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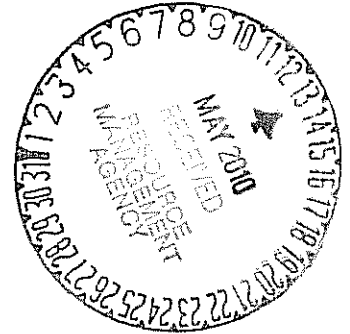
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May 11, 2010

Theresa Szymanis, Chief Planner
Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277



Re: *Comments to Environmental Impact Report
Tulare County General Plan Update*

Dear Ms. Szymanis:

I am presenting the following comments to the proposed Tulare County General Plan Update. My comments focus solely on air quality and how it is addressed in the proposed Plan.

I. Overview

The value statements in the proposed Tulare County General Plan state that “The health and safety of its residents will be protected and enhanced.” and that “Growth will pay its own way” Both of these principles must be kept in mind when addressing air quality.

Air quality is a substantial problem in Tulare County that is understated in the proposed Plan documents. It is one of the major detriments to residing in Tulare County, and it has continuously become an increasing problem over the years. The extremely poor air quality in Tulare County creates a huge economic burden on the County because of the health issues that it creates and the secondary problems from those health issues. The poor air quality detracts from the quality of life of both residents and visitors.

If the new General Plan is going to protect and enhance the health of the County residents, then the Plan must have teeth to prevent air quality from continuing to degenerate. Also, all new growth must “pay its own way”, as the Plan states, as to air quality as well, by providing mitigation so that the air quality does not degenerate because of growth.

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The General Plan tends to assume that because of the County's geographic location that the County cannot do much about its poor air quality. It also suggests that because the problem is regional, Tulare County will be adequately addressing the problem by simply joining in with the surrounding agencies. This is clearly an inadequate approach. While the poor air quality in Tulare County may be due to its geographic location and geographic features, that is not a basis to avoid confronting the issue. Just as a county that has heavy rainfall will have to address flood control in its plan, Tulare County has to address in its General Plan its own action to improve air quality and reduce air pollution. Furthermore, there is nothing that prevents Tulare County from taking the lead in reducing air pollution rather than simply waiting for its neighbors to act first, or only acting jointly with other surrounding agencies.

Based on the County's own value statements in the proposed General Plan and the information contained in the County's own documents, no project should be allowed in Tulare County if that project increases air pollution or decreases air quality. This must be explicitly stated in the Plan. The Plan should then state when, if ever, there should be exceptions. The Plan fails to put any teeth in any of the air quality provisions and, therefore, essentially is ignoring the air quality issue in Tulare County. This makes the Plan as proposed unacceptable.

II. Specific Provisions

The following is a list of some of the specific provisions in the proposed Plan where air quality is either ignored, or referred to without having any enforcement procedures to actively protect air quality:

1. PF-1.1 at page 2.7 states that the County shall strive to maintain urban edges. The failure to maintain urban edges increases motor vehicle use and, therefore, increases air pollution. The provision should state that whenever air quality will be degraded by proposed projects that fall outside of an existing urban edge, then the project will not be allowed absent full mitigation. That is, if a similar project within the urban boundary would generate less air pollution than one outside of the boundary, then the outside the boundary project cannot be allowed to proceed unless it can mitigate completely its additional contribution to air pollution.
2. PF-2.2 on modification of urban development boundaries must include a requirement that the additional air quality issues arising out of the project, including transportation, must not be greater than developments within the boundaries, and that public transportation and other mitigation must be provided to mitigate the excess air quality degradation. Because all growth under the value statement must pay its own way, that public transportation and other mitigation must be funded by the developer.
3. PF-5.2 which lists criteria for new towns completely omits any mention of air quality. A specific provision must be added stating that the new town/planned community must

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not adversely affect air quality more than a comparable project built as an infill in existing communities would cause. The developer must provide for public transportation or other means to reduce adverse air quality effects of the new town/planned community.

4. Under the Prosperity Guiding Principles (page B-1), a principle must be added stating that for prosperity to be true prosperity, it must not degradate the air quality.

5. Under AG-2, a provision must be added stating that agricultural development shall be done in a manner that does not adversely affect air quality as compared to the prior use of that same parcel of land.

6. Add to the Smart Growth and Healthy Communities provision LU-1.1 a statement that such healthy communities would include reducing air pollution by providing public transportation, walkways and bike paths.

7. LU-1.4 is a positive statement as to air quality.

8. LU-1.8 needs to have a specific provision that no out-fill will be allowed if it increases air quality degradation over what a comparable infill project would cause. Without such strong language, provision LU-1.8 is essentially meaningless.

9. In LU-2, a sub-topic must be added that air quality is one of the elements of this goal.

10. LU-4.1 concerning neighborhood stores is a good feature for protecting air quality.

11. Add to the list of factors under ED-1 that a healthy and diverse local economy will be one that does not increase air quality degradation. That same factor must be added under ED-2.

12. Under ED-5, in developing tourism, the reduction of poor air quality must be mentioned. A separate subparagraph must be added stating that improving air quality is a significant factor in promoting tourism.

13. Under the environment component, air quality, under concepts at page C-1, the concept must be strengthened by adding the means of protection: by both the actual implementation of advanced technology and the prevention of new uses and new growth that adversely contribute to air quality degradation.

14. The three air quality principles on page C-2 must be strengthened. For example, principle 1 should require that we would only pursue economic, land use and transportation

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programs that improve air quality Under principle 2, rather than merely “encouraging” reduction in air polluting activities, the Plan should provide that the County will require reduction in air polluting activities. In Principle 3, promoting land use patterns that reduce vehicle emissions should be replaced with the County will require that land use patterns do not increase vehicle emissions, and it will promote reduction of vehicle emissions.

15. Under Scenic Landscapes, the Plan fails to mention that scenic landscapes cannot be seen if air pollution is not reduced and cannot be enjoyed when there is poor air quality.

16. The air quality chapter, while filled with all sorts of technical jargon and numbers, presents no cohesive plan to reduce adverse emissions or to protect Tulare County from further air quality degradation. In particular:

a. AQ-1 limits Tulare County to cooperating with other regional agencies. This is inadequate. Tulare County must also act alone in protecting air quality and take the lead in protecting air quality, even when its neighbors are unwilling to do so.

b. AQ-1.3. The question arises why any development should be allowed that adversely impacts air quality, when air quality in Tulare County is so poor. This proposed provision suggests that spreading the adverse air quality impacts around the County so its effects are more hidden is an acceptable alternative to actually protecting air quality. This approach should be only a last choice.

c. AQ-1.4 essentially says that a project is OK if its adverse emissions will be blown elsewhere. This is not a morally acceptable approach. In fact, Tulare County complains that pollution is blown into the County from elsewhere, and it should not now say that such actions are OK.

d. AQ-1.5. Air quality impacts should always be mitigated, and not mitigated only “when feasible.” The “when feasible” language simply says that air pollution is OK; these two words have to be deleted.

e. AQ-2.3 concerning developing transportation alternatives merely provides for studies. The provision should also provide that the best alternative resulting from such studies should be implemented.

f. AQ-3. This provision lacks teeth. For example, AQ-3.1 talks about encouraging, whereas ancillary employee facilities services should be required near employment centers when those employment centers are being permitted. AQ-3.2 speaks about infill, but does not require that infill be done when it will impact air quality less than out-fill.

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g. A provision about brush and Ag burns should be added to AQ-4. Those should never be allowed in Tulare County because of the area's adverse air quality, regardless of what people have historically done.

17. Under HS-1, there should be added a provision to protect residents from adverse air quality.

18. The animal containment element is not being considered with the General Plan, but being updated separately. The 2000 animal containment element has significant defects in its control of air quality issues which hopefully will be addressed in the update.

19. TC-1 concerning transportation should have a sub-topic, a provision on air pollution and air quality, since transportation is a major source of air pollution, and that as part of the General Plan, Tulare County intends to reduce emissions and improve air quality.

20. Under TC-4, Public Transportation, one of the sub-topics should state that the development of public transportation will improve air quality and will be supported by the County.

III. Conclusion

There are many other places in the proposed General Plan where air quality should be mentioned as a factor but it is not. When air quality is mentioned, there are no teeth in the Plan to require that a project not adversely affect air quality. These must be corrected. The only way that the plan can protect and enhance the health of Tulare County residents is by prohibiting any project that will increase air pollution. Since growth must pay its own way, growth must bear the cost of mitigating fully all air quality impacts.

I ask that you address my concerns by revising the proposed plan to correct the shortcomings that I have raised as to air quality.

Yours truly,



Robert Krase

RK/kb