

Attachment 1
Minor Changes to Final EIR Text
Version date: November 10, 2011

Final EIR Minor Changes Matrix

Introduction:

This “Final EIR Minor Changes Matrix” has been prepared for the convenience of the County decision makers and for use by County staff and the public. To the extent possible, this “Final EIR Minor Changes Matrix” identifies minor revisions and editorial changes identified by reviewers of the Final Environmental Impact Report (FEIR) during the public review period on the FEIR for the proposed Tulare County General Plan 2030 Update. These changes clarify, amplify or make insignificant changes to the EIR. New text is indicated by underline and deletions are shown in ~~strikethrough~~. None of the changes identified in this matrix constitutes significant new information or results in any new significant impacts.

The matrix lists the specific change, identifies the policy number (if applicable) addressed and provides preliminary staff recommendations. This matrix is intended to be a “working document” and therefore additional information, materials or recommendations may be added or modified by the County during the public hearing and decision making process for this project.

No.	Comment No	Policy/Imp.	Staff Recommendation	Planning Comm. Recommendation	Board Direction
1	Master Response #6	None	The following addition is recommended on page 4-31 (at the conclusion of the 2nd paragraph) of the FEIR: Consequently, SB610 lists several other 'projects' requiring a WSA and a General Plan is not on that list. (See also Citizens for Responsible Equitable Environmental Development v. City of Chino (County of San Bernardino Superior Court Case No. CIVRS1008458) 8-12-2011 Minute Order [“The Court denies the writ as to the contention that the City failed to have a water supply assessment (WSA) done for the project under water code 10910 and included in the EIR since a proposed general plan is not the type of actual development project identified in water code 10912		

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			triggering the WSA requirement." SB 610 further provides that nothing in SB 610 is intended.		
2	A8-10	None	The following revision is recommended for the response to Comment A8-10 on page 5-24 of the FEIR: CEQA requires analysis of reasonably foreseeable impacts (see CEQA Guidelines Section 15064(d)). As a corollary to this rule, CEQA does not require analysis of impacts that are too remote or speculative. It is appropriate to discuss reasonably foreseeable growth at the horizon year of the proposed project; impacts beyond this time frame are highly speculative. As discussed in <i>In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings</i> (2008) 43 Cal.4th 1143, 1173, over a 30-year period, it is “impracticable to foresee with certainty specific source of water and their impacts...” Similarly, for the proposed project, maximum theoretical buildout would not occur, if ever, until the year 2023 <u>2123</u> (see Master Response #5). It is not possible to determine how development will occur beyond the project’s horizon year in the year 2023 <u>2123</u>. The approach taken in the RDEIR is consistent with OPR’s 2003 General Plan Guidelines, which states that most jurisdictions select a 15 to 20 year planning horizon. This approach is also consistent with recent CEQA case law (see <i>Save Round Valley Alliance v. County of Inyo</i> (2007) 157 Cal.App.4th 1437 [holding the DEIR did not need to assume second dwelling unit [theoretical buildout] would be constructed even though allowed by zoning]).		
3	I11-206	None	The following revision is recommended for the response to Comment I11-206 on page 5-145 of the		

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			FEIR: The various question/comments regarding Policy AQ-1.5 policies AQ-2.2, AQ-4.2, AQ-4.3, and AQ-4.4 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #7 regarding implementation measures and Master Response #3 and #4 regarding the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR. The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies. While the SJVAPCD is directly responsible for implementing the referenced air quality measures, the County believes these air quality measures are important methods to address air quality issues worthy of documentation in the General Plan 2030 Update.		
4	I11-209	None	The following revision is recommended for the response to Comment I11-209 on page 5-145 of the FEIR: The various question/comments regarding Policy AQ-3.5 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #3, #4 and #7 regarding implementation, the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR. enforceability of the General Plan. The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies. See Response to I11-207.		
5	I11-210	None	The following revision is recommended for the response to Comment I11-210 on page 5-145 of the		

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			FEIR: The various question/comments regarding Air Quality Implementation Measure #12 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #3, #4 and #7 regarding implementation, the enforceability of general plan policies, and the appropriate level of detail for the program-level <u>RDEIR of the General Plan and the level of detail.</u> The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies.		
6	I11-220	None	The following revision is recommended for the response to Comment I11-220 on page 5-148 of the FEIR: The various question/comments regarding Energy Resources Goal ERM-4 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to the response to Master Response #3, #4, and #7, and Comment I11-190 regarding the effectiveness of general plan policies. <u>regarding implementation, the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR.</u>		
7	I11-221	None	The following revision is recommended for the response to Comment I11-221 on page 5-148 of the FEIR: The various question/comments regarding Land Use Implementation Measure #3 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #7 regarding implementation		

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			measures and Master Response #3 and #4 regarding the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR. As noted in these Master Responses individual policies should not be reviewed in a vacuum. For example PFS Implementation #4 includes density bonuses and financial assistance to promote infill development. The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies.		
8	I11-224	None	The following revision is recommended for the response to Comment I11-224 on page 5-149 of the FEIR: The commenter's recommendations will be forwarded to County decision makers prior to their decision on the proposed project (see Master Response #1). Regarding the commenter's suggestion to revise policy language, please see Master Responses #3 and #4 regarding enforceable policy language and level of detail and programmatic nature of the RDEIR. Please see Master Response #7 regarding implementation measures. Please see Response to Comment I11-190 regarding the effectiveness of general plan policies. The commenter is also referred to the response prepared for Comment A7-12 and A7-13 regarding impact fees. The commenter is also referred to the response prepared for Comment A7-21 regarding transit impacts. Please note that, as discussed in the RDEIR, Impact 3.2-1 would remain significant and unavoidable because projected increases in traffic would be due mostly to growth within the cities that is not directly controlled by the plan; furthermore physical improvements to reduce this impact require cooperation and funding from a variety of other		

