves some
2 things. Have we addressed in the plan adequately
3 some of the comments or all of the comments that
4 we've received from the public?

5 I think one way that we get at this
6 disconnect is through a thing that I used to do
7 when I spent 20 years in planning prior to coming
8 to Tulare County, is a thing called inventory, and
9 I don't see this in a lot of things in the plan,
10 and this is probably what's missing.

11 And maybe if we don't include this in the
12 plan, we need to include this in the letter from
13 the Planning Commission that goes along with our
14 recommendations to the board.

15 And the kind of inventory I'm talking
16 about is inventory of the places that have
17 substandard water and need infrastructure
18 attention, an inventory of scenic landscapes, at
19 least the ones we know we have, an inventory of
20 our oak woodlands, an inventory of our cultural
21 resources, because how can we develop any kind of
22 protection measures if we don't even know what
23 we're dealing with.

24 So these things need to be developed.
25 They don't necessarily need to be in the General

1 Plan, but we need to have a clear direction with
2 the board, as planners, that's where we want to
3 go. So perhaps that needs to be in our carefully
4 worded letter that we all sign off on before it
5 goes to the Board of Supervisors.

6 Also, along that, where are our ag
7 preserves? Where are our conservation easements?
8 Where are these things that we've already done
9 that are really great things?

10 And we need to set these as examples of
11 where we are going in the future. All these
12 should be attached in some kind addendum or at
13 least with our comments to the Board of
14 Supervisors.

15 I am -- I think we have plenty of
16 comments. In fact, we got a boat load this week.
17 And I, for one, think we need to have staff come
18 back to us at a time certain meeting with this
19 statement that we can make along with your
20 recommendations for adoption of this document.

21 And, without that, I cannot support that
22 today and pass that on to the Board of
23 Supervisors.

24 MR. AGUILAR: I, too, have a little
25 concern if it is a public document, which we all

1 say it is.

2 We received a lot of information the last
3 two days. More than I can read. And I am
4 concerned that there may be something in there
5 that I did not read -- I probably read about half
6 of them -- that could sway a decision.

7 I don't want to postpone it, yet it's been
8 going on this long already. I agree that if we
9 have a date and say, okay, we're done with all the
10 letters that we're getting, this is all we're
11 getting, and now we can make a decision.

12 I can honestly say I have not read all of
13 the things that came to me in the last 30 days.
14 We just got another stack today. And I would love
15 to be able to read that before I make my final
16 decision.

17 MR. ELLIOTT: And it's true, I know, I am
18 feeling a little uncomfortable. When I do this, I
19 want to feel more comfortable. That's behind my
20 sentiments right now.

21 MR. GONG: I also kind of feel
22 uncomfortable about making a decision, especially
23 with all this public concern about the
24 environmental issues, but I think we need to kind
25 of move -- you know, we're not the final decision

1 makers, and I want to get it to the people that
2 can make the final decision. I know there is a
3 lot of stuff I read, but I know I couldn't
4 possibly understand everything that was presented
5 to us, you know, that was presented or heard
6 today, especially regarding the environmental
7 concerns.

8 I want to move forward, and I think there
9 are still opportunities for the public to continue
10 to make those comments to the Board of Supervisors
11 and through other means.

12 MR. DIAS: It's a big decision. I think
13 if you weren't uncomfortable, then you probably
14 wouldn't be doing your job. This is a tough
15 decision. We've been doing this for eight years
16 now.

17 We've heard testimony that we ought to
18 scrap it, throw the whole thing away, and start
19 all over again. And I don't think that is going
20 to happen.

21 It is a document that's a living document,
22 as Mr. Millies said, and it can be amended if need
23 be down the road.

24 It is a General Plan. And I understand
25 it's not as specific as some people might want it

1 to be, but we had testimony about how fast we're
2 growing on this thing here. We're growing at two
3 percent, at twice the state.

4 I just think we need to have the
5 flexibility. We cannot be in a position where we
6 can right now draw the line in the sand and say
7 nothing is going to go beyond that, this is way
8 we're going to do it, and we're going to be like
9 some of the counties, maybe San Francisco and
10 Marin counties, that, you know, maybe they have a
11 lot more disposable income, and don't have
12 unemployment rates like we do, and low salaries
13 like we do.

14 Right now, people are just trying to get
15 by month to month to keep the roof over their
16 head, and, you know, we need to promote
17 development and improve our economy on this thing.

18 There has got to be a compromise on this.
19 We can't have it just the greedy developers on one
20 side, or we just can't go with the no-growth
21 environmental side. We have to have some sort of
22 a compromise.

23 Smart growth is what we plan on doing
24 here. It doesn't look like it's the kind of smart
25 growth that you guys had in mind, but maybe that's

1 what we work on on the amendments on this thing
2 down the road.

3 But we need to move forward and get this
4 document finished so that we can go on and start
5 implementing some of these things.

6 MR. ELLIOTT: I think that, you know,
7 speaking of that term, city-centered growth, too,
8 that is a mixed bag of tricks in Tulare County,
9 because right outside of Tulare and Visalia is
10 some of the best farm land in the world, and
11 they're eyeing that right now to chew that up.

12 So, obviously, some of that impetus and
13 energy is going to be deflected back into other
14 areas of the county.

15 The alternative I kind of like here is
16 that alternative one you have on page two, where
17 we continue the item for commission receipt of
18 staff summary of the continued public input and
19 direct staff to prepare the recommendations in the
20 next meeting with our cover letter stating some
21 specifics that we want to direct the board and the
22 staff to do in the future.

23 And, now, Jake can tell us if we can do
24 that.

25 MR. RAPER: Chairman and commissioners,

1 Jake Raper, Resource Management Agency.

2 I can understand your being uncomfortable,
3 especially receiving a lot of material, a thick
4 packet early today, without you having an
5 opportunity to review it.

6 But we anticipated that. We knew that
7 they were going to come in at the last minute,
8 this morning, last night at 5:30, waiting to the
9 very last minute to get the information and
10 present it to the commission.

11 I don't know if it's intentional to try to
12 delay the decision by the Planning Commission or
13 if it's just to have -- to do the research to get
14 it up to you.

15 But it's not uncommon for people and
16 persons in organizations who are in opposition of
17 projects to wait to the very last moment to bring
18 in new information, quote, challenging the
19 adequacy of the document and/or raising additional
20 concerns or raising ill concerns that, quote, from
21 their perspective have not been adequately
22 addressed. I can understand that.

23 From the Environmental Impact Report
24 standpoint, there is so much information in there
25 that what I have to do is rely on our experts,

1 such as ESA and our county counsel and other
2 consultants that we have, to insure that we
3 adequately respond and prepare a document that can
4 be presented to the Board of Supervisors and have
5 a better -- a higher level of confidence that will
6 withstand the challenge. Okay?

7 Basically, unfortunately, we're in this
8 tug and pull, push and pull kind of situation
9 where folks are saying, well, we should have done
10 it right, we should have done it their way in
11 terms of creating a city-centered growth program,
12 preserve agricultural, don't permit other growth
13 within the county.

14 From my perspective, what we've attempted
15 to do is to recognize the primary objectives of
16 Tulare County, protection of agricultural lands,
17 protection of the scenic corridors, continuing on
18 with the ag preserves. We're there to support
19 agricultural -- the board has always stated and
20 they continue to support agricultural activities
21 within this county.

22 In terms of growth within Tulare County,
23 if you look at the census from 2000 to 2010, over
24 98 percent of the population grew within the
25 incorporated cities. The county, in fact, lost

1 population, and that's basically due to
2 annexations.

3 On other issues, they talk about the loss
4 of agricultural land. We've lost 10,000 acres of
5 agricultural lands.

6 Where did those agricultural lands go?
7 They went into cities. Ninety-nine percent of
8 that went into cities.

9 And not because they have been developed
10 to alternative uses in the county, a very small
11 percentage.

12 Commissioner Elliott, concerning your
13 inventory, we have those inventories already. We
14 have all the agricultural lands mapped out. We
15 have those contracts.

16 Mr. Bercellis, in terms of the Board of
17 Supervisors, provides an annual report to the
18 Department of Conservation where all these
19 agricultural lands are.

20 Any time we have a development project
21 that requires CEQA review, one of the, quote,
22 processes is a pre-historic or historical review
23 through the records search, and if there is
24 potential, then an archaeologist is required to go
25 out and look at the site.

1 Through the process and through these
2 kinds of inventories, we have those inventories.
3 Our community plans identify the scenic corridors
4 within the community plans.

5 Three Rivers community plan that is being
6 adopted, we had proposed a scenic corridor in that
7 area and that is still being looked at.

8 So we have those implemented tools that
9 would be a result from the General Plan once it is
10 adopted.

11 From my perspective, I think we're ready
12 to move on. However, I can certainly understand
13 the commission's concern about wanting to read the
14 documents before you make your final
15 recommendation to the board.

16 And if that's the desire of the
17 commission, certainly you have that ability to do
18 that.

19 The chairman did close the public hearing,
20 so we don't have to receive any further testimony.
21 We do not have to receive any further written
22 correspondence from the public. Basically, it
23 drew the line in the sand for today.

24 That line will be erased once we advertise
25 for the board because they'll have the second

1 opportunity to come before the Board of
2 Supervisors and raise either the same questions,
3 repeat their testimony before the board that were
4 given to the commission, as well as submit new
5 information to the board before their action is
6 taken.

7 So I leave it to you. Your decision.
8 Basically, we support the Planning Commission in
9 terms of providing whatever direction you wish to
10 go.

11 So that's my little spiel. I know -- and,
12 right, you should feel uncomfortable because this
13 is a big step. This is a very large document.

14 But what I can say behind the scenes that
15 I have seen Mr. Bryant, county counsel, the
16 consultants, our other consultants working
17 diligently to insure that we are adequately
18 addressing the issues that raise the, quote,
19 challenges, legal challenges, on the EIR.

20 Keep in mind our General Plan is our
21 policy document, our constitution, how you as a
22 commission will be looking at future projects down
23 the road.

24 And you're absolutely correct, the General
25 Plan -- the elements of the General Plan can be

1 amended up to four times per year, but I would
2 suspect for the first couple of years there will
3 not be any amendments. Mostly we'll be looking at
4 the implementation portions of that General Plan
5 and also looking at updating our zoning ordinance
6 to help implement those policies and programs of
7 the General Plan.

8 So, with that, I'll sit down and be quiet
9 unless you have any questions of me. Thank you.

10 CHAIRMAN MILLIES: That being said, we did
11 have an action item to look at the three proposed
12 recommendations.

13 What I'm hearing here is and I'll
14 interject -- you correct me or debate with me if
15 you wish -- some of my fellow commissioners would
16 like additional time to look at the recent input
17 to better make their decision.

18 I'm not sure that I would agree with that,
19 but I certainly would like to afford everyone the
20 opportunity to feel comfortable.

21 And if that's the case, if you would all
22 like to do that, I will postpone the vote on these
23 initiatives and move to an alternative which is
24 number one, to close the public hearing, which
25 I've already done, continue the item for Planning

1 Commission's receipt of staff summary, in addition
2 to that, for fellow commissioners to read the
3 latest input, and to direct staff to prepare for
4 our recommendation to the Board of Supervisors any
5 additional items that would be amended to
6 resolutions one, two, and three.

7 MR. ELLIOTT: I would like to make a
8 motion to that effect, and we get a time certain
9 on that for an upcoming meeting.

10 CHAIRMAN MILLIES: Maria, that would be
11 what, December 7?

12 THE CLERK: Yes.

13 CHAIRMAN MILLIES: So that being the case,
14 do we have a motion to act as I had recommended on
15 the date certain of December 7, 2011, in these
16 chambers? Do I have that motion? Yes, John?

17 MR. ELLIOTT: Yes.

18 CHAIRMAN MILLIES: Do I have a second?

19 MR. AGUILAR: I'll second it.

20 CHAIRMAN MILLIES: Roll call.

21 THE CLERK: Gong?

22 MR. Gong: Yes.

23 THE CLERK: Millies?

24 CHAIRMAN MILLIES: Yes.

25 THE CLERK: Elliott?

1 MR. ELLIOTT: Yes.
2 THE CLERK: Dias?
3 MR. DIAS: No.
4 THE CLERK: Pitigliano?
5 MS. PITIGLIANO: Yes.
6 THE CLERK: Norman?
7 MR. NORMAN: Yes.
8 THE CLERK: Aguilar?
9 MR. AGUILAR: Yes.
10 CHAIRMAN MILLIES: So moved. Thank you,
11 David.
12 MR. BRYANT: Thank you, chairman, members
13 of the commission.
14 (Proceedings concluded at 11:15 a.m.)
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1 STATE OF CALIFORNIA)
2 COUNTY OF TULARE) ss.
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5 I, DANETTE M. HENDRIX, a pro tempore
6 Certified Shorthand Reporter of the Superior Court
7 of the State of California, do hereby certify:

8 That the foregoing action was taken down
9 in stenographic shorthand writing and thereafter
10 transcribed into typewriting, and that the
11 foregoing transcript constitutes a full, true, and
12 correct transcript of said proceedings.

13 Dated: November 24, 2011
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19 DANETTE M. HENDRIX, CSR #6412
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