

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

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IN THE MATTER OF THE TULARE)
COUNTY PROPOSED GENERAL PLAN)
2030 UPDATE PROPOSED FINAL) RESOLUTION NO. 8636
ENVIRONMENTAL IMPACT REPORT)
)

Resolution of the Planning Commission of the County of Tulare regarding the Final Environmental Impact Report for the proposed General Plan 2030 Update and the proposed Climate Action Plan.

WHEREAS, the Planning Commission of the County of Tulare considered a Final Environmental Impact Report for the adoption of the General Plan 2030 Update at a duly advertised public hearing held on October 19, 2011 and November 16, 2011, at which time oral and documentary evidence was presented; and

WHEREAS, the Planning Commission has given notice of the proposed amendment to the General Plan as provided in Sections 65353, 65090, and 65091 of the Government Code of the State of California and as provided for in the County's California Environmental Quality Act Guidelines; and

WHEREAS, staff has made such investigation of fact bearing upon the proposed General Plan 2030 Update to assure action consistent with the procedures and purposes set forth in the California Government Code, the State General Plan Guidelines, and the Tulare County General Plan; and

WHEREAS, a public notice was printed in the Dinuba Sentinel on October 6, 2011, the Visalia Times Delta, Porterville Recorder, and the Tulare Advance Register on October 7, 2011 at least ten days prior to the public hearing and that hearing was held at which public testimony was received at a public hearing before the Planning Commission on October 19, 2011 and continued on November 16, 2011;

WHEREAS, the Planning Commissions's public hearing was closed after public testimony was received on November 16, 2011 and the matter was continued to December 7, 2011 ; and

WHEREAS, a proposed Final Environmental Impact Report on the Tulare County General Plan 2030 Update (State Clearinghouse No. 2006041162) has been prepared pursuant to the California Environmental Quality Act (CEQA, Public Resources Code, Section 21000 et seq.) to analyze the environmental impacts of the new General Plan; and

WHEREAS, a series of 19 workshops, 11 public Board of Supervisors study sessions, 12 technical advisory committee meetings and four joint Board of Supervisors and Planning Commission meetings were held to discuss, review, recommend and provide public comment to the GPU; and

WHEREAS, After many community and County workshops, the County published in January 2008 a proposed Tulare County General Plan 2030 Update and Draft Environmental Impact Report (DEIR). The DEIR was circulated for public review and comment for an extended period of over 90 days (January 14, 2008 through April 15, 2008) to allow for maximum public involvement and input; and

WHEREAS, Consideration of the various comments received on the DEIR, as well as continued developments in the areas of air quality, climate change impacts regulation and water resources resulted in the County's decision to update a number of sections of the previous DEIR as well as the Background Report; and

WHEREAS, This resulted in release of the "proposed project" draft of the General Plan 2030 update also known as the "February 2010 General Plan 2030 Update Document", (B) the Recirculated Draft EIR, and (C) preparation of a Climate Action Plan circulated for a 60 day review period between March 25, 2011 and May 27, 2011 to allow for maximum public involvement and input; and

WHEREAS, On August 31, 2011 a joint workshop was held by the Board of Supervisors and Planning Commission to receive an update from staff regarding staff review of comments received on the Proposed General Plan 2030 Update Goals and Policies Report, Proposed Climate Action Plan and DEIR; and

WHEREAS, Planning Commission has reviewed and considered the Recirculated Draft EIR, and the proposed Final Recirculated Draft EIR, including comment letters, responses to comments, and additional public comments made and submitted at public meetings up to the time of adoption of this resolution; and

WHEREAS, at said public hearing the Planning Commission considered the staff report, which is maintained by the County and incorporated herein by reference along with evidence and testimony at said hearing; and the recommended action to certify the Final Environmental Impact Report; and

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare; and

WHEREAS, staff has made such investigation of fact bearing upon the proposed General Plan 2030 Update to assure action consistent with the procedures and purposes set forth in the California Government Code, the State General Plan Guidelines, and the Tulare County General Plan; and

WHEREAS, the “Recirculated Draft EIR” refers to the Recirculated Draft EIR released for review in March 2010; and

WHEREAS, the “Final Recirculated Draft EIR” also referred to as the “Final EIR” or “Final Environmental Impact Report” for the Tulare County General Plan 2030 Update and the Climate Action Plan (SCH#2006041162), includes the following documents (consistent with CEQA Guidelines Section 15132): the Recirculated Draft EIR, Table of Contents, Executive Summary, Chapter 1 “Introduction and Readers Guide”, Chapter 2 “Minor Revisions to the RDEIR”, Chapter 3 “Comments on the RDEIR” as provided in Volume II, Chapter 4 “Master Responses”, Chapter 5 “Response to Comments on the RDEIR”.

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Planning Commission has reviewed and considered the information contained in the proposed Final Environmental Impact Report, including the Recirculated Draft EIR and oral and written comments up to the time of the adoption of this resolution, and hereby recommends that the Board of Supervisors certify said Final Environmental Impact Report and adopt the Findings, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Planning Commission recommends the Board of Supervisors certify the Environmental Impact Report as follows:

1. The Planning Commission has reviewed and considered the information in the Final Environmental Impact Report, including the Recirculated Draft EIR, and comments received after the close of the public review period and up to the adoption of this resolution, and the summary of comments included in Attachment A, before recommending certification of the Final EIR to the Board of Supervisors and recommending approval of the General Plan 2030 Update.
2. The Final Environmental Impact Report, including the Recirculated Draft Environmental Impact Report (RDEIR), has been completed in compliance with the California Environmental Quality Act, and is on file in the office of the Resource Management Agency.
3. The Final Environmental Impact Report, including the Recirculated Draft EIR, was presented to the Board of Supervisors, and that the Board of Supervisors reviewed and considered the information contained in the proposed Final EIR prior to approving the project.
4. The Final Environmental Impact Report reflects Tulare County’s independent judgment and analysis.

NOW, THEREFORE, BE IT FURTHER RESOLVED as follows:

That the Planning Commission directs staff to prepare as appropriate a Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations, and Findings of Fact for consideration by the Board of Supervisors.

The foregoing resolution was adopted upon motion of Commissioner Dias, seconded by Commissioner Norman, at a meeting of the Planning Commission on the 7th day of December 2011, by the following roll call vote.

AYES: Dias, Elliot, Gong, Millies, Norman, Pitigliano, Whitlatch

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION



Michael C. Spata, Secretary

**ATTACHMENT A
AREAS OF CONTINUED COMMENT REGARDING THE GPU AND
PROPOSED FINAL RECIRCULATED DRAFT ENVIRONMENTAL IMPACT
REPORT**

Climate Change/Air Quality.
Water quality and quantity.
Land Use and Project buildout assumptions.
Level of detail and programmatic nature of the RDEIR.
Enforcement of the general plan policies.
Range of Alternatives.
Healthy Growth, Smart Growth, Compact Development, City Centered Growth
Location of Development/New Towns
Regional Growth Corridors
Preservation of Agricultural Land and Open Space
Disadvantaged Communities/Infrastructure Needs
Inventories
Archeological Resources
Flood Control

Climate change- A Climate Action Plan has been prepared to address AB 32 Compliance. SB 375 Components are addressed in the following ways: Range of Housing Opportunities, Walkability, Collaboration, Attractive Communities, Sense of Place, Predictable Decisions, Mix of Land Uses, Open Space Preservation, Variety of Transportation Choices, Direct development to Urban Communities, Compact Building Design, Economic Vitality, and Resource Management.

These areas of areas of continued comment regarding the GPU are addressed in the following manner:

The Climate Action Plan, The GPU 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 Services Element, Economic Development Element, Scenic Landscapes, Water Resources Element, the RDEIR and its appendices, and the FEIR including Master Response #10.

Water quality and quantity- The GPU provides for the current and long-range water needs of the County and for the protection of the quality and quantity of surface and groundwater resources. Water Supply is adequately addresses at the programmatic level in the RDEIR Water Supply Evaluation.

These areas of continued comment regarding the GPU are addressed in the following manner:

The GPU Planning Framework Element, Environmental Resources Management Element, Health and Safety Element, Public Facilities and Services Element, and Water Resources Element and The RDEIR and its appendices, and the FEIR including Master Response #6.

Land Use and Project buildout assumptions- The land use diagram in Figure 4-1 provides an appropriate level of detail at the General Plan level. A greater level of specificity is appropriate at the Area, Sub-Area, and Community Plan level. A build out analysis is included in the FEIR.

These areas of continued comment regarding the GPU are addressed in the following manner:

GPU Land Use Element, The RDEIR and its appendices, and the FEIR including Master Response #5.

Level of detail and programmatic nature of the RDEIR- Programmatic Document policies are adequate at the General Plan level, greater level of specificity is provided at the Area, Sub Area, Community Plan level including the ordinance code.

These areas of continued comment regarding the GPU are addressed in the following manner:

The RDEIR and its appendices, and the FEIR including Master Response #4.

Enforcement of the general plan policies- Programmatic Document, policies are adequate at the General Plan level, greater level of specificity is provided at the Area, Sub Area, Community Plan level including the ordinance code.

These areas of areas of continued comment regarding the GPU are addressed in the following manner:

The RDEIR and its appendices, and the FEIR including Master Response #3.

Range of Alternatives- Consistent with CEQA requirements (CEQA Guidelines Section 15126.6(a)), the EIR process reviewed scenarios and developed a range of alternatives designed to feasibly attain most of the project objectives but also avoid or lessen several significant effects associated with the proposed project.

These areas of continued comment regarding the GPU are addressed in the following manner:

The RDEIR, and the FEIR including Master Response #9.

Healthy Growth, Smart Growth, Compact Development, City Centered Growth- The GPU provides for Smart Growth and Healthy Communities, Promotion of Infill, Mixed-Use, LEED, and Intermodal Connectivity.

These areas of areas of continued comment regarding the GPU are addressed in the following manner:

The Climate Action Plan, The GPU 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 Services Element, Economic Development Element, Scenic Landscapes, Water Resources Element, Rural Valley Lands Plan, Foothill Growth Management Plan, Mountain Framework Plan, the RDEIR and its appendices, and the FEIR.

Location of Development/New Towns- Preservation of Resource Conservation is accomplished by managed growth in urban communities and consistency as applicable with associated Area Plans.

These areas of continued comment regarding the GPU are addressed in the following manner:

The GPU Planning Framework Element, Agricultural Element, Air Quality Element, Land Use Element, Environmental Resources Management Element, Public Facilities and Services Element, Economic Development Element, Scenic Landscapes, Rural Valley Lands Plan, Foothill Growth Management Plan, Mountain Framework Plan, the RDEIR and its appendices, and the FEIR.

Regional Growth Corridors- The Corridor Framework Plan provides framing policies for future corridor plans to be adopted. Pending adoption of regional growth corridor plans, the County may approve highway oriented commercial, industrial, and mixed use development only at specific intersections of major collectors subject to conformity with the RVLDP and specified standards.

These areas of continued comment regarding the GPU are addressed in the following manner:

The GPU Planning Framework Element, Corridors Framework Plan, the RDEIR and its appendices, and the FEIR.

Preservation of Agricultural Land and Open Space- The GPU promotes the long-term preservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that supports the viability of agriculture and further the County's economic development goals.

These areas of continued comment regarding the GPU are addressed in the following manner:

The GPU Planning Framework Element, Agricultural Element, Land Use Element, Environmental Resources Management Element, Transportation and Circulation Element, Public Facilities and Services Element, Scenic Landscapes, Rural Valley Lands Plan, Foothill Growth Management Plan, Mountain Framework Plan, the RDEIR and its appendices, and the FEIR.

Disadvantaged Communities/Infrastructure Needs- The GPU Planning Framework Element provides a framework for economic development, the provision of public services, and quality of life in Hamlets. The Public Facilities and Services Element provides policies that maintains acceptable levels of service, minimize costs, and provide criteria for determining the location, capacity, and timing of existing and future public facilities and services

These areas of continued comment regarding the GPU are addressed in the following manner:

The GPU 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, Economic Development Element, Water Resources Element, the RDEIR and its appendices, and the FEIR.

Inventories- Numerous inventories are contained in the Background Report and RDEIR and its appendices. The Background report contains over 130 tables and over 40 figures. The RDEIR contains over 100 tables and over 30 figures. Areas of interest include Williamson Act Properties (Background Report Chapter 4), Natural Communities (Background Report Chapter 9), Scenic Resources (Background Report Chapter 11), Public Facilities (Background Report Chapter 7).

These areas of continued comment regarding the GPU are addressed in the following manner:

The Background Report , the RDEIR and its appendices.

Archeological Resources- The GPU provides policies to manage and protect sites of cultural and archaeological importance for the benefit of present and future generations. Certified Local Government is addressed in the GPU in the Environmental Resources Management Element.

These areas of continued comment regarding the GPU are addressed in the following manner:

The GPU Land Use Element, Environmental Resources Management Element, Foothill Growth Management Plan, the RDEIR and its appendices.

Flood Control- The GPU Health and Safety Element contains policies to minimize the possibility for loss of life, injury, or damage to property as a result of flood hazards.

These areas of continued comment regarding the GPU are addressed in the following manner:

The GPU meets the requirements of AB 162 as specified in Policy Comment Matrix 3C Number 33.