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

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

Visalia, California
November 16, 2011

REPORTER'S TRANSCRIPT
OF
PROCEEDINGS

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VISALIA, CALIFORNIA

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

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

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

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


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

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

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

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

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

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

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

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

And, three, resolution recommending the
adoption of the Proposed Climate Action Plan.

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

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

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

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

Regarding those specific areas, the following list references how those are addressed
in our various documents.

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

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

In regards to land use and project build-out assumptions, the General Plan Update land use element, the recirculated draft EIR and
its appendices, and the final EIR, including master response 5, addresses that topic.

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

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

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

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

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

The policy comment matrices that were previously attached as modified are included in
attachment two.

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


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


Resolution recommending adoption of the Proposed General Plan 2030 Update, incorporating modifications described therein, and resolution
recommending adoption of the Proposed Climate Action Plan.

That concludes staff's presentation.

CHAIRMAN MILLIES: Thank you, David.

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

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

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

MR. ELLIOTT: Is that alternative one?

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

MR. ELLIOTT: All right.
CHAIRMAN MILLIES: Any other questions?

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, will the first person who has not spoken previously and who wishes to speak to the proposed 2030 General Plan Update, Proposed Final EIR, and Proposed Climate Action Plan, please approach the open podium and speak directly into
the microphone, giving your name and address.

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

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

    CHAIRMAN MILLIES: We will be.

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

    So we will begin with Mr. --

    MR. QUEVEDO: Hello. Good day. Please
don't worry about the faulty translation at the
beginning. You know, even the president sometimes
gets it wrong.
CHAIRMAN MILLIES: We will need his name and address now.

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

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

MR. QUEVEDO: 12610 --

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

MR. QUEVEDO: And my telephone number is 52805055.

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

I am coming here to remind you about the problems that we have. You may say, ahh, again about the water issues, and the consequences of not having clean water is that we have a lot of diseases, and I know that what I'm telling you you probably have heard before and that you're aware.
And I have the experience because of the water three years ago, one of my sons actually passed away three years ago. He was working with pesticides. My son was perfectly fine beforehand, and suddenly he became very ill, and they thought it was because of his stomach.

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

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

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

And, you know, when there is a rewriting
of revisions in the plan, I want to participate. And before in 1970 there were no looking at the plan to see what the revisions would be.

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

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

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

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

CHAIRMAN MILLIES: Five copies of what?

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

CHAIRMAN MILLIES: That's okay.

MR. QUEVEDO: And so that's it for now, but if anyone has any questions or would like to make a comment as to what I have said today.
CHAIRMAN MILLIES: What was the diagnosis on your son's passing? And I'm sorry that he did.

MR. QUEVEDO: He passed away because of leukemia.

CHAIRMAN MILLIES: Right.

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

CHAIRMAN MILLIES: Did they say it was contamination?

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

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

You know, my sons and kids, they took blood out for an exam, too, and, you know, you may feel bad about what I'm saying. You know, my kids and the rest of our family, we've all tried to be there with my son, and three days before he died my kids said, you know, what is happening, and the doctor said, you know, hey, we weren't even able
to do the test because the machine didn't work at
that point. I'm sorry if I'm taking so much time.

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

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

Our community is situated in the perfect
area to support our local farms and dairies. We
don't need additional community developments built
to support our farms and dairies with. We need
the County of Tulare to support our community to
help rehabilitate our homes and neighborhood so we can continue to grow our family businesses.

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

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

So those were her comments.

MS. ZARAGOZA: My name is Cfelia Zaragoza from Matheny Tract in Tulare, and my address is 466 Pratt in Tulare.

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

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

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

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

CHAIRMAN MILLIES: This is Matheny Tract?
MS. ZARAGOZA: Matheny Tract.

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

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

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

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

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

And that's why we're asking to be included in the plan to have lights, to have sewer, to have sidewalks because the streets get flooded when it starts to rain and you can't walk through the streets at that point, and the kids and the people
are unable to walk because of the rain and flooding.

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

CHAIRMAN MILLIES: Thank you, very much.

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

CHAIRMAN MILLIES: No problem.

Yes, ma'am, good morning.

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

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

She said that you were allowing market forces to decide on land use planning and ignored smart growth and said that air pollution problems were significant, but unavoidable. In other
words, no action.

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

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

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

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

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

Again, AQ-3.5, the county shall encourage all new development to incorporate energy conservation and green building practices. No goals. No restrictions. No teeth in it. Just let the developers do what they want, just like Susan Fiering says, market driven forces in Tulare County.
AQ-4.1, the county shall support air
quality attainment plans. Measures will be
applied to new development approvals and permits
as appropriate. What are the measures? What is
appropriate? Nothing in there.

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

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

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

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

MS. FRY: All right. With the dairies,
there is no plan. There are no goals. Although
63 percent of the greenhouse gasses are attributed
to dairies. Even though methane containment
equipment is available, there are no goals for
that, to encourage that.

CHAIRMAN MILLIES: Thank you, very much.

MR. SMITH: Good morning, Ladies and
Gentlemen.

CHAIRMAN MILLIES: Good morning.

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

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

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

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

With this plan that's been put together,
unfortunately we've been left out. I have lived
in that community for the better part -- excuse me
-- someone in my family has lived in that
community for the better part of 45 years, and we've had to fight, scrape, everything for any little thing we've gotten out there.

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

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

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

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

CHAIRMAN MILLIES: Thank you, very much.

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

It's been some time now. I can remember reading the beginnings of the General Plan.
THE CLERK: Excuse me. Could we get your name and address for the record?

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

THE CLERK: And your name as well.

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

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

CHAIRMAN MILLIES: Yes.

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

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

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

One of the most identified assets in Tulare County is the rich agricultural land on the
valley floor and in the foothills. The General Plan identifies agriculture not only as an economic asset to county, but also as a cultural, scenic, and environmental element to be protected.

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

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

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

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

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

What initially appeared to be a plan based
on protecting ag land and its economy, its rural
heritage, open space, and quality of life and its
related values, was really a plan that encouraged
leap frog development. Or what is most likely or
generally called a market-driven plan.

Can I continue on?

CHAIRMAN MILLIES: I'll give you another
minute.

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

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

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

It also encourages new town development
which slowly and incrementally carve up our
agricultural land, our scenic open space, and our
I am in favor of a city-centered healthy growth alternative because this type of planning will protect our ag and our economy here, and it will also create -- okay. Thank you.

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

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

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

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

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

CHAIRMAN MILLIES: Do you want to summarize?

MS. SELIGMAN: Okay. All right.

My husband and I were raised in Tulare County. And after an extended time away, we
decided our hearts still resided in this county and we chose to move back.

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

    And we're happy here. But there are times we question our decision to return, like when the smog is so bad we can't see the Sierras from just a few miles away. Like when we hear that a sprawling new city is planned in an area we associate with biking, cattle grazing, and wildflowers. Like when I read that our changing climate threatens our pollinators, our water supply, and the very foundation upon which this county stands -- agriculture. Like when I hear my child is tremendously more likely to develop asthma than are kids almost anywhere else in the county just because he lives in Tulare County.

    Like when I review the latest version of the General Plan and environmental impact report and realize, despite thousands of pages of comments by concerned citizens and millions of dollars of taxpayer money, our Board of Supervisors have done almost nothing to improve this critically flawed
General Plan.

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

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

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

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

CHAIRMAN MILLIES: Thank you.

MS. SELIGMAN: Thank you.

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

I'm here on behalf of the Travis property and also the Jim Jackson property at Avenue 384
and 99.

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

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

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

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

Mr. Jackson could not be here this
morning. I met with him, and he is in concurrence with that recommendation.

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

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

Thank you for your attention.

CHAIRMAN MILLIES: Thank you, Stephen. So noted.

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

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

My address is 1028 East Kay Avenue in Visalia.

What I would like to encourage is that the county recognize our tribe as being a legitimate
state recognized tribe in some of your planning
because a lot of the times we don't get included
in those.

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

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

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

So, to me, it goes back a lot longer than
other people here, but I see today that a lot of
our people are still struggling.

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

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

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

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

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

Thank you.

CHAIRMAN MILLIES: Thank you, very much.
MR. NESMITH: Good morning. My name is Rudy Nesmith. I live in Three Rivers.

CHAIRMAN MILLIES: Address.

MR. NESMITH: 43429-A Sierra Drive.

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

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

What I would like to mention is I know whenever we have discussions of development, there is also philosophies underlying these things, and from a very conservative to a very liberal philosophy, and I know as a -- I would call myself a renaissance humanist, you won't be hearing me support one side which could actually propose such things as total corporate land development greed and shortsightedness that would, you know, impose a system similar to the Orange County urban sprawl model across the county.
On the other extreme, you have this Luddite movement, a faction within the environmentalist movement, that would speak to us of the extremes of no growth and reducing population. Again, another very shortsighted ill thought-out development.

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

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

Take a couple of examples. Suppose a land development firm came to you and said, hey, we'd like to approve -- we're going to throw up 5,000, 10,000, 15,000 homes out there on prime agricultural and pristine scenic land, and we're not even going to go into the questions of infrastructural development and what has to be done in terms of clean water, sewage, education, jobs, transportation, telecommunications, all the stuff that we don't even have currently in the
existing towns, cities, and unincorporated areas.
I don't think you could answer that. I don't
think you could say, oh, yes, we hold up the plan,
look the General Plan says we can't do that. Or
the General Plan says we've got to do that. I
don't think you can say that. So what is a plan
that is not a plan?

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

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

I suggest you look at some of the ideas
that are coming for a more reasonable growth,
planned areas that will actually build what we
need using the existing cities and growth that we
can make there, and keep this the kind of
wonderful place that we all appreciate and love, and I think that it could be even much better. I thank you, very much.

CHAIRMAN MILLIES: Thank you.

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

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

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

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

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

At this time, with county revenues decreasing, our county does not need to obligate itself to further regulations that it won't be
able to pay for in the future.

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

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

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

MS. CLUM: I spoke last time.

CHAIRMAN MILLIES: You did.

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

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

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

The Final Environmental Impact Report finds that the General Plan will negatively impact humans and the environment in 28 different ways from air quality to traffic to public health to
agriculture to greenhouse gasses to noise levels
to groundwater levels to flood risk to failure of
dams and levees, to wildlife, to historic
structures, and to archaeological resources, and
to the scenic character of our county.

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

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

CHAIRMAN MILLIES: Thank you.

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

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

I did speak last time, so I'm going to
keep this very short.

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

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

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

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

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

The apprehensive citizenry who submitted
extensive comments in response to the DEIR and to
the RDEIR remain decidedly unreassured by the
proposed FEIR.

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

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

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

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

So I'm asking you, please, to step up for the people in the county who have a vested interest in this. Let's make this the best plan
we can get. Not just something that is going
through the motions of complying with the law.
Thank you.

CHAIRMAN MILLIES: Thank you.
Are there any others members of the public
that would like to speak? Please make it brief.

MR. MANNING: Yes. Brief.
I did speak here in October. My name is
Terry Manning. I live at 41576 Yokohl Drive,
approximately 15 to 20 miles away from Yokohl
Ranch.

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

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

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

CHAIRMAN MILLIES: We didn't ask for this.

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

I also understand that you are a
recommendation body, that the final decision will
be made by the Board of Supervisors, and they were
the people who appointed you to the Planning

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

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

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

I'm asking you to take a risk. I'm asking
you to tell the County Board of Supervisors that
this document is an invitation to litigation, that
we can get it right, we don't have to go through years of fighting this thing over in the courts, and that ultimately we will have a plan that really does deal with the next 19 years, because it is the update 2030. Had it been done the right way seven years ago, it would have been closer to 30 years.

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

CHAIRMAN MILLIES: Thank you.

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

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

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

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

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

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

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

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

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

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

However, only approximately 170 square miles out of 4,480 require any level of planning because the remainder is either state or federal
lands and therefore out of the county's planning jurisdiction.

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

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

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

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

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

CHAIRMAN MILLIES: Thank you.

MR. MANRO: Good morning, planning
commissioners. My name is Don Manro. I'm from Tulare, and I also spoke briefly last time.

CHAIRMAN MILLIES: Your address?

MR. MANRO: 693 East Kern.

CHAIRMAN MILLIES: Thank you.

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

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

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

There is a movement called Occupy Wall Street that is growing, and the dialogue that is going on basically focuses on the why and what can
be done about it.

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

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

CHAIRMAN MILLIES: Thank you.

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

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

However, I'm here -- I will address you as
a city planner, somebody with tremendous experience, or significant experience in planning, and having been involved from the very beginning on this General Plan.

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

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

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

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

Now, I think that, for whatever reason you want to label that, I have my beliefs, but nonetheless it derailed the process of the General Plan being a public document.
It truly is a public document. It's not intended to be a Supervisors document or a Planning Commission document. It is the voice of the community, the community being Tulare County. And I think it's very important for us to see that.

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

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

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

So I very strongly encourage you to consider what the public is saying. You know, a lot of money and a lot of time has been spent here, but that can't reverse what will happen over the next 20 years if the wrong plan is adopted.
I will tell you that I'm not a native --
and hopefully I can have a few extra seconds --
I'm not a native of Tulare County. I came up here
11 years ago as a city planner for the City of
Porterville, and what I observed in this county
was a balance between growth and opportunity, as
well as the rural character and the natural
amenities that are accessible to us. It's a gem.
It's a gem that we have here.

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

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

Vitapak just closed their headquarters
office in Covina a couple years ago. Nothing
remains. A stray citrus tree in somebody's yard
is what remains.
I urge you to think about the implications of this plan and the effect -- the long-term effect -- that it will have on this county and decide whether or not it is appropriate for this county. Thank you.

CHAIRMAN MILLIES: Thank you.

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

THE CLERK: Okay.

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

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

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

So right there you can see if the San Joaquin Valley and Tulare County grew at the same rate as the State of California, we would have only half the population growth.
It's my opinion, and I'm not a scientist, that part of our problem -- a contributing factor -- is population growth here in Tulare County and in the San Joaquin Valley.

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

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

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

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

But I think we need to decide is climate
warming real or is climate warming false. And if it is real, then let's work with it. If it's false, then let's go right ahead, laissez-faire, whatever, and we'll see what happens.

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

CHAIRMAN MILLIES: Thank you.

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

MS. SCHWALLER: Good morning, Chairman Millies --

CHAIRMAN MILLIES: Good morning.

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

My name is Laurie Schwall. I live at 43857 South Fork Drive, Three Rivers. Thank you for continuing the public hearing and for this opportunity to comment on the Proposed General Plan Update.

We certainly understand that the county would like to get to the adoption stage of this
long drawn-out process. So would we.

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

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

Unfortunately, instead of revising the plan documents constructively in response to the hundreds of specific questions and suggestions it has received from over 90 commenters, including the state Attorney General, the county has chosen to present in the draft FEIR a set of 11 broad master responses, which it claims will provide the commenters with a complete picture regarding their concerns, but these master responses do not suffice because they and the FEIR continue not to deal honestly and effectively with the fundamental flaws pervading the General Plan Update documents,
and hundreds of the comments are not being addressed at all, except to say that they will be forwarded to county decision makers for their consideration. Well, at this point, that would be you.

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

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

That's why we're counting on you to address these issues comprehensively and responsively before moving to adopt the proposed
Thank you for your work on behalf of a successful General Plan Update.

CHAIRMAN MILLIES: Thank you. Are there any other comments from the public at this time? If not --

MR. DIAS: Mr. Chair, question.

CHAIRMAN MILLIES: Yes.

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

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

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

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

MR. DIAS: That was it. I just wanted to know from Mr. Bryant.
CHAIRMAN MILLIES: Any other questions?
Comments?

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

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

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

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

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

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

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

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

Within that, there are subarea plans, and
at the lowest level we have the community and
hamlet plans.

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

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

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

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

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

Specifically, those communities that were
mentioned would be addressed -- specifically
addressed at the time that that county adopted
city General Plan would be adopted in coordination
with those respective cities.

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

In regards to the -- looking at various issues regarding the provision of infrastructure, one of the proposals in considering hamlets in providing for opportunities for those communities through the General Plan Update would be to promote economic development opportunities there, thereby providing an increase, hopefully, in property tax, sales tax revenues, that could then be -- that would be generated and to be put back
into those communities to assist in regards to
improvement of those facilities.

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

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

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

In regards to actual development review,
the air district has an indirect source review
program whereby which projects are reviewed for
their potential impacts in regards to air quality and is coordinated through the local review process.

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

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

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

There is an interim policy of which growth could be considered, but at specific nodes that would be consistent with the Rural Valley Lands Plan, and would also require the identification of
available infrastructure and that that development would be perpendicular and not parallel to the highways.

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

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

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

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

Based on those comments, staff worked diligently with the city planners. Included in your agenda packet is an addendum to attachment
Those, as I mentioned at the October 19 hearing, are representative of our discussions with the council of cities staff and a consensus at that time in regard to recommending those policies.

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

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

(A recess was taken.)

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

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

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

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

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

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

A resolution recommending adoption of the Proposed Climate Action Plan.

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

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

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

MR. BRYANT: Thank you.

CHAIRMAN MILLIES: I made this comment at the last session, and I'll make it again. It's important to realize that the General Plan Update
is a living document, number one.

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

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

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

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

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

Agriculture is the big hitter. We recognize that.

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

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

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

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

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

It says -- we need to change references to the Board of Supervisors to the Planning
Commission. I think there is a typographical error on that section.

CHAIRMAN MILLIES: Where is that?

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

CHAIRMAN MILLIES: You're in this document?

MR. DIAS: Page three?

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

MR. AGUILAR: Item number three as well?

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

MS. PITIGLIANO: I'm not, either.

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

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

On page three, number three, near the bottom of the page, I believe the correction -- it currently reads the final Environmental Impact
Report, including the Recirculated Draft EIR, was
presented to the Board of Supervisors, and that
the Board of Supervisors. The Board of
Supervisors should be stricken and replaced with
Planning Commission.

CHAIRMAN MILLIES: Got it. Okay. Thank
you.

MR. BRYANT: In each case.

CHAIRMAN MILLIES: Thank you.

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

MR. ELLIOTT: We have some comments down
here.

MS. PITIGLIANO: Thank you. I don't think
I could have presented it better than Chairman
Millies just did, and I think that I've been going
along thinking I must be pretty naive to think
that this document could be used as a tool.
That's how I look at it, as a tool, more or less
the same as a constitution. It's our plan for us
to use when we are in our commission.

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

And I think a lot of times when I first
went into this process and I was on one of the
technical committees, and I wanted it to -- I
wanted it to say exactly what I wanted done in
this county.

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

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

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

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

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

After the end of this, after our community
outreach, we had a lot of buy-in, we had nobody in
opposition to this plan. We have a community of
10,000 with no opposition. I felt very positive
about this.

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

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

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

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

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

The gentleman from Orosi, Jesus, I can't
imagine losing a child in that way. It's so tragic. It's beyond comprehension. And being a steward of good water, and good services for our public, but with the tax base, county and city services are going to continue to diminish in the State of California. There is just no money.

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

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

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

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

And I like also what Mr. Dunlap said from the City of Porterville when he mentioned that this is a public document.
I think we need to ask ourselves some things. Have we addressed in the plan adequately some of the comments or all of the comments that we've received from the public?

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

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

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

So these things need to be developed. They don't necessarily need to be in the General
Plan, but we need to have a clear direction with the board, as planners, that's where we want to go. So perhaps that needs to be in our carefully worded letter that we all sign off on before it goes to the Board of Supervisors.

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

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

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

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

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

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

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

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

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

MR. GONG: I also kind of feel uncomfortable about making a decision, especially with all this public concern about the environmental issues, but I think we need to kind of move -- you know, we're not the final decision
makers, and I want to get it to the people that can make the final decision. I know there is a lot of stuff I read, but I know I couldn't possibly understand everything that was presented to us, you know, that was presented or heard today, especially regarding the environmental concerns.

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

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

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

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

It is a General Plan. And I understand it's not as specific as some people might want it
to be, but we had testimony about how fast we're
growing on this thing here. We're growing at two
percent, at twice the state.

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

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

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

Smart growth is what we plan on doing
here. It doesn't look like it's the kind of smart
growth that you guys had in mind, but maybe that's
what we work on on the amendments on this thing
down the road.

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

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

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

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

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

MR. RAPER: Chairman and commissioners,
Jake Raper, Resource Management Agency.

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

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

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

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

From the Environmental Impact Report standpoint, there is so much information in there that what I have to do is rely on our experts,
such as ESA and our county counsel and other consultants that we have, to insure that we adequately respond and prepare a document that can be presented to the Board of Supervisors and have a better -- a higher level of confidence that will withstand the challenge. Okay?

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

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

In terms of growth within Tulare County, if you look at the census from 2000 to 2010, over 98 percent of the population grew within the incorporated cities. The county, in fact, lost
population, and that's basically due to annexations.

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

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

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

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

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

Any time we have a development project that requires CEQA review, one of the, quote, processes is a pre-historic or historical review through the records search, and if there is potential, then an archaeologist is required to go out and look at the site.
Through the process and through these kinds of inventories, we have those inventories. Our community plans identify the scenic corridors within the community plans.

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

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

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

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

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

That line will be erased once we advertise for the board because they'll have the second
opportunity to come before the Board of
Supervisors and raise either the same questions,
repeat their testimony before the board that were
given to the commission, as well as submit new
information to the board before their action is
taken.

So I leave it to you. Your decision.

Basically, we support the Planning Commission in
terms of providing whatever direction you wish to
go.

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

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

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

And you're absolutely correct, the General
Plan -- the elements of the General Plan can be
amended up to four times per year, but I would
suspect for the first couple of years there will
not be any amendments. Mostly we'll be looking at
the implementation portions of that General Plan
and also looking at updating our zoning ordinance
to help implement those policies and programs of
the General Plan.

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

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

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

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

And if that's the case, if you would all
like to do that, I will postpone the vote on these
initiatives and move to an alternative which is
number one, to close the public hearing, which
I've already done, continue the item for Planning
Commission's receipt of staff summary, in addition to that, for fellow commissioners to read the latest input, and to direct staff to prepare for our recommendation to the Board of Supervisors any additional items that would be amended to resolutions one, two, and three.

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

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

THE CLERK: Yes.

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

MR. ELLIOTT: Yes.

CHAIRMAN MILLIES: Do I have a second?

MR. AGUILAR: I'll second it.

CHAIRMAN MILLIES: Roll call.

THE CLERK: Gong?

MR. Gong: Yes.

THE CLERK: Millies?

CHAIRMAN MILLIES: Yes.

THE CLERK: Elliott?
MR. ELLIOTT: Yes.

THE CLERK: Dias?

MR. DIAS: No.

THE CLERK: Pitigliano?

MS. PITIGLIANO: Yes.

THE CLERK: Norman?

MR. NORMAN: Yes.

THE CLERK: Aguilar?

MR. AGUILAR: Yes.

CHAIRMAN MILLIES: So moved. Thank you, David.

MR. BRYANT: Thank you, chairman, members of the commission.

(Proceedings concluded at 11:15 a.m.)
STATE OF CALIFORNIA

COUNTY OF TULARE

I, DANETTE M. HENDRIX, a pro tempore
Certified Shorthand Reporter of the Superior Court
of the State of California, do hereby certify:

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

Dated: November 24, 2011

DANETTE M. HENDRIX, CSR #6412