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

**ORIGINAL**

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

Visalia, California  
December 7, 2011

**REPORTER'S TRANSCRIPT  
OF  
PROCEEDINGS**

*Moore Court Reporters*

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DANETTE M. HENDRIX, CSR 6412

1 APPEARANCES:

2

3 Planning Commission:

4 MR. WAYNE O. MILLIES, Chairman

5 MR. CHARLIE NORMAN, Vice Chair

6 MR. ED DIAS

7 MR. JOHN F. ELLIOTT

8 MR. MELVIN K. GONG

9 MS. NANCY PITIGLIANO

10 MR. BILL WHITLATCH

11 MR. GIL AGUILAR

12

13 Resource Management Agency:

14 MR. JAKE RAPER, Director

15 MR. MICHAEL C. SPATA, Asst. Director

16 MR. BEN KIMBALL, Project Review Manager

17 MR. DAVID BRYANT, Special Projects Manager

18

19 Office of the County Counsel:

20 MS. NINA DONG

21

22 Consultants:

23 MR. RAY WEISS, ESA

24

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1 VISALIA, CALIFORNIA

2 WEDNESDAY, DECEMBER 7, 2011

3 -----

4 CHAIRMAN MILLIES: December 7, 2011,

5 Tulare County Planning Commission is now back in  
6 session.

7 We're moving on to Item 6, continued  
8 public hearing, 6(A), General Plan 2030 Update,  
9 Proposed Final Environmental Impact Report, and  
10 Proposed Climate Action Plan.

11 And I might comment before we get into  
12 this that the posting on this had been incorrect  
13 in stating that the Planning Commission has  
14 continued the public hearing on this Proposed 2030  
15 Update. It has not.

16 That has been subsequently corrected.  
17 I did close all public and written -- public  
18 testimony and written input at the last session in  
19 November.

20 So let the record state that that is  
21 the case, and we are moving on for consideration  
22 of approval of three actions this morning:

23 Consider the Tulare County General Plan  
24 2030 Update, Proposed Final EIR, and Climate  
25 Action Plan, continued from October 19, 2011, and

1 November 16, 2011.

2 And our contact this morning is David  
3 Bryant. Good morning, David.

4 MR. BRYANT: Good morning, Mr. Chairman,  
5 members of the Commission. Dave Bryant, special  
6 projects manager, with the County of Tulare  
7 Resource Management Agency.

8 The purpose of the meeting today is to  
9 receive a staff presentation on staff's summary of  
10 the public input regarding the Proposed General  
11 Plan.

12 CHAIRMAN MILLIES: Maria, could you turn  
13 the lights down?

14 THE CLERK: Yes.

15 CHAIRMAN MILLIES: Thank you.

16 MR. BRYANT: The purpose of the meeting is  
17 to receive a staff presentation on staff's summary  
18 of the public input regarding the Proposed General  
19 Plan 2030 Update, Proposed Climate Action Plan,  
20 and Proposed Final Environmental Impact Report for  
21 the public hearings that were held on October 19,  
22 2011, and November 16, 2011, to review staff's  
23 recommendations, and approve the following  
24 Planning Commission recommendations to the Board  
25 of Supervisors.

1           One, resolution recommending certification  
2 of the Proposed Final EIR for the Proposed General  
3 Plan 2030 Update and Proposed Climate Action Plan.

4           Two, resolution recommending adoption of  
5 the Proposed General Plan 2030 Update  
6 incorporating modifications described therein.

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

9           At your October 19th public hearing, 23  
10 persons provided verbal comments. And on November  
11 16th, 21 persons provided verbal comments. A  
12 total of 44 written comments were received before,  
13 during, and after up until November 16th.

14           Areas of continued comment regarding the  
15 General Plan Update and Final Environmental --  
16 Proposed Final Environmental Impact Report include  
17 the following topics: Climate change, air  
18 quality, water quality and quantity, land use,  
19 project buildout assumptions, level of detail and  
20 programmatic nature of the recirculated draft  
21 environmental impact report, enforcement of  
22 General Plan policies, range of alternatives,  
23 healthy growth, smart growth, compact development,  
24 city-centered growth, location of development and  
25 new towns, regional growth corridors, preservation

1 of agricultural land and open space, disadvantaged  
2 communities, infrastructure needs, inventories,  
3 archaeological resources, and flood control.

4 Staff has conducted a review of these  
5 continued comments, and these areas of comment  
6 regarding the General Plan Update, Final  
7 Environmental Impact Report are addressed in the  
8 following manner:

9 In regards to climate change, the Climate  
10 Action Plan has been prepared to address AB 32 and  
11 compliance with SB 375 regarding a host of  
12 different smart growth concepts.

13 These are addressed in the Climate Action  
14 Plan, Planning Framework, other elements as listed  
15 in the PowerPoint, the Recirculated Draft EIR,  
16 appendices, and Final EIR, Proposed Final EIR,  
17 including Master Response 10.

18 Regarding water quality and quantity, the  
19 General Plan Update provides for current and  
20 long-range needs for the county for the protection  
21 of both the supply and quality of water.

22 These areas are addressed again in a  
23 number of General Plan elements, including  
24 Planning Framework, Environmental Resources,  
25 Health and Safety, Water Resources, the

1 Recirculated Draft EIR, its appendices, and the  
2 Final EIR, including Master Response Number 6.

3 For land use and buildout assumptions, the  
4 land use diagram in Figure 4-1 provides an  
5 appropriate level of detail for the General Plan.

6 These areas are addressed in the General  
7 Plan Land Use Element, Recirculated Draft EIR, its  
8 appendices, Proposed Final EIR, and Master  
9 Response 5.

10 Regarding level of detail and the  
11 programmatic nature of the Recirculated Draft EIR,  
12 the programmatic document provides policies that  
13 are adequate at the General Plan level.

14 Again, as we had discussed at our previous  
15 meetings, a greater level of specificity is  
16 provided with other plans.

17 These areas are addressed in the  
18 Recirculated Draft EIR, its appendices, the  
19 Proposed Final EIR, including Master Response  
20 Number 4.

21 The next topic is enforcement of General  
22 Plan policies. Again, the programmatic nature of  
23 the document is appropriate.

24 These areas are addressed in the  
25 Recirculated Draft EIR, its appendices, the Final

1 EIR, including Master Response 3.

2           Range of alternatives. Consistent with  
3 CEQA requirements, the EIR process reviewed  
4 scenarios and developed a range of alternatives  
5 designed to feasibly attain most of the project  
6 objectives.

7           These areas are addressed in the  
8 Recirculated Draft EIR, Proposed Final EIR,  
9 including Master Response Number 9.

10           Healthy growth, smart growth, compact  
11 development, city-centered growth. The General  
12 Plan Update provides for smart growth and healthy  
13 communities, a promotion of in-fill, mixed-use  
14 development, LEAD and intermodal connectivity.

15           Again, these areas are addressed in the  
16 Climate Action Plan, General Plan Planning  
17 Framework Element, other elements as listed here,  
18 and also addressed in the Recirculated Draft EIR,  
19 its appendices, and the Proposed Final EIR.

20           Location and development and new towns.  
21 Preservation of resource conservation is  
22 accomplished by managed growth in urban  
23 communities. And consistency is applicable with  
24 associated area plans as contained in the Planning  
25 Framework element.



1           In addition to the Planning Framework  
2 element, this topic is also addressed in the  
3 various elements that are listed here, including  
4 the Recirculated Draft EIR, its appendices, and  
5 the Proposed Final Environmental Impact Report.

6           Regional growth corridors. The Corridor  
7 Framework Plan in part two of the General Plan  
8 Update provides for future corridor plans to be  
9 adopted.

10           Pending the approval of regional corridor  
11 plans, the county may approve highway-oriented  
12 commercial, industrial, and mixed-use development  
13 only at specific intersections of major collectors  
14 and subject to conformity with the Rural Valley  
15 Lands Plan and specified standards.

16           These areas are addressed in the Planning  
17 Framework element, Corridor Framework Plan, the  
18 Recirculated Draft EIR, its appendices, and the  
19 Proposed Final Environmental Impact Report.

20           Preservation of agricultural land and open  
21 space. The General Plan Update promotes the  
22 long-term preservation and productivity of  
23 agricultural lands.

24           This is addressed in the Planning  
25 Framework element, the Ag element, Land Use

1 element, other elements as listed here in the  
2 PowerPoint slide, including the Recirculated Draft  
3 EIR, its appendices, and the Proposed Final  
4 Environmental Impact Report.

5           Disadvantaged communities and  
6 infrastructure needs. The General Plan Planning  
7 Framework element provides a framework for  
8 economic development, provision of public  
9 services, quality of life in hamlets, provides for  
10 acceptable levels of service to minimize costs and  
11 provide criteria for determining location,  
12 capacity, and timing of future public facilities  
13 and services.

14           The General Plan addresses this topic in  
15 the Planning Framework Ag element, other elements  
16 that are currently listed on this slide, the  
17 Recirculated Draft Environmental Impact Report,  
18 its appendices, and the Proposed Final EIR.

19           Inventories were raised at the last  
20 meeting. Numerous inventories are contained in  
21 the background report, Recirculated Draft EIR and  
22 its appendices.

23           The background report contains over 130  
24 tables and over 40 figures. The Recirculated  
25 Draft EIR contains over 100 tables and over 30

1 figures.

2           Specifically, areas of interest include  
3 Williamson Act properties, which are included in  
4 the background report Chapter 4, natural  
5 communities, background report Chapter 9, scenic  
6 resources, background report Chapter 11, and  
7 public facilities in the background report  
8 Chapter 7.

9           These areas of continued comment are  
10 addressed in the background report, the RDEIR, and  
11 its appendices.

12           Archaeological resources. The General  
13 Plan Update provides policies to manage and  
14 protect cultural and archaeological sites of  
15 importance.

16           These areas are addressed in the Land Use  
17 element, Environmental Resources Management  
18 element, Foothill Growth Management Plan, the  
19 Recirculated Draft EIR, and its appendices.

20           Flood control. The General Plan Update  
21 and the Health and Safety element contains  
22 policies to minimize the possibility for loss of  
23 life, injury, or damage to property as a result of  
24 flood hazards.

25           These areas are addressed consistent with

1 the requirements of AB 162 as specified in the  
2 policy comment matrix 3-C, Number 33, on page  
3 eight of that matrix.

4 Staff and its consultants have conducted a  
5 review of the written and verbal comments and have  
6 not identified any new CEQA issues that would  
7 require additional environmental studies.

8 The materials contained in your agenda  
9 item are appropriate and contain sufficient detail  
10 to consider staff recommendations.

11 Staff recommendations: To receive a staff  
12 presentation on staff's summary of public input  
13 regarding Proposed General Plan 2030 Update,  
14 Proposed Climate Action Plan, and Proposed Final  
15 Environmental Impact Report for the Planning  
16 Commission public hearing on October 19th, 2011,  
17 and November 16th, 2011.

18 To review staff recommendations and  
19 approve the following Planning Commission  
20 recommendations to the Board of Supervisors:

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

25 Resolution recommending adoption of the

1 Proposed General Plan 2030 Update, incorporating  
2 modifications described therein, and resolution  
3 recommending adoption of the Proposed Climate  
4 Action Plan.

5 That concludes staff presentation. Staff  
6 would be happy to address questions or comments  
7 that you may have.

8 Again, I'd like to introduce Ray Weiss,  
9 our environmental consultant, with ESA in  
10 Sacramento, who has assisted us in regards to the  
11 preparation of various environmental documents.  
12 He is available, along with our staff, to address  
13 any questions or comments that you may have.

14 CHAIRMAN MILLIES: David, could you pop  
15 that last slide up there for me, please.

16 So these are the -- at the last session,  
17 there was a recommendation that staff put together  
18 a composite of the recommendations going to the  
19 Board of Supervisors.

20 MR. BRYANT: Yes. As contained in your  
21 agenda package, you'll note that there is an  
22 additional item included as part of the resolution  
23 materials for the resolution recommending to the  
24 Board of Supervisors regarding the Final  
25 Environmental Impact Report.

1           There is an Exhibit A, which includes a  
2 detailed summary of the areas of continued comment  
3 that were addressed in the PowerPoint  
4 presentation.

5           MS. PITIGLIANO: Which is five.

6           MR. BRYANT: Those begin on page five of  
7 that resolution.

8           CHAIRMAN MILLIES: Questions from my  
9 fellow commissioners?

10           If none, we will proceed to address the  
11 first action, which was to recommend that the  
12 Board of Supervisors certify the approval of the  
13 Final Environmental Impact Report.

14           MR. ELLIOTT: I just want to make a short  
15 comment before we go into the approval or the  
16 non-approval process.

17           I think that the Planning Department has  
18 done an adequate job in giving us a framework to  
19 work with here.

20           I think that from all the comments that I  
21 have reviewed and listened to, I think we're  
22 pretty much in agreement that, you know, what  
23 growth and development we do want needs to be of  
24 the smart variety, and I think that my colleagues  
25 up here and myself are in the majority, we're

1 certainly for that, and we wish the plan could be  
2 a lot more specific than it is, but it is, in  
3 fact, a General Plan, and that's why it's called  
4 that.

5 I think the main thing that, no matter  
6 what happens beyond this point, I think that  
7 you'll find -- I know myself and I'm sure my  
8 colleagues, too -- that what we want is to  
9 safeguard our natural, cultural, and scenic  
10 resources, because that's what makes it great to  
11 live here in Tulare County.

12 And I want Tulare County, in the future,  
13 and I'm sure you do, too, where our kids who go  
14 off to college, or wherever, can come back and  
15 raise their families here, and want to do that.

16 So by doing that, we have to plan for  
17 transportation, and housing, and things that are  
18 smart and that work.

19 And I think we have the framework here to  
20 do that, but when it comes down to the specific  
21 decisions that we have to make, I guarantee you  
22 that they have to be reflective of these comments  
23 and the things that people have told us and  
24 charged us to do. Because I, for one, will be a  
25 staunch advocate for that. I just want to go on

1 record saying that.

2 MR. DIAS: Well, since we're making  
3 comments --

4 CHAIRMAN MILLIES: I asked you for  
5 comments, so you can make them.

6 MR. DIAS: I just want to make one comment  
7 here. I think last meeting Mr. Raper kind of put  
8 into words kind of what I had been thinking, but  
9 didn't really say until now, and that is -- and I  
10 can't speak for the rest of my commission members  
11 here, but I'm not a plan -- trained planner.

12 So reading a lot of this stuff here, and I  
13 read bunches of it, and some of it I just didn't  
14 fully grasp, and so I have to trust that the staff  
15 and their consultants, working with the guidelines  
16 that they developed with the community outreach,  
17 and the questions, and the meetings that they had,  
18 are putting a document together on this General  
19 Plan Update that is going to satisfy legal  
20 requirements and is going to provide us a  
21 framework to move forward for the next 20 or 30  
22 years.

23 And when my staff comes to me after saying  
24 that and going through this much work and  
25 listening to all this testimony and they tell me



1 this is the product, this is best product we've  
2 got for the time, and it's going to work, it's  
3 adequate, and they tell me that they recommend  
4 that we endorse it, then I have to say I'm on  
5 board, and I'm ready to move on.

6 COMMISSIONER NORMAN: Just a brief comment  
7 to echo sentiments of my colleagues.

8 The General Plan amendment, it's an  
9 amendment, it's a work in progress.

10 As we approve this, or disapprove this,  
11 depending on what the rule of the board is, it  
12 puts systems in place so we can tackle some of  
13 these water issues, so we can plan for these  
14 things, smart growth, water quality, the smart  
15 growth, with the exception of some of the  
16 case-by-case emergency vehicle access, I mean it's  
17 what we need, and nobody wants to tackle those big  
18 environmental issues of air quality.

19 Again, staff, you did a very commendable  
20 job on this. Thanks for all your hard work.

21 CHAIRMAN MILLIES: I'll make a final  
22 comment if you'll indulge me for a minute. I made  
23 this comment at the last session when we addressed  
24 this.

25 This is like keeping a thousand ants in a

1 circle. It's a term I like to use. Because it's  
2 impossible to keep everything all in one place and  
3 be precise on every absolute element of this plan.

4 But there was some work done by the staff  
5 a while back, and there was a section in here that  
6 said it's important to note that the General Plan  
7 Update is a living document. Each element can be  
8 amended up to four times a year. And I said that  
9 the last time.

10 It's certainly an imperfect document.  
11 However, the elements of protecting the county's  
12 important agricultural resources, which I think is  
13 our number one priority, and scenic natural lands,  
14 strictly limits rural residential development,  
15 promotes sustainability, provides opportunities  
16 for small and incorporated communities to grow or  
17 improve quality of life, so forth and so on,  
18 promotes reinvestment in existing unincorporated  
19 communities, allows existing and outdated  
20 agricultural facilities in rural areas to be  
21 retrofitted and enhanced, planning coordination  
22 and cooperation with the agencies and  
23 organizations with land management  
24 responsibilities adjacent to Tulare County. That  
25 sort of summarizes it.

1           It's a strategic plan. It's not a  
2 tactical plan by any stretch, although there are  
3 tactical elements in it.

4           And, again, it's imperfect. But what the  
5 public needs to understand here is that we're  
6 stewards of agriculture, first and foremost, in  
7 this county, and we're an impartial body, this  
8 commission of citizens of Tulare County. We're  
9 your peers.

10           There were some comments at the last  
11 public session that we weren't looking out for the  
12 best interests of the public. And that's totally  
13 untrue. We are you.

14           And it's a compilation of the best-laid  
15 plans of man at this time.

16           So as it relates to this commission and  
17 its charter, it's to rule on land use and all  
18 those elements of environmental nature that are  
19 affected by that use. We're the stewards of the  
20 land here.

21           And we're the sanity, we're the parity  
22 check, on actual application and implementation of  
23 these plans in terms of policy and procedure.

24           So, for people to say, well, you're going  
25 to do something that is pretty erratic here is

1 untrue.

2 We're going to follow case by case as it  
3 comes out, and we're going to rule on those cases.

4 But this is a structure that we'll move  
5 forward with, and I think everybody feels fairly  
6 good about it.

7 So that's all I want to say. And I hope  
8 that everybody appreciates that we're doing the  
9 best job we can.

10 MR. WHITLATCH: I'd like to make just one  
11 quick comment, Mr. Chairman.

12 I'd like to thank all those who have given  
13 the input because I have seen volumes of things  
14 written, and that took a lot of time.

15 But I hope you continue to be involved  
16 because you're going to have an opportunity on  
17 these community plans, you know, the foothills,  
18 Three Rivers, Goshen, all these communities, these  
19 hamlets, that's where we plan to be very specific  
20 about what happens, and there may be some new  
21 things come up like the City of Visalia and its  
22 urban area boundaries, just what exactly happens  
23 in those areas.

24 So I am very much in favor of keeping  
25 agriculture alive. You know, I saw my precious

1 Los Angeles built over. You know, I remember lots  
2 of agriculture, and I don't want to see it happen  
3 here.

4 And so please continue to be involved and  
5 pay attention. And if you need notices on the  
6 community plans, Goshen is coming up, it's a very  
7 important community, and the people of Goshen,  
8 they have their own committees, and they're a  
9 strong community, and so we hope to see your  
10 comments in the future. Thank you.

11 CHAIRMAN MILLIES: Anyone else? So let's  
12 move on to the items to address here.

13 Item one is to recommend that the Board of  
14 Supervisors certify the approval of the Final  
15 Environmental Impact Report. Do I have a motion  
16 to recommend that?

17 MR. DIAS: I'll make that motion.

18 CHAIRMAN MILLIES: Do I have a second?

19 MR. NORMAN: Second.

20 CHAIRMAN MILLIES: Roll call?

21 THE CLERK: Gong?

22 COMMISSIONER 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: Yes.

4 THE CLERK: Whitlatch?

5 MR. WHITLATCH: Yes.

6 THE CLERK: Pitigliano?

7 MS. PITIGLIANO: Yes.

8 MR. WHITLATCH: If Gil was going to vote,  
9 how would he vote? Could we ask that?

10 MR. AGUILAR: Yes.

11 CHAIRMAN MILLIES: So moved.

12 Item 2, recommend that the Board of  
13 Supervisors adopt the General Plan 2030 Update.  
14 Do I have a motion to that effect?

15 MR. GONG: I'll move and recommend the  
16 Proposed General Plan.

17 CHAIRMAN MILLIES: Do I have a second?

18 MS. PITIGLIANO: I second that.

19 CHAIRMAN MILLIES: Roll call?

20 THE CLERK: Gong?

21 MR. GONG: Yes.

22 THE CLERK: Millies?

23 CHAIRMAN MILLIES: Yes.

24 THE CLERK: Elliott?

25 MR. ELLIOTT: Yes.

1 THE CLERK: Dias?  
2 MR. DIAS: Yes.  
3 THE CLERK: Whitlatch?  
4 MR. WHITLATCH: Yes.  
5 THE CLERK: Pitigliano?  
6 MS. PITIGLIANO: Yes.  
7 THE CLERK: Norman?  
8 MR. NORMAN: Yes.  
9 MR. WHITLATCH: Gil, how would you have  
10 voted?  
11 MR. AGUILAR: Yes.  
12 MR. WHITLATCH: He was lamenting today  
13 that he's come to all these meetings and he  
14 wouldn't have an opportunity to vote. I just  
15 wanted you to know his opinions.  
16 CHAIRMAN MILLIES: So moved.  
17 Item action 3, recommend that the Board of  
18 Supervisors adopt the Climate Action Plan. Do I  
19 have a motion?  
20 MR. NORMAN: So moved.  
21 CHAIRMAN MILLIES: Second?  
22 MR. DIAS: Second.  
23 CHAIRMAN MILLIES: Roll call.  
24 THE CLERK: Gong?  
25 MR. GONG: Yes.

1 THE CLERK: Millies?

2 CHAIRMAN MILLIES: Yes.

3 THE CLERK: Elliott?

4 MR. ELLIOTT: Yes.

5 THE CLERK: Dias?

6 MR. DIAS: Yes.

7 THE CLERK: Whitlatch?

8 MR. WHITLATCH: Yes.

9 THE CLERK: Pitigliano?

10 MS. PITIGLIANO: Yes.

11 THE CLERK: Norman?

12 MR. NORMAN: Yes.

13 CHAIRMAN MILLIES: So moved.

14 Thank you, very much, commission. Thank  
15 you, very much, staff. You did a wonderful job.  
16 It's been a long road.

17 MR. BRYANT: Thank you, very much,  
18 chairman and members of the commission for your  
19 time and effort in reviewing a large amount of  
20 materials.

21 CHAIRMAN MILLIES: Thank you to David  
22 Bryant.

23 MS. PITIGLIANO: Thank you, very much.

24 MR. DIAS: David, you did a very good job.  
25 Thank you.



1 MR. WHITLATCH: Dave, before you go, I  
2 don't know if you oversee it, but when do you  
3 anticipate we will see something for the first  
4 time on the community of Goshen on the General  
5 Plan?

6 MR. BRYANT: Some of that work is actually  
7 starting. I believe that staff has been able to  
8 secure the grant funding.

9 MS. PITIGLIANO: It's on the agenda.

10 MR. WHITLATCH: I just wanted the people  
11 who commented to make sure they know there is  
12 other opportunities. Thank you.

13 MR. BRYANT: Thank you.

14 (At 10:30 a.m., the proceedings  
15 concluded.)

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: December 8, 2011  
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19 \_\_\_\_\_  
20 DANETTE M. HENDRIX, CSR #6412  
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