BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF: )
PUBLIC HEARING ON THE PROPOSED ) Resolution No. 2012-0696
TULARE COUNTY GENERAL PLAN )
2030 UPDATE, PROPOSED FINAL )
ENVIRONMENTAL IMPACT REPORT )

UPON MOTION OF SUPERVISOR WORTHLEY, SECONDED BY
SUPERVISOR COX, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 28, 2012, BY THE
FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

That the Board of Supervisors in the matter of the General Plan 2030 Update Final
Environmental Impact Report approves the following recitals and actions:

1. 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 General Plan 2030 Update.

2. The Board of Supervisors initiated the process for updating the County’s general plan
in the summer of 2003. As lead agency under CEQA, the County issued a Notice of
Preparation (“NOP”) of a Draft EIR for the Proposed General Plan 2030 Update on
April 25, 2006. The NOP was submitted to the State Clearinghouse (SCH No.
2006041162), all responsible and trustee agencies, and interested groups and
individuals for a 30-day review period beginning April 29, 2006 and ending on May 29,
2006. Availability of the NOP was advertised through direct mailing to federal
agencies, state agencies, regional agencies, local agencies (including cities and
counties, local districts, school districts, water agencies), other special districts and agencies, as well as private groups and individuals requesting notification.

3. The County held an EIR scoping meeting on May 1, 2006 to provide information about the General Plan, the potential environmental impacts and the CEQA review process, as well as a schedule for General Plan adoption and implementation. Members of the public and other interested parties had the opportunity to ask questions and provide their input as to the scope and content of the environmental information to be addressed in the EIR.

4. On January 14, 2008 after many community and County workshops the County published the Draft EIR for the Tulare County General Plan (SCH # 2006041162) and distributed it to the State Clearinghouse of the Governor’s Office of Planning and Research as well as responsible and trustee agencies, citizen groups, and individuals for a public review period initially scheduled for January 14, 2008 through March 14, 2008 to allow for maximum public involvement and input. A Notice of Completion ("NOC") and Notice of Availability ("NOA") of the DEIR were prepared, published, and distributed, as required by CEQA Guidelines Sections 15085 and 15087. On January 25, 2008 the County added Correctory #1 (Background Report, Appendices A, B, and C) to the DEIR because it had been inadvertently omitted from the draft released on January 14, 2008. On February 26, 2008 the County added Correctory #2 (Background Report, Appendix C Pages 25, 26, 27 and Figures 4-1 through 4-8) to the DEIR because it had been inadvertently omitted from the draft released on January 14, 2008. The County then issued another Notice of Availability, providing for an extended public review period of 45 days ending on April 15, 2008. Copies of the DEIR were available for public review during normal business hours at the County of Tulare Resource Management Agency. Copies of the draft General Plan and DEIR were also available for review at libraries in Tulare County, and on the County’s website. In total, the public review period on the Draft EIR was approximately 90 days.

5. The County considered comments received on the DEIR, as well as continued developments in the areas of air quality, climate change impacts regulation and water resources, and decided to update and recirculate a number of sections of the previous DEIR as well as the Background Report.

6. 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 ("RDEIR"), and (C) preparation of a Climate Action Plan circulated for a 60 day review period between March 25, 2010 and May 27, 2010 to allow for maximum public involvement and input.

7. Following the release of the revised GPU and the RDEIR, 19 additional public outreach efforts were conducted in 2010 and 2011 with presentations made to each city council and in a number of unincorporated communities.

8. A total of 40 comment letters were received on the RDEIR during the public review period from March 25, 2010 to May 27, 2010. Four additional letters were received shortly after the public review period. Altogether, these 44 letters contain approximately 2,300 comments, with approximately 1,570 pages of materials. Letters
received from government and local agencies accounted for 4 percent of the total comments received. Letters received from individuals and organizations comprised 96 percent of the total comments received.

9. The County prepared a Final EIR for the 2010 draft Tulare County General Plan 2030 Update (SCH #2006041162) and released the Final EIR for public review on or about August 30, 2011. The FEIR for the General Plan 2030 Update was prepared in compliance with the CEQA (Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14). The Final EIR was distributed on CD to the State Clearinghouse, and all agencies who commented on the RDEIR. Individual notices of the FEIR availability were sent to agencies, organizations, and individuals who commented on the RDEIR. The Final EIR was available in all Tulare County Libraries, at the Tulare County Resource Management Agency office, and on the Tulare County Website at http://generaplan.co.tulare.ca.us/.

10. On August 30, 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 Proposed FEIR. A notice regarding the joint workshop held by the Board of Supervisors and Planning Commission was published in the Visalia Times-Delta on August 26, 2011. The joint workshop notice was also available at http://generaplan.co.tulare.ca.us/.

11. The Planning Commission held a duly noticed public hearing to consider the Final EIR, the GPU, and the Climate Action Plan (CAP) beginning on October 19, 2011 and continued to November 16, 2011 and December 7, 2011. 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. The public notice was also available on the County website.

12. Planning Commission adopted Resolutions Nos. 8636, 8637, and 8638 indicating that the Planning Commission reviewed and considered the Final EIR, including the mitigation measures and alternatives identified therein and making its written recommendations to the Board of Supervisors that the Board certify the FEIR and approve the General Plan 2030 Update and the Climate Action Plan, subject to the recommendations of the Planning Commission. The FEIR, the General Plan 2030 Update and the Climate Action Plan were accordingly transmitted to the Board for consideration.

13. Comments received after the close of the CEQA comment period and in the course of the Planning Commission and Board of Supervisors' hearing on the Final EIR, the GPU and the CAP are addressed in Attachment G Item 3 and fall generally into one of the following areas of continued public interest: 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, and Flood
Control. The County and its consultants reviewed and considered these written and verbal comments received after the CEQA comment period, identified information in the EIR and the record that already adequately addressed the environmental effects raised in the comments, provided additional discussion and presented this information to the Board as Attachment G Item 3. These materials merely clarify and amplify and make insignificant modifications to the EIR. They do not provide significant or substantial new information.

14. The Board of Supervisors has given notice of the proposed amendment to the General Plan as provided in Sections 65355, 65090, and 65091 of the Government Code of the State of California. A public notice was printed in the Dinuba Sentinel on August 23, 2012 the Visalia Times Delta, Porterville Recorder, and the Tulare Advance Register on August 17, 2012 at least ten days prior to the public hearing before the Board of Supervisors on August 28, 2012.

15. The Board of Supervisors reviewed and considered a Final Environmental Impact Report for the adoption of the General Plan 2030 Update at a duly advertised public hearing held on August 28, 2012, at which time oral and documentary evidence was presented.

16. Throughout the development and environmental review of the Project, various names have been used to refer to the plan under review, including “Proposed General Plan 2030 Update”, or “General Plan 2030 Update”, or “General Plan Update”, or “2025 Update”, or “GPU”, or “Goals and Policies Report”, or “GPR.” All of these terms describe the General Plan Update.

17. The Board of Supervisors, pursuant to Government Code section 65300, must adopt a comprehensive, long term general plan for the physical development of the county. The proposed project will amend and update the County’s existing general plan. The GPU will reorganize, update, modernize and add to the County’s general plan policies and documents as described in Part I, Chapter 1 (“Introduction”) of the General Plan 2030 Update. This GPU addresses six of the seven mandatory general plan elements required by the State: land use, circulation, open-space, conservation, safety, and noise (Government Code Section 65302). The seventh mandatory element, the Housing Element, is required to be updated every five years and, is following a separate track than that of the GPU. The Housing Element proposed for the 2009-2014 planning period has been tentatively approved by the State Department of Housing and Community Development by letter dated January 3, 2012, was adopted by Board of Supervisors on May 8, 2012, and has been submitted to the HCD for final certification.

18. The GPU reorganizes, updates, modernizes and adds to the County’s existing general plan policies and retains the plan’s historic three tier organizational structure. The parts of the General Plan modified or revised in GPU include Part I (the Goals and Policies Report) Part II (the Area Plans), Part III plans are not proposed for revisions or re-adoption as part of the GPU, with two exceptions: the Urban Development Boundary for the Pixley Community Plan is modified to include the Harmon Field Airport and the County Adopted City General Plan for Dinuba is modified to reflect the recently annexed Dinuba Golf Course, residential and wastewater treatment area.
19. Staff has made such investigation of fact bearing upon the proposed General Plan 2030 Update and the proposed Climate Action Plan to assure action consistent with the procedures and purposes set forth in the California Government Code.

20. During the public hearing to consider the Final EIR, the GPU and the CAP, the Board heard presentations and received a Board Report on the GPU, the CAP and the Final EIR, heard testimony from the public, and deliberated on the content of the GPU, the CAP and the Final EIR.

21. The Board of Supervisor’s public hearing was closed after public testimony was received on August 28, 2012; and

22. Pursuant to Government Code Sections 65358 and 65355, the Tulare County Board of Supervisors is the decision making body for the adoption of a General Plan amendment. Prior to any discretionary approvals the Board of Supervisors must certify the FEIR pursuant to CEQA Guidelines Section 15090, make CEQA Findings pursuant to CEQA Guidelines Section 15091, adopt a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093, and adopted a Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines Sections 15091(d) and 15097.

The Board of Supervisors hereby resolves as follows:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.

2. The Final Environmental Impact Report ("FEIR") for 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. The Final Environmental Impact Report for the Tulare County General Plan 2030 Update and the Climate Action Plan (SCH#2006041162) includes: (1) the Recirculated Draft EIR (RDEIR) released March 25, 2010 (included in Attachment A, Exhibit 1 in the Board of Supervisors Board Agenda for August 28, 2012 on this item); (2) the Final Environmental Impact Report released for public review on or about August 30, 2011 (included in Attachment A as Exhibit 1 in the Board of Supervisors Board Agenda for August 28, 2012 on this item), which includes: (A) Executive Summary, (B) Introduction and Readers Guide, (C) Minor Revisions to the Recirculated Draft EIR, (D) Comments on the Recirculated Draft EIR received during the public comment period and the four late letters identified above (including a list of persons, organizations, and public agencies commenting on the Recirculated Draft EIR); (E) Master Responses, (F) Responses to Comments on the Recirculated Draft EIR, (3) the Board of Supervisors Final EIR Minor Changes Matrix (Attachment G, Item 1) included in the Board of Supervisors Board Report for the August 28, 2012 public hearing on this item and (4) Response to Comments Received After the Close of the CEQA Comment Period for the Tulare County 2030 General Plan Update included in Attachment G, Item 3.
3. When reading and interpreting the FEIR, revisions contained in the most recent portions of the document shall take precedence, for example the “Final Environmental Impact Report” released for public review on or about August 30, 2011, shall take precedence over the “Recirculated Draft Environmental Impact Report” released March 25, 2010.

4. The Board of Supervisors has reviewed and considered the FEIR and additional public comments made and submitted at public meetings up to the time of adoption of this resolution.

5. The Board of Supervisors certifies that: (A) the “FEIR” has been completed in compliance with CEQA; (B) the FEIR was presented to the Board of Supervisors, and that the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the project, and (C) the FEIR reflects Tulare County’s independent judgment and analysis.

6. The Board of Supervisors adopts the CEQA Findings of Fact and Statement of Overriding Considerations included in Attachment A of the Board Report for this agenda item, dated August 28, 2012.

7. The Board of Supervisors adopts the Mitigation Monitoring and Reporting Program included in Attachment A of the Board Report for this agenda item, dated August 28, 2012, and directs the Clerk of the Board to issue a Notice of Determination in compliance with CEQA Guidelines Section 15094.

RMA
Co. Counsel

DAY
8/30/12
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) 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. In some instances, some text from the revised FEIR/Response to Comments has not been included which is not being modified at this time; this however should not be interpreted to mean that the text has been deleted. Only text with an explicit strikethrough is considered deleted. 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.

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| 1   | Master Response #5 | None | The following addition is recommended on page 4-26 of the FEIR:  

… Table 4.3.5-1 through 5-7, below, is are based on data developed for the County’s 2009 Housing Element. “Build-out” Tables 4.4 through 4.9 5-2 through 5-7 mathematically project theoretical maximum build out in various ways. No adjustments are made in these tables for “fixed” constraints (such as setback, slope, terrain, | | |
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<td>2</td>
<td>Master Response #6</td>
<td>None</td>
<td>The following addition is recommended on page 4-31 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 [&quot;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 1091.0 and included in the EIR since a proposed general plan is not the type of actual development project identified in water code 1091.2 triggering the WSA requirement.&quot;]. SB 610 further provides that nothing in SB 610 is “intended to modify to otherwise change existing law with respect to projects that are not subject to...&quot;.</td>
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<td>FEIR, Chapter 2, page 2-1</td>
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<td>The following revisions is recommended for FEIR, Chapter 2, page 2-1: The County has made minor revisions to the Staff recommended goals, policies, and implementation measures contained in the 2010 draft of the General Plan 2030 Update as outlined in the “As Modified” Draft of the General Plan included in the Board of Supervisors Staff Report for the General Plan 2030 Update proposed adoption on or about August 2012. In many instances these revisions have been made to incorporate the mitigation measures provided in the</td>
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<td>RDEIR, Chapter 3.6, page 3.6-53</td>
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<td>RDEIR/FEIR, &quot;Required Additional Mitigating Policies and Implementation Measures&quot;, to correct clerical errors, and in other instances the General Plan has been updated in response to comments. The County has made minor revisions to the goals, policies, and implementation measures contained in the 2010 draft of the General Plan 2030 Update as outlined in the &quot;General Plan 2030 Update Correctory Table&quot; and the &quot;Summary of Changes&quot; matrix. These documents are herein incorporated by reference, and any references in the RDEIR to these goals and policies shall be read to refer to the revised goal/policy changes recommended by County staff in these documents (i.e., &quot;Staff Recommended Changes&quot; and &quot;Staff Recommendation&quot;).</td>
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The following revisions is recommended for RDEIR page 3.6-53:

"Recent State legislation related to flood protection and risk management is described above under "Regulatory Setting". **There are numerous polices in the proposed General Plan designed to reduce or avoid impacts associated with development in flood areas. However, some development may occur in such flood zones.** An outright ban on development in a 100-year flood zone is considered infeasible for legal, environmental and policies reasons. Furthermore, the County will need to balance other environmental and policy considerations in determining whether to approve development. For example, an outright ban might result in a reduction in impacts associated with flood..."
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<td>II1-204</td>
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<td>zones, but negatively impact other resource areas by forcing development into areas associated with fire or geologic hazards. There will also be instances where development in flood areas can be performed safely. (See County Code 7-27-1005 (“Methods of Reducing Flood Losses”)) Requirements in the California Building Code, Title 24, Part 2, Section 1612 also help to safely construct development in flood zones. The County of Tulare already has a flood management ordinance (Ordinance Code of Tulare County, Part VII, Chapter 27) that has been approved by FEMA and that substantially complies with new requirements. The County is able to use this information to comply with new Safety Element requirements (APA, page 12, 2008). However, the new laws do require updating emergency response programs based upon new FEMA and DWR flood maps, flood data and flood management requirements. Until the County has implemented needed updates of its land use maps with current flood information, and met Safety Element provisions as now defined in Government Code 65302(g), flood-related impacts of the proposed project will be significant.”</td>
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The following revisions is recommended for the response to comment II1-204 on page 5-143:

“...The commenter asks about the difference between feasible and consistent and reasonable mitigation. ‘Feasible’ mitigation means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors (Pub. Res. Code Section 21061.1; CEQA Guidelines Section...
The commenter did not reference the context or location of the terms consistent and reasonable mitigation therefore no further response on this question is possible.

...The suggested mitigation measure is considered infeasible. While the commenter cites unspecified “emission reduction programs above and beyond Rule 9510...” the commenter provides no information on how the General Plan could be modified at a programmatic policy level to incorporate these unspecified measures. The referenced programs appear to be for specific development proposals. While such mitigation measures may be appropriate for specific projects they are inappropriate for a General Plan. (See FEIR Master Response #3 and #4.) This however does not preclude these types of project specific mitigation measures for specific development proposals.

Incorporation of these types of project specific measures is also considered infeasible for policy reasons because it would provide insufficient flexibility for the County. It will not always be possible to ensure air quality impacts are reduced to zero, as suggested in the comment. For example, it may not always be economically feasible to require affordable housing to fully offset their air quality impacts. Similarly, it may not be possible to require 100% offset air quality impact for new commercial development, which will depend upon the specific nature of the project and parcel. The suggested revision would provide insufficient flexibility to account for the needs of specific projects at the time they are proposed. Furthermore, the suggestion would not fully
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<td>6</td>
<td>II1-206</td>
<td>None</td>
<td>The following revision is recommended for the response to Comment II1-206 on page 5-145 of the 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 II1-190 regarding the effectiveness of general plan policies. While the SJ/VAPCD 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.</td>
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<td>II1-209</td>
<td>None</td>
<td>The following revision is recommended for the response to Comment II1-209 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</td>
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<td>II1-210</td>
<td>None</td>
<td>The following revision is recommended for the response to Comment II1-210 on page 5-145 of the 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 RDEIR of the General Plan and the level of detail. The commenter is referred to the response to Comment II1-190 regarding the effectiveness of general plan policies.</td>
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<td>9</td>
<td>II1-220</td>
<td>None</td>
<td>The following revision is recommended for the response to Comment II1-220 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 II1-190 regarding the effectiveness of general plan policies, regarding implementation, the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR.</td>
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| 10  | II1-221    | None        | **The following revision is recommended for the response to Comment II1-221 on page 5-148 of the FEIR:**  
The various questions/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 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 II1-190 regarding the effectiveness of general plan policies. |                                |                               |
| 11  | II1-224    | None        | **The following revision is recommended for the response to Comment II1-224 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 II1-190 regarding the effectiveness of general plan policies. The commenter is also referred to the response prepared for Comment A7-12 and |                                |                               |
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<td>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 entities, such that the implementation of the improvements cannot be guaranteed.</td>
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<td>The following revision corrects a typographical error that occurs in references to Policy AG-1.6 throughout the Final EIR: AG-1.6 Conservation Conversion Easements</td>
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