



TULARE COUNTY FARM BUREAU

Mission: to promote and enhance the viability of Tulare County agriculture.

May 27, 2010

Tulare County Board of Supervisors
Administration Building
2800 West Burrel Ave.
Visalia, CA 93291

and

County of Tulare
Resource Management Agency
Attn: David Bryant
5961 So. Mooney Blvd.
Visalia, CA 93277

RE: Tulare County General Plan and Recirculated Draft EIR Comment Letter

Dear Supervisors and County Planning Staff,

Tulare County Farm Bureau is a voluntary non-governmental agricultural organization representing more than 2,700 members in Tulare County. On behalf of our Farm Bureau's Land Use Committee, thank you for the opportunity to comment on the Tulare County General Plan Draft EIR. We applaud the county's efforts to create a General Plan Update that identifies protecting agriculture as one of the guiding principles of the general plan framework, as agriculture is the most important economic engine accounting for a large portion of employment and economic viability in Tulare County.

Mr. Bryant was available on two occasions to meet with the Tulare County Farm Bureau's land use committee and concerned citizens and members of the Farm Bureau this past month, with the second session occurring on the afternoon of May 27, 2010. We appreciate Mr. Bryant's availability to meet and review the extensive documents with our members and offer the following comments to reinforce comments submitted in April 2008.

Goals and Policies Report 2010

The Tulare County Farm Bureau Board of Directors [Farm Bureau] have adopted the following Land Use Policies to protect the rural lifestyle of Tulare County, provide open space with a working landscape, and encourage the continued production of high quality, low cost food in the most efficient, responsible and profitable manner possible. The demand and need for food will increase with the anticipated worldwide growth in population. Therefore, land use decisions must recognize that agricultural lands comprise an important strategic national resource as well as providing national security and domestic products we all consume every day.

The policies noted below are our basis for our comments and assertions about the Goals and Policies Report and the recirculated draft EIR document and will serve as our recommendations for language to be adopted in the Final EIR and County General Plan.

- *Agriculture is a basic industry making an invaluable economic contribution to the local economy and encroachment of incompatible uses into agricultural areas should be prevented.*
- *Agricultural planning and allowed land uses in agricultural zones should be driven by agricultural needs.*

In the Goals and Policies Report, Agriculture Element, the County should incorporate into the final EIR and General Plan Update language that provides that guidelines be established to adequately address and minimize or prevent impacts associated with operating rural assemblages of people “party barn” facilities and address issues associated with traffic congestion, noise, hours of operation, and set up and tear down that the permitted facility could have on surrounding land owners. **Farm Bureau applauds the County for enacting a moratorium on these permits until a suitable ordinance can be established.** Agricultural producers in the area may be restricted in their ability to perform timely cultural practices, chemical and nutrient applications and coordinate harvesting activities on their properties with the introduction of a facility such as this. Currently there are no guidelines in place to scrutinize an application for a “party barn” in a rural setting. Section 16, page 9 titled *Variiances and Special Use Permits* of the current Zoning Ordinance of Tulare County provides broad interpretation of allowable uses for a special use permit for assemblage of the public, and does not exclude granting permits for entertainment facilities on AE zoned land. This concerns Tulare County Farm Bureau and should be incorporated into the final GPU adopted so that new zoning law can be created that would address permitting issues that arise for rural assemblage of people for education and entertainment venues. **When possible, permitting of these facilities should be strictly prohibited on AE zoned lands unless no impacts to agriculture and neighboring land owners would be apparent. In order to avoid many of these conditional use permit issues, it is recommended that the Rural Valley Lands Plan scoring criteria be required in assessing permitting requests for rural entertainment facilities and other special use permit requests, even when a zone change request is not initiated.**

- *Economically productive agricultural land shall be recognized and accorded with a high priority in land use planning and by agricultural zoning. We support the continued use of the Rural Valley Land Plan to accomplish this process.*

Farm Bureau recommends that if a Conditional Use Permit is designated for something other than agriculture production, or something not incidental to agriculture on AE zoned land and then abandoned the permit should become void for that facility and a new permit required, thus triggering the RVLPP property scoring process. Currently many Conditional Use Permits are granted and the RVLPP is not triggered, and Farm Bureau believes it should be strictly applied to all conditional uses on AE zoned land **even when a zone change request is not initiated.**

CFBF Policy No. 147 states, “Whenever special conditions are attached to variances they should be specific and deal solely with mitigation requirements that arise from granting the variance. Conditional use permits should not be used to address unrelated social ills. Conditional use permits should not be

more restrictive than established in current California state or federal law, unless they are necessary to address specific local situations.”

- ***Tulare County Farm Bureau supports local planning that accommodates orderly, logical contiguous patterns of urban development, in order to prevent premature and unnecessary conversion of productive agricultural lands to non-agricultural uses.***

In reviewing the Tulare County 2010 Goals and Policies Report, we applaud your efforts to discourage New Towns (PF-5.1) and offer California Farm Bureau Policy Language No. 150 to support this objective in the plan. *“New towns should only be allowed in areas that are not suitable for agriculture. However, in the event new towns are proposed, they should be located and designed to assure that adverse impacts on agricultural land, such as competition for water, can be satisfactorily mitigated. Furthermore, the town’s drainage should dispose of its salt load without causing long term salinity problems either in groundwater or in downstream surface waters. They should be self-supporting in typical city services and utilities required, including, but not limited to, schools, police and fire protection and sewer, water and solid waste disposal, and established on existing public roads or transportation corridors. In addition, any new town proposal should also be required to plan for an appropriate ratio of employment opportunities to residents and provide housing for all, including persons providing services within the community. We support limiting entitlements for new towns to five years unless infrastructure is installed and lots are sold.”* CFBF Policy No. 150, 2010 Policy Book.

Also under the Planning Framework of the Goals and Policies Report we support the new policy statement that the “County shall promote consultation early in the planning process between the cities and the County at the staff level when cities are developing proposed annexation boundaries or proposed sphere of influence expansions. CFBF Policy No. 152, section 3 states *“We support local planning which accommodates orderly, logical contiguous patterns of urban development. To help contain urban sprawl and protect our agricultural resources, responsible government agencies should discourage urban development of agricultural land unless the local jurisdiction has demonstrated efficient use of existing incorporated areas. The LAFCO should be required to recognize existing infill and density with specific evaluation of findings of each prior to approving a petition or application for a sphere of influence change, annexation, or other action that includes productive agricultural land.”* CFBF Policy No. 152, 2010 Policy Book.

Farm Bureau encourages the County to invest in the necessary staff and technical resources to track the conversion of local agricultural land to other uses to include urban and non-urban uses on a real time basis, so that we can make land use decisions without depending on out of date and less reliable statewide data.

- ***Efficient land use plans for existing cities and towns should emphasize infill development, redevelopment, and increased densities to preserve farmland. They should encourage efficient use of public services, promote affordable housing, and conserve energy and natural resources. We oppose the establishment of urban “leap frog” development.***

Farm Bureau discourages the premature conversion of agricultural lands to urban uses, and recommends offsetting unavoidable impacts to agricultural lands with effective mitigation measures such as conservation and agricultural easements and suggests working with the Local Agency Formation Commission (LAFCO) and the incorporated cities to develop sound uniform policies for protecting farm

land. Farm Bureau would like to participate in the development of a comprehensive agricultural land mitigation program with the county and incorporated cities.

Non-farm related developments should not be deemed compatible in agricultural zones if the proposed use significantly compromises the productive capability of the parcel or the agricultural zone; displaces or impairs agricultural operations in the area; or induces nonagricultural growth or intensifies pressure for conversion of other lands from agriculture. CFBF Policy No. 144, 2010 Policy Book.

In further preserving farm land, the land division section of each of the AE zones should be carefully reviewed to prevent further parcelization from occurring.

- ***Parcelization of agricultural lands into non-viable commercial agricultural units should be discouraged and prohibited whenever possible to maintain the viability of commercial agriculture.*** Farm Bureau supports review and amendment of the Division of Agriculture Lands, Section 15.D.2 Homesite Parcel Ordinance to best accomplish this purpose and to minimize parcelization.
- ***Tulare County Government should participate fully in the Williamson Act and the Farmland Security Zone Act. Local agricultural property owners should be encouraged to participate.***

In the Goals and Policies Report, Agriculture Element (AG-1.5) Substandard Williamson Act Parcels, Farm Bureau supports this new policy to remove parcels that are less than 10 acres in Prime Farmland and less than 40 Acres in Non-Prime Farmland from Williamson Act Contracts to help protect the integrity of this important conservation program.

“The cancellation of Williamson Act contracts should only be approved under extraordinary circumstances. The non-renewal process represents a landowner’s contractual right and is the preferred method of exiting a Williamson Act contract. We view inappropriate cancellations of Williamson Act contracts as a violation of those contracts between the landowner, county and state.” CFBF Policy No. 148, 2010 Policy Book

Farm Bureau also encourages the County to address the ex-urbanite or *suburban rancher* issues that are emerging in our rural areas, these issues of *ranchette* development should be addressed through thoughtful, deliberate, and clear enforcement of the Rural Valley Lands Plan scoring process and enforcement of the Williamson Act through its prescribed uses.

- ***Buffers that protect agricultural operations should be incorporated into Building Standards and included into the Zoning Ordinance and/or General Plan for those parcels that are non-conforming due to size or use.***

In the Goals and Policies Report, Agriculture Element (AG-1.11) Agricultural Buffers, Farm Bureau supports employing agricultural buffers between agricultural and non-agricultural uses. Farm Bureau applauds 4.5 Implementation Measure 9 which reflects buffer language submitted on behalf of the Ag Buffer Sub Committee of the Tulare County Farm Bureau. However, the statement that the County “shall consider” adopting a buffer policy is not enough, it is important that the implementation policy reflect stronger and more coherent language to direct staff to implement a buffer policy.

Other General Comments on Goals & Policies Report

3. Agriculture Element

TCFB suggests that the Williamson Act-Prime Agricultural Land qualifications on page 3-3 for prime classification be clarified to read that not all criteria must be met, but that one of the following qualifications apply. For example, land of local important and in particular citrus and olive trees may be considered prime farmland but may be planted on Class 3-4 soil types, and these lands should be appropriately classified under this definition.

AG-2.11 – TCFB suggests that this statement on page 3-8 be clarified to strengthen the intent of the language to reflect that new energy projects related to agriculture may be encouraged and supported if the energy production is incidental to the agricultural business on the land. Farm Bureau does not support energy facilities being placed on Williamson Act contracted farm land that would displace, impair, or remove a large percentage of the agricultural production on the land.

Ag Implementation Policy 13 on page 3-12 should be clarified to reflect Farm Bureau and CA Department of Conservation interpretations that land under Williamson Act contract are not suitable for large scale solar facilities which will displace agricultural production. The statement “agriculturally related energy production industries” should expressly define energy production that is incidental to an agricultural operation, not to be interpreted as land that can be converted for energy production that would displace agriculture production.

8. Environmental Resources Management Element

In the Goals and Policies Report, Environmental Resources Management Element (ERM-5.7) we encourage the County to more adequately define the term “water courses.” We further suggest that public access as stated in ERM-5.7 be in accordance with private property rights. The policy statement should also speak more specifically to the acquisition of parks or other recreational areas.

Policy 5-18 (ERM) - Farm Bureau supports adding additional language to this new policy that would provide for an exemption for agricultural operations that operate during nighttime hours and for security reasons.

11. Water Resources Element

Tulare County Farm Bureau commends the County for incorporating a water element into their 2010 goals and policies report. WR 1.4 (second bullet point) is unclear. “The reduction in infiltration from agricultural activities as a source of groundwater recharge will not significantly impact the groundwater basin.” Farm Bureau requests further clarification of the intent of this statement.

WR 1.10 – Farm Bureau suggests that channel modification be discouraged **except for flood management and maintenance**. Farm Bureau suggests that this language be added to the policy statement WR 1.10.

WR 2.8 – Farm Bureau suggests that the County may want to revise language in this statement to avoid over-committing the County to a mitigation and monitoring obligation they may not be able to maintain.

WR 3.7 – Farm Bureau suggests defining and spelling out what County operated water systems are being specifically referenced in this statement. Furthermore, the emergency water conservation plan should exclude agriculture pumping.

Suggested Dairy Element / Confined Animal Facility Plan

Tulare County Farm Bureau recommends adding a Dairy Element to the final General Plan that is adopted to help promote an orderly, predictable planning process for the dairy industry and establish a programmatic EIR process that all dairies can utilize to comply with rigorous permitting requirements. Tulare County is home to the largest dairy industry in the United States, our number one commodity is Milk Products with a value of more than a billion dollars. Farm Bureau supports the Dairy CARES initiative to amend the General Plan to develop a comprehensive and streamlined approach for dairy operation permitting requirements.

Part II – Chapter 1. Rural Valley Lands Plan

Farm Bureau commends the County for continuing to maintain and protect the integrity of the RVLP process. Farm Bureau maintains that the RVLP should be the guiding document for many land use decisions, and we are pleased that the entire document is contained in the 2010 goals and policies report. We contend however that the RVLP should be used to score land application requests that occur in Hamlet Development Boundaries, as these arbitrary lines do not accurately reflect the availability of urban services into these areas, and an RVLP score could be an objective way to score the merits of a development proposal.

RVLP 1.6 Checklist – a typographical error in the word “forth” should be corrected to reflect “forty”. A citation should also be added to reflect the NRCS definition of “prime ag land” is being used.

General Plan Update Alternative – RDEIR, 2010

In reviewing the GPU Alternatives proposed in the recirculated Draft Environmental Impact Report (RDEIR), **Farm Bureau maintains our position that Alternative 5, the Confined Growth Alternative, is the alternative that would most effectively direct growth to established Urban Development Boundaries based on the assumption that boundary expansion would only be allowed under a “no net gain” scenario.**

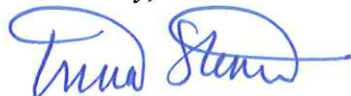
Under the “no net gain” scenario, modifications to the “hard boundaries” which are defined as UDBs and Hamlet Boundaries, can only be modified if they are offset by equivalent deductions in boundaries elsewhere. Farm Bureau supports the spirit of this alternative, however is cautious that “hard boundaries” can also lead to leapfrog development, and this should be strongly discouraged if this alternative is adopted.

Farm Bureau supports this GPU alternative as a preferred method for protecting prime farmland and as the environmentally superior alternative, converting less open space, and proposing fewer environmental impacts and reducing the severity of those impacts that are unavoidable. The Confined Growth Alternative is a preferred plan for protecting agriculture as it identifies fewer impacts significant to agriculture than the GPU suggests in the conversion of important farmland to non-agricultural uses.

Thank you for allowing Tulare County Farm Bureau to comment on this important planning document. The Final EIR must present a General Plan that clearly directs growth into those cities and communities that have the desire and capacity to accommodate that growth and by doing so firmly protects our agricultural and natural resources. By adopting a General Plan that strongly directs growth into our existing urbanized areas, is internally consistent, ensures that all communities are adequately addressed regardless of size, and is one that provides a vision and framework for the future growth of Tulare County, Farm Bureau is confident in supporting a final product that will ensure and enhance the viability of agriculture.

The Tulare County Farm Bureau is proud of the comprehensive policies we have adopted over many years to help assist counties and cities in their planning efforts best protect agricultural lands and resources necessary for farming to be viable in Tulare County.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patricia L. Stever". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

PATRICIA L. STEVER
Executive Director