



City of Farmersville



May 21, 2010

J. Steven Worthley, Chairperson
Mike Ennis, Vice Chairperson
Phillip Cox, Supervisor
Allen Ishida, Supervisor
Pete Vander Poel, Supervisor

Tulare County Board of Supervisors
Administration Building □
2800 West Burrel Avenue □
Visalia, CA 93291

RE: Comments on Draft 2030 Tulare County General Plan

Dear Members of the Board of Supervisors:

The City of Farmersville has reviewed the draft 2030 Tulare County General Plan, Goals and Policies Report and would like to offer several comments and questions. As you might guess, the City is most concerned with how policies and maps in the General Plan might affect the City in the long term. Accordingly, we have focused our review on the General Plan's policies relating to City growth and development, including those contained in Section 2.4 Cities.

Several items in the Plan seem to stand out as it pertains to City concerns:

1. Proposed land use designations and zoning for lands outside the city limits and inside Farmersville's UAB and UDB are not illustrated on any maps; and
2. Policies throughout the Plan frequently make use of the word "may". This term is legally permissive rather than mandatory -- which seems to make the Plan's commitment to certain issues unclear and weak.

In terms of a proposed land use map, the lack of clear land use designations leaves the City in a position of not knowing which land use designations the county might be applying to lands between the city limits and the UAB. Will they be the City of Farmersville's general plan designations or will they be county general plan designations? The City also notes that the County is still officially using its 1976 Farmersville Land Use Plan for decision making regarding land use matters in the Farmersville area. That plan is obviously very out of date.

This issue seems to be addressed in policy PF-4.8:

PF-4.8 General Plan Designations Within City UDBs:

On land that is within a CACUDB, but outside a city's incorporated limits, the County may maintain General Plan land use designations that are compatible with the city's adopted General Plan [New Policy].

The City is concerned that the term “may” in this policy leaves a wide latitude for what might be permitted within a City UDB (to say nothing of land within a UAB).

In fact the City is concerned that a number of the county's policies contain the word "may". Planners, politicians and attorneys quickly learn that policies that use the term “may” is frequently ineffective, as application of the policy is not required. This waters down the ability of the plan to be an agent for positive change in the County.

The City also noted that many of the policies are worded in such a way that they are difficult to understand – even for professional staff. An example is:

PF-4.19 Future Land Use Entitlements in a CACUAB

As an exception to the County policies that the Rural Valley Lands Plan (RVLP) does not apply within CACUBDs and is only advisory within CACUABs, the County may work with an individual city to provide that no General Plan amendments or rezonings will be considered to change the current land use designation or zoning classification of any parcel within a CACUAB unless appropriate under the requirements of the Rural Valley Lands Plan (RVLP) or similar checklist or unless the County has worked with the city to identify and structure an acceptable alternative General Plan land use designation or zoning classification. This policy will not apply to amendments or changes to an County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area boundary line, including where the boundary line may increase an overlap area with a CACUDB area, or to any General Plan amendment adopting a new UDB, an HDB, or Corridor Plan area that may fall within a CACUDB area. This policy shall not apply within a County unincorporated UDB, an HDB, or Corridor Plan area where that area overlaps a CACUAB area [New Policy].

It is also difficult to know how some policies might apply, or what kind of situation they would be used in. An example follows:

PF-4.18 Future Land Use Entitlements in a CACUDB

The County may work with an individual city to limit any General Plan amendments to change the land use designations of any parcel or any amendments to the County zoning ordinance to add uses to a current

zoning classification or change the zoning district designation of any parcel within a CACUDB except as follows:

a. This policy will not apply to amendments or changes to a County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area boundary line, including where the boundary line may increase an overlap area with a CACUDB area, or to any General Plan amendment adopting a new County unincorporated UDB, an HDB, Planned Community or Corridor Plan area that may fall within a CACUDB area.

Terms such as *"to the extent allowed by law"*, *"as an exception"*, *"in accordance with other policies in the general plan"*, or *"emphasis shall be placed upon reasonable expectations"* open the door for uncertainty with respect to what might be allowed under the plan's policies.

The City would urge the County to revise the General Plan to provide a more definite land use designation map for all land between Farmersville's city limits and its Urban Area Boundary (UAB) and that it revise the Plan's land use goals and policies so that the general public can understand the county's long-term land use vision for environs around the City of Farmersville.

Sincerely,



Leonel Benavides, Mayor
City of Farmersville

cc: Jake Raper, Agency Director Tulare County RMA
David Bryant, Countywide Planning Manager, Tulare County RMA
Farmersville City Council
Tulare County League of Cities