

MEMO

April 28, 2008

TO: Dave Bryant
Tulare County Resource Management

FROM: Betsy Tunnell
(559) 906-4885

RE: General Plan Update Rezoning of Small Parcels in relationship to the denial of Rezone Application PZ 03-006 in 2005.

Dear Dave:

Below are the bullet points I promised to provide to you regarding a previous rezone application and lot line adjustment denial decision made by the Planning Commission and Board of Supervisors.

- We would like it to be clear that we have brought this before staff prior to the adoption of the General Plan.
- Rezone PZ 03-006 came before the Planning Commission in August of 2004. Please refer to the resolution and findings when the rezone was denied where finding No. 6 states, ***“It is evident from the testimony submitted that approval of “O” zoning at this time, given the uncertainty of development plans for the Riverland Resort would be premature. Such rezoning should not be considered until the full plans for the Riverland Resort are known and can be evaluated comprehensively for compatibility with the Kings River Plan, CEQA and all applicable planning and zoning regulations.”***
- The rezone would have allowed a three acre site zoned AE-20 to be changed to O (Recreation). This was required to allow a lot line adjustment for three triangular parcels to change to rectangular parcels.
- At the time of public testimony representatives for the application and from Riverland Resort stated there was “nothing planned” and there was no relationship between the two property owners. Yet per a document discovered since that public hearing it indicates something different: Second Amendment to Purchase Contract and Receipt for Deposit Dated March 23, 2004 between Riverland Real Property Investment, LTD., a California Limited Partnership and Riverland Resort Properties, Inc., (Seller), signed June 2, 2004 it states:

“1. With respect to the lot line adjustment to be accomplished post-closing, Buyer acknowledges receipt of the proposed lot line adjustments (which includes reconfiguration of the lot lines of the real property being conveyed to Buyer),....etc.”

JAMES WINTON & ASSOCIATES

CIVIL ENGINEERING • PLANNING • LAND SURVEYING

150 West Morton Ave.
Porterville, CA 93257

(559) 781-2700
Fax (559) 781-2689

May 7, 2008

Dave Bryant
Tulare County RMA
5961 S. Mooney Blvd
Visalia, CA 93277



RE: General Plan Amendment

Dear Mr. Bryant,

The property owners located in the area of Avenue 182 and Highway 65, North of Porterville, have asked me to request your consideration of a land use designation in the Tulare County General Plan Amendment that would facilitate zoning consistent with the present RA-43 zone designation.

It is my understanding that a letter from the owners of the property in the subject area was submitted to the County in May of 2003 and there has been no response to that correspondence.

The details that we feel justify the designation of the subject area for rural residential use are as follows:

The area is triangular shape and extends from Avenue 184 to a quarter mile South of Avenue 182. The area is bounded on the West by the Friant Kern Canal and on the East by State Highway 65. The Southerly boundary of the subject area is the base of the triangle and is adjacent to property currently zoned RA-43. The subject area has about 3,000 feet of frontage on State Highway 65 with access at Avenue 182. The area contains 16 individual parcels within a total area of about 56.5 acres. The largest individual parcel is 8.8 acres. There are seven (7) parcels less than 2 acres.

Based upon the physical barriers on the East and West, the existing RA-43 zoning to the South, and the parcel sizes being smaller than the minimum 10 acres considered necessary for viable agricultural use, it appears that the extension of a Low Density Residential designation would be consistent with the adjacent land use and does not conflict with agricultural uses to the North, East and West.

Enclosed are copies of maps indicating the subject area.

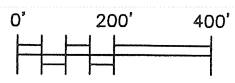
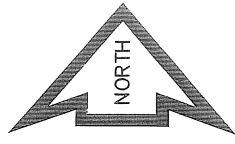
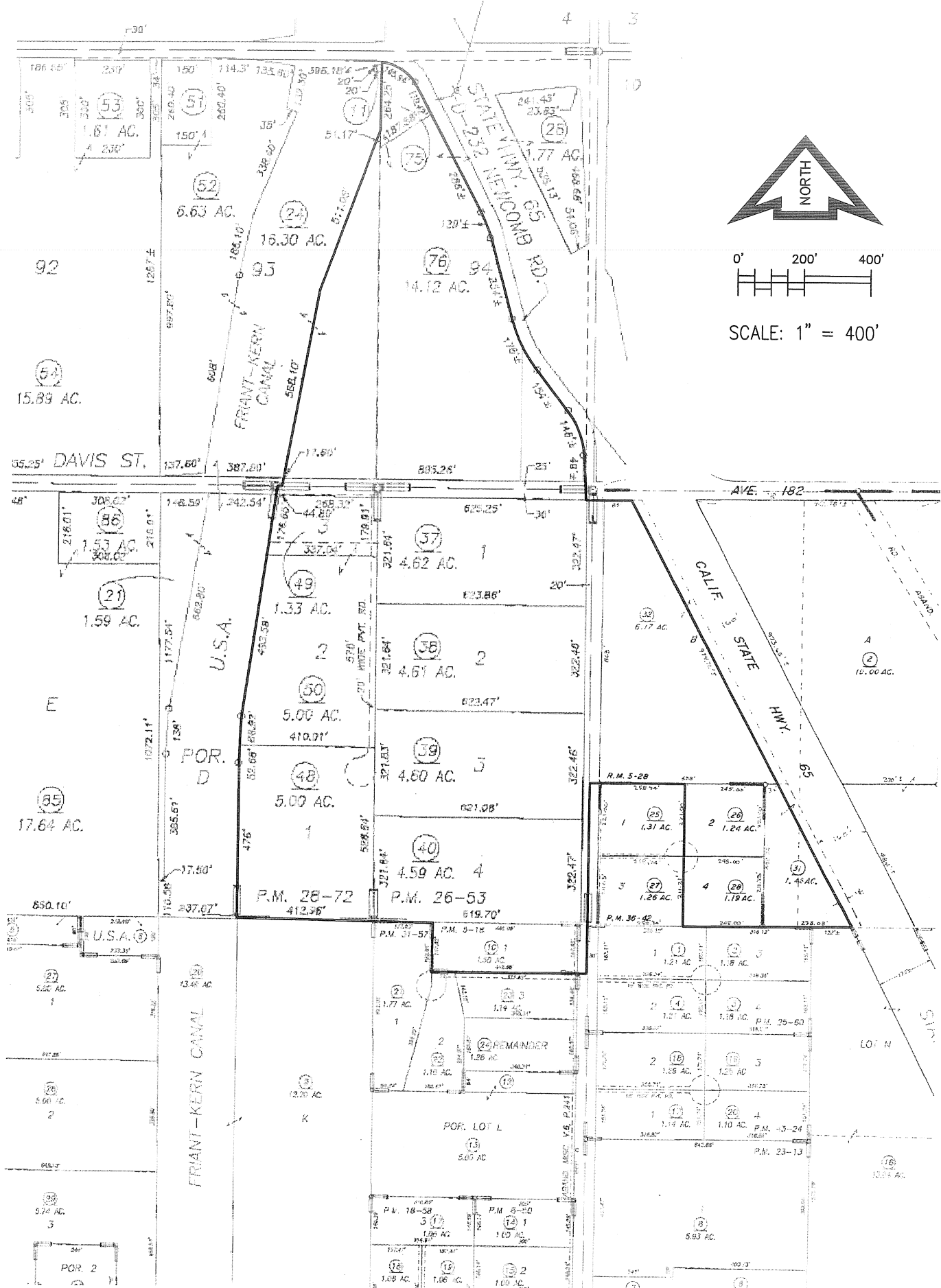
We will appreciate your consideration of this request.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'James S. Winton', with a long horizontal flourish extending to the right.

James S. Winton
Civil Engineer

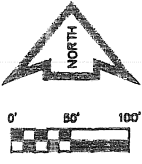
JSW/bg
Encls.



SCALE: 1" = 400'

AVENUE 184

NORTHEAST CORNER
SECTION 9-21/27



NOT A PART

STATE HWY 65

ROAD 232

FRIANT KERN

CANAL

CONTIGUOUS OWNERSHIP

93

94

REMAINDER
8.8 AC±

4.8 AC±

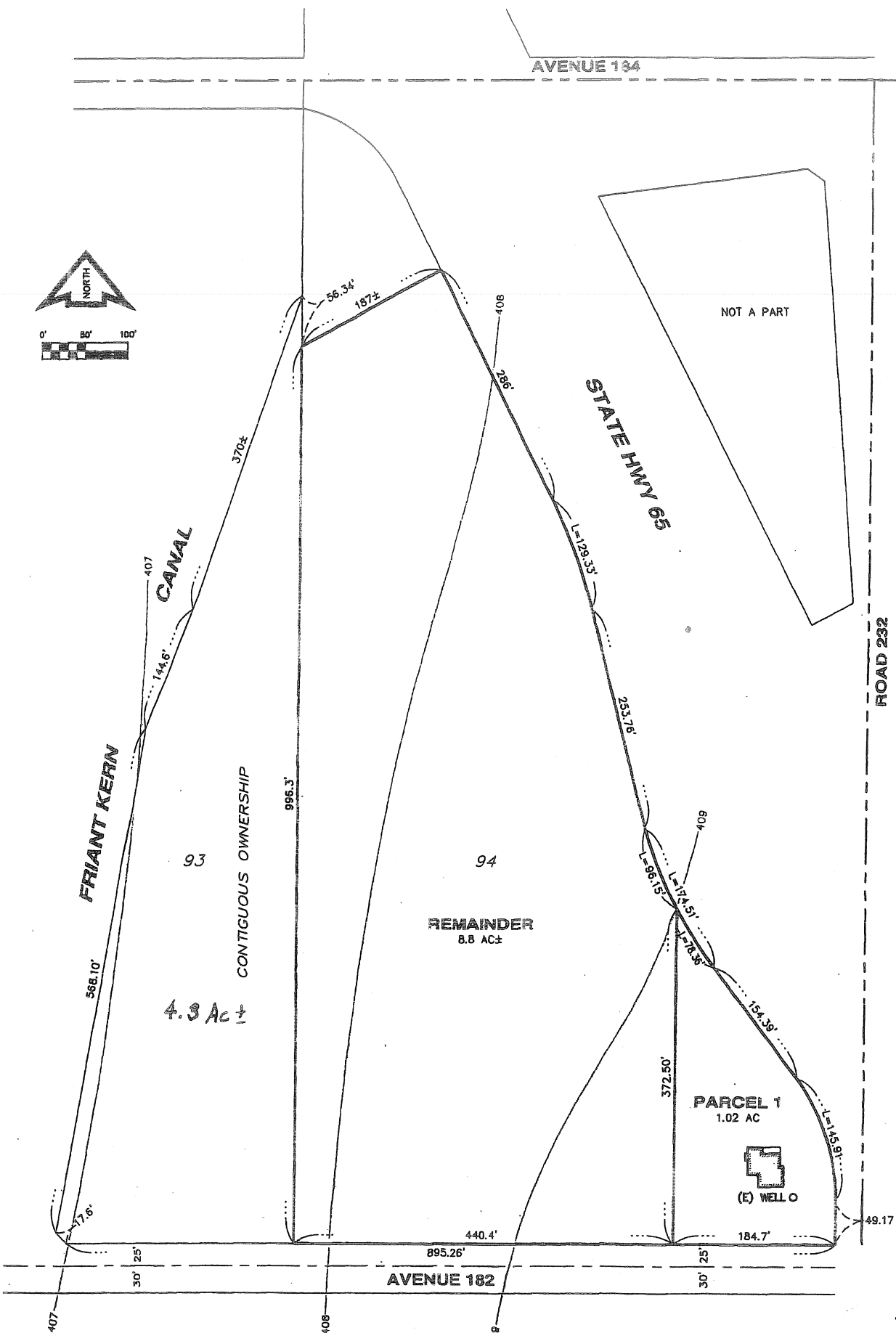
PARCEL 1
1.02 AC



(E) WELL O

AVENUE 182

Parcel Map
PPM 07-114



From: David Bryant
To: Veva
Date: 05/19/2008 11:48 AM
Subject: Re: Public Comment

Veva, I have received your comments and they will be placed in our General Plan Update comment file. The Draft Environmental Impact Report (DEIR) public review period closed on April 15, 2008 and any comments on the General Plan Update can be directed to me. I checked the <http://generalplan.co.tulare.ca.us/> website this morning and it appears to be working correctly as it identifies that any comments can be directed to me with a link to my e-mail address.

Written comments received by the Resource Management Agency on the DEIR during the noticed public comment period as required by the California Environmental Quality Act will be included in and responded to in a separate section in the Final Environmental Impact Report for this project (Public Resources Code section 21091(d)(2)(A)); Title 14 of the California Code of Regulations, section 15088, subsections (a) and (b)). Comments received by the County of Tulare after this noticed public comment period will be considered by the Tulare County Planning Commission and the Tulare County Board of Supervisors during their review and public hearings on this project, the proposed Tulare County General Plan 2030 Update, and the Final Environmental Impact Report (Public Resources Code section 21177; Title 14 of the California Code of Regulations, section 15202)).

You will be placed on our mailing list. The Tulare County Planning Commission public hearing on the General Plan Update held Wednesday April 23, 2008 at 1:30 P.M. is continued to a meeting of the Tulare County Planning Commission on Wednesday July 23, 2008 at 1:30 P.M. in the Commission Meeting Room, Tulare County Government Plaza, 5961 S. Mooney Blvd., Visalia, CA 93277.

Thanks, DB

Dave Bryant
Division Manager, Special Projects
County of Tulare Resource Management Agency
5961 S. Mooney Blvd, Visalia, CA 93277
Phone (559) 733-6291 x 4323
Fax (559) 730-2653
dpbryant@co.tulare.ca.us

>>> Veva <gislasnco@aol.com> 05/17/2008 7:47 PM >>>
David,

I tried leaving a public comment on the general plan website but I kept getting errors.? This seems like a huge problem impeding public comment that should be fixed as soon as possible.

I live in Tulare and I would like to be placed on your mailing list and informed about the next public meeting.? I am concerned that we have designed communities that promote chronic disease like diabetes.? We need communities that promote healthy eating and active living.? Communities should be walkable and bikeable and residents should have access to healthy foods.? We really need to limit the amount of fast food restaurants.

?Veva Islas-Hooker, MPH
gislasnco@aol.com

Del Strange
464 E. Jackson Ave.
Tulare, CA 93274
April 22, 2008

Planning Commission,
Board of Supervisors and
David Bryant, Project Planner
COUNTY OF TULARE
Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277-9394



RE: Comments on the Procedural and Legal Issues Regarding the
"Tulare County General Plan 2030 Update" ("Project").

Dear Commissioners, Supervisors and Mr. Bryant:

Updating Tulare County's General Plan is extremely important and vital to the County's future, and that of its people. No one denies that!

As such, this process should not be taken lightly, all interested parties should be given the opportunity to be heard regarding the Project's merits and specific issues, and adequate time should be allowed for same.

In addition, as the lead agency on this Project under the California Environmental Quality Act (CEQA), the County of Tulare should follow CEQA protocol, and that of its own in dealing with past projects as the lead agency, by allowing for sufficient time after the close of the public hearing(s) on the Draft EIR for the submission of written comments.

To date, this has not been done. For months now, I have asked that the public comment period on the Draft EIR be extended to a date at least two weeks after the continued public hearing date of April 23, 2008 before the Planning Commission to allow adequate time for everyone to comment, including those who were not given the opportunity to do so at the joint Board of Supervisors/Planning Commission public hearing. There were a number of people who did not comment at that hearing due to the deadline imposed. They had to refrain from commenting orally and may not have been able to write, or were uncomfortable about doing so.

I personally did not comment on the Project specifically because I had not had the opportunity to review all of the new documents released on the Project, since some were made available to the public either the day before or the day of that hearing.

Consequently, I wrote a letter to you asking for an extension of the April 15, 2008 closing date for receipt of public comments, to a date at least two weeks following the April 23, 2008 continued public hearing date. To date, I have not received a reply.

This is a procedural and legal matter, not my comments on the Project itself. I informed the County that I would not comment on the Project until I received a response. I even submitted a follow up letter. Still no reply. Meanwhile, the April 15 deadline has passed.

I had, and still have, every intention of submitting my written comments on this Project; however, only if adequate time is allowed to

Good afternoon, Commissioners. Thank you for the opportunity to comment on the draft General Plan Update documents, including the draft EIR.

My name is Sarah Graber. I'm the Executive Director of Tulare County Citizens for Responsible Growth, speaking on behalf of the organization. Our address is PO Box 1058, Three Rivers.

We have already submitted extensive comments to RMA staff. We will summarize some key points here today.

TCCRG believes that the GPU documents must be extensively revised in order to meet the County's needs and the requirements of CEQA.

When the revisions have been made, the draft GPU and its draft EIR should be re-circulated to ensure, via an additional comment period, that the County has developed a plan that will truly direct its future growth so as to protect the health and safety of the public and the environment; promote a stronger, more sustainable economy; and meet the requirements of the law.

In order to meet these goals, The Goals and Policies Report must be revised to provide clear, enforceable policies and specific, concrete implementation and mitigation measures.

The Background Report must be revised to provide a sufficient description of the planning area conditions that is current, complete, consistent, and correct.

The Draft Environmental Impact Report must be revised in several ways:

1. It must provide an adequate baseline against which to measure future impacts of the General Plan Update.
2. It must provide a quantified, objective analysis of the significant impacts that would be generated by the General Plan Update.
3. It must provide quantifiable, enforceable mitigation measures to offset the 31 impacts it describes as "significant and unavoidable."
4. It must provide a reasonable range of alternatives, including at least one that would firmly direct future growth into our existing urbanized areas.

The California State Attorney General's office notes, as we have, that "smart growth" alternatives would concentrate development in already existing urban areas near mass transit and preserve more agricultural land and open space, and that an intense "smart growth" alternative would appear to be feasible given the evidence that existing cities can currently accommodate all of the growth anticipated by the County.

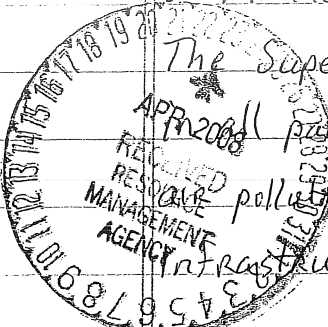
Five reputable organizations make population projections for California. Tulare County chose to use the predictions of the California Department of Finance which made some of the highest population projections.

The Supervisors seem to have concluded we need to put these people all parts of the county, regardless of the consequences of greater pollution, groundwater contamination, groundwater overdraft, infrastructure costs, and loss of agricultural land.

The Public Policy Institute of California in October 1999 analyzed the causes of population growth and the accuracy of population projections over time. Different organizations predict widely varying numbers of people over the 26 year time period from 1999 to 2025 from 29% to 64% population growth. The Institute found population predictions are accurate only 10 years into the future. The Public Policy Institute of California states the California population growth rate will be lower than in the past because:

- birth rates are declining
- there will be less interstate migration to California because there are fewer job opportunities due to our recession
- there will be less international migration to California because of fewer jobs and the crackdown on illegal immigration at the Mexican border and at workplaces that employ illegal aliens. These migrants don't want to spend time in jail and be deported.

Tulare County Supervisors need to consider the level of plausible variation in population projections. Planning and building infrastructure for the wrong population can be costly.





Comments by J. Peter Clum, 45638 South Fork Drive,
Three Rivers, CA on the Tulare County General Plan
Update 2030 and Draft Environmental Impact Report
(DEIR) Made to the Tulare County Planning Commission
April 23, 2008

The General Plan Update 2030 and the DEIR are a road map for urban sprawl. The General Plan Update will not accomplish the guiding principles or objectives set forth on page ES 7 of the DEIR. Quite the opposite.

- It will not protect agricultural land
- It will not protect our economy
- It will not protect our air quality, water supply or water quality

The General Plan Update and DEIR are an abdication of the county's responsibility to protect our health and welfare, our physical environment, and to comply with the California Environmental Quality Act. They are a blank check for unimpeded market forces development.

I URGE you to read the comments submitted to RMA, including those of the Tulare County Farm Bureau; the Council of Cities; Tulare County Citizens for Responsible Growth; the California Attorney General; the comments of Kimball Loeb, who is a local business owner and certified engineering and hydrogeologist; my comments of April 14; and Carole Clum's comments of April 14.

JULY 7, 2008

COUNTY OF TULARE
RESOURCE MANAGEMENT AGENCY
5961 South Mooney Blvd.
VISALIA, CA 93277
ATTN; DAVID P. BRYANT, SPECIAL PROJECTS

RE: GENERAL PLAN

MY HUSBAND AND I AND OUR FAMILY OWN PROPERTY IN TULARE COUNTY IN THE SUCCESS VALLEY AREA.

THE PROBLEM WE HAVE WITH THE PROPERTY LOCATED AT 31171 SUCCESS VALLEY DRIVE IS THAT WE CANNOT DIVIDE IT THE WAY THAT WE WANT (IN HALF), BECAUSE WE WOULD HAVE TO GET A ZONE CHANGE AND A GENERAL PLAN AMENDMENT TO SPLIT THIS PROPERTY IN TWO, EVEN THOUGH IT IS IN THE "FOOTHILL GROWTH MANAGEMENT ZONE" AND THE FGMP "RECOGNIZED THAT THERE IS A CONTINUING DEMAND FOR RURAL RESIDENTIAL DEVELOPMENT," ACCORDING TO THE GENERAL PLAN.

THE PROBLEM WITH THE WAY THE ZONING IS AT THE PRESENT TIME IS OUR PROPERTY IS ZONED "PLANNED DEVELOPMENT(PDFM217)." THE 217 ADDED TO THE ZONE REQUIRES A MINIMUM LOT SIZE OF FIVE ACRES. THIS MAKES THIS RESIDENTIAL PROPERTY MORE RESTRICTED THAN HAVING AGRICULTURE ZONING. THIS PROPERTY IS NOT SUITABLE FOR AGRICULTURE BECAUSE IT IS ALREADY FULLY DEVELOPED ON HALF OF THE PROPERTY AND LARGE ROCKS ON THE OTHER HALF, PERFECT FOR RURAL HOUSING, WITHOUT CHANGING THE VIEW, TERRAIN, ETC. OF THE AREA

THE 1981 FGMP IMPLEMENTATION MEASURE, PAGE 29 DESIGNATED THIS AREA TO "PROHIBIT ANY RESIDENTIAL DENSITIES GREATER THAN ONE UNIT PER FIVE ACRES," EVEN THOUGH MORE THAN HALF OF THE PROPERTIES SURROUNDING THE PROPERTY ARE ONE TO THREE ACRES. THIS SEEMS TO CONFLICT WITH THE GOALS OF THE GENERAL PLAN TO PUT AN ARBITRARY RESTRICTION ON THE REST OF THE PROPERTIES IN THIS AREA.

AT THIS TIME WHEN YOU ARE UPDATING THE GENERAL PLAN COULD YOU, AT LEAST, CONSIDER CORRECTING THIS ZONE TO POSSIBLY ADD "1/2" TO THE DESIGNATION, TO ALLOW ANYONE WITH FIVE ACRES IN THE PDFM217 ZONE TO AT LEAST BE ABLE TO DIVIDE HIS PROPERTY IN HALF AS LONG AS HE MEETS THE OTHER RESTRICTIONS OF THE PLANNING REQUIREMENTS FOR THIS AREA.

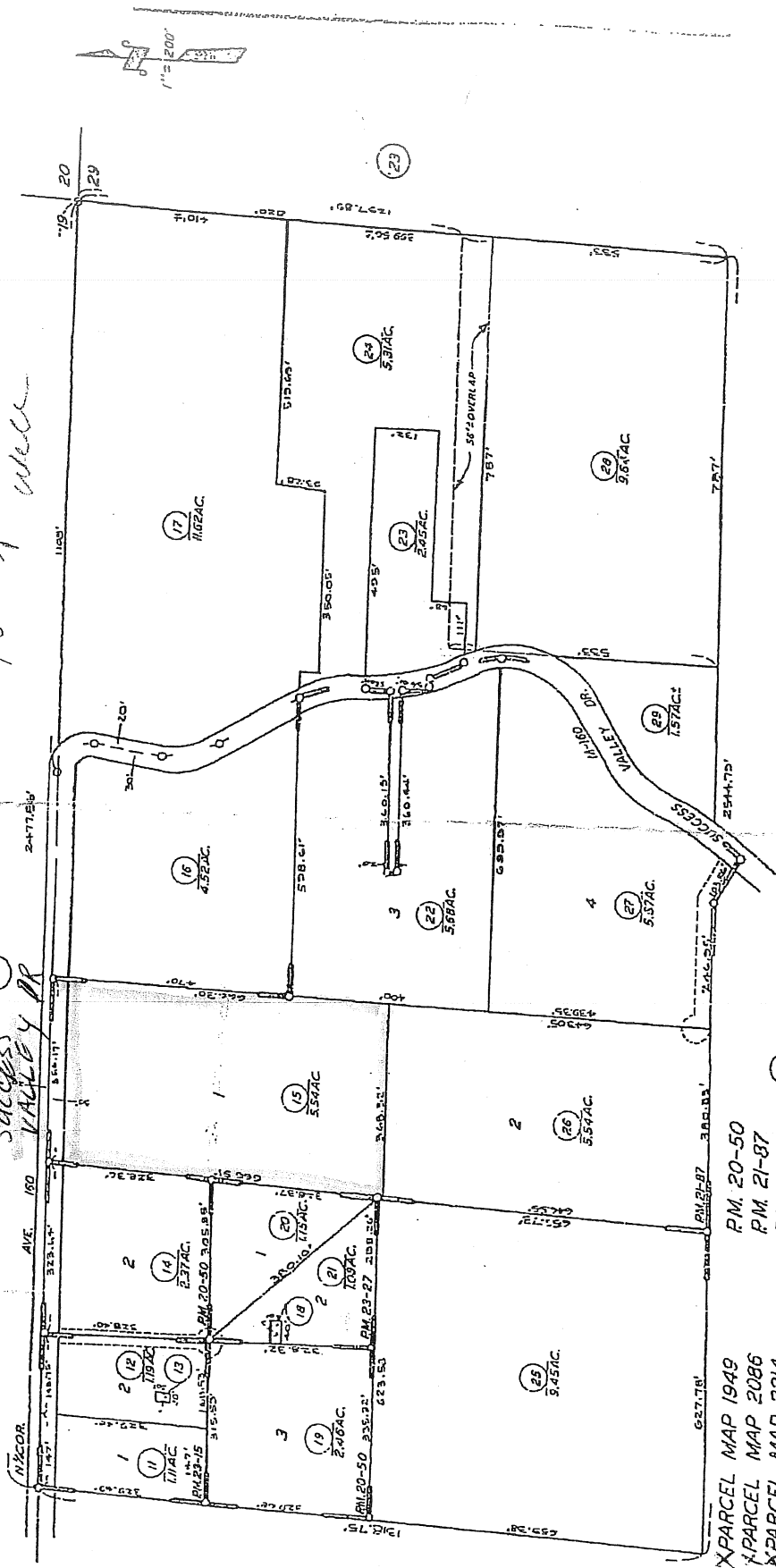
THIS IS
A
MAP
AND
NOT
A
SUBDIVISION
OF
THE

TAX CODE AREA
64-001
64-003

N 1/2 OF NE 1/4 SEC. 30, T. 21 S., R. 29 E., M. D. B. & M.

284-40

31171
SUCCESS
VALLEY DR
100' front
well



X PARCEL MAP 1949
 X PARCEL MAP 2086
 X PARCEL MAP 2214
 X PARCEL MAP 2226

ASSESSOR'S MAPS BK. 284 PG. 40
 COUNTY OF TULARE, CALIF.

NOTE--ASSESSOR'S BLOCK NUMBERS SHOWN IN ELLIPSES
 ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

Carole Clum's Public Comments at the Tulare County
Planning Commission Hearing on the General Plan Update
July 23, 2008

The San Joaquin Valley air basin is in non attainment for PM-10 and ozone. Therefore any project that will worsen air quality must be fully mitigated. There is no mandated mitigation for air pollution generated by this General Plan buildout, let alone full mitigation.

The air quality impacts of Tulare County's General Plan must be considered cumulatively with the impacts of the general plans of all the other seven counties in the San Joaquin Valley air basin. Because the DEIR does not provide information regarding air quality impacts of other counties in the San Joaquin Valley air basin, "the [RMA] can not determine whether such information would have revealed a more severe impact. Accordingly, the EIR is inadequate. To conclude otherwise would place the burden of producing relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the information contained in the report simply by excluding such information," as recognized by the 5th District California Court of Appeal in Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692; 270 Cal. Rptr 650 [June 1990].

Because Tulare County has been overdrawing groundwater for decades and all the Global Climate Change models predict hotter, drier weather for Southern California, our groundwater levels will

undoubtedly drop lower. Because 41% of our domestic wells are contaminated with nitrates or other pollutants and our population will grow over the next 22 years, groundwater contamination will increase. We desperately need a well ordinance. Before a landowner can get a permit to build on his land, he should prove his well yields a minimum number of gallons per minute, his well water is not contaminated, and that the cone of depression of his well does not adversely impact a neighbor's well. This General Plan does not contain a well ordinance. Therefore, the General Plan and EIR are inadequate.

Carole A. Clum

July 23, 2008

Carole Clum
45638 S Fork Dr.
Three Rivers, CA 93271-9610

July 23, 2008

Henry Hash, Director
Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Re: Tulare County General Plan Update Request for CEQA Notices
(Public Resources Code § 21092.2)

Dear Director of RMA,

This letter is to request RMA provide me with copies of CEQA notices issued for the above-referenced project. The request is filed pursuant to Public Resources Code section 21092.2. The requested notices should be mailed to the following address:

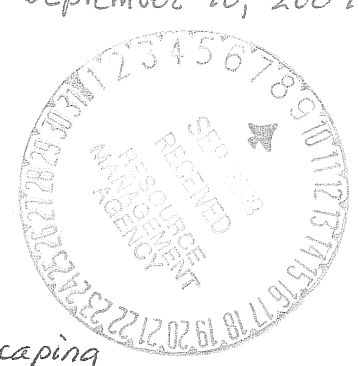
Carole Clum
45638 South Fork Drive
Three Rivers, CA 93271

If you have any questions, please call (559) 361-4661.

Thank you.

Carole A. Clum
Carole A. Clum

J. Peter Clum
J. Peter Clum



David Bryant

Dear Supervisor

Please consider rewording General Plan Update Policy

WR-3.5 Use of Native and Drought Tolerant Landscaping

The County shall encourage the use of low-water consuming, drought-tolerant and native landscaping and emphasize the importance of utilizing water conserving techniques, such as night watering, mulching, and drip irrigation.

to

The County shall require the use of low water consuming, drought tolerant and/or California native landscaping in new development and also require utilizing water conserving techniques, such as night watering, mulching, and drip irrigation in new development.

This revised policy would not effect current developed property. It would conserve water in future development. It would also save energy. Water usage is intimately related to energy consumption. The more water used, the more energy is employed to treat the water and convey the water. To cite an example, lawns use a lot of water. They must be mowed often, usually with a gas powered lawn mower which generates greenhouse gases. Many lawn maintenance firms and homeowners use gas powered leaf blowers to tidy up lawns and sidewalks, creating more greenhouse gases. Lawns are heavily dosed with fertilizers, herbicides, and sometimes pesticides. Run off from these lawns from rainfall and sprinklers send contaminated water into streets, streams, and ponding basins. Drought tolerant landscaping, mulching, and drip irrigation would reduce surface and groundwater contamination and reduce greenhouse gas emissions.

Carole Clum
45638 S Folk Dr.
Three Rivers, CA 93271-9610

Carole A. Clum

TRAVIS REALTY
740 Via Robles
San Luis Obispo, Ca., 93401

Fax Transmittal - Fax #:(805)544-7590

Date: 1/4/10

To: Tul Co Resources / sp Project Fax# 559-730-2653

Attn: DAVID BRYANT

From: BILL TRAVIS

WE HAVE SENT 4 PAGES OF DOCUMENTS, INCLUDING THIS COVER LETTER.

Please call the number below should you have any problems with the transmittal of this document.

(805)544-7822
(559)280-1101

DAVID

Attached is a copy of letter mailed 12/12/09

Please verify receipt.

Thanks

BILL

Bill Travis

740 Via Robles San Luis Obispo, CA 93401
805 544-7822 Fax 805 544-7590

December 12, 2009
David Bryant
Division Manager - Special Projects
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear David,

The purpose of this correspondence is to submit our property for consideration under an Updated General Plan for a change in zoning from AE-40 to Commercial zoning that would allow for future development to regional retail.

Our property is located just outside Sphere of Influence of the City of Visalia, at the southeast corner of the intersection of U.S. highway 99 and Caldwell Avenue. Tulare County A.P.N.'s are 119-110-015; 119-110-016 and 119-110-017, totaling 125.65 assessed acres.

In the mid 90's, this property was under contract with Horizon Outlet Centers for the the development to a regional manufacturer's outlet center. At that time, the site was rated by them as the top regional retail site between Bakersfield and Modesto. This property's entitlement issues led to Horizon's decision to locate on appropriately zoned property in the City of Tulare.

Traffic counts at this site, as well as, it's central location between the communities of Hanford, Tulare and Visalia lead to it's attraction as a regional center.

Attached is a Tulare County parcel map and a plat showing the location relative to the City of Visalia's Sphere of Influence.

Your consideration of this zoning modification, as a part of your Tulare County General Plan Update, is appreciated.

Sincerely yours,

Bill Travis

Legend

City Limits



Sphere of Influence



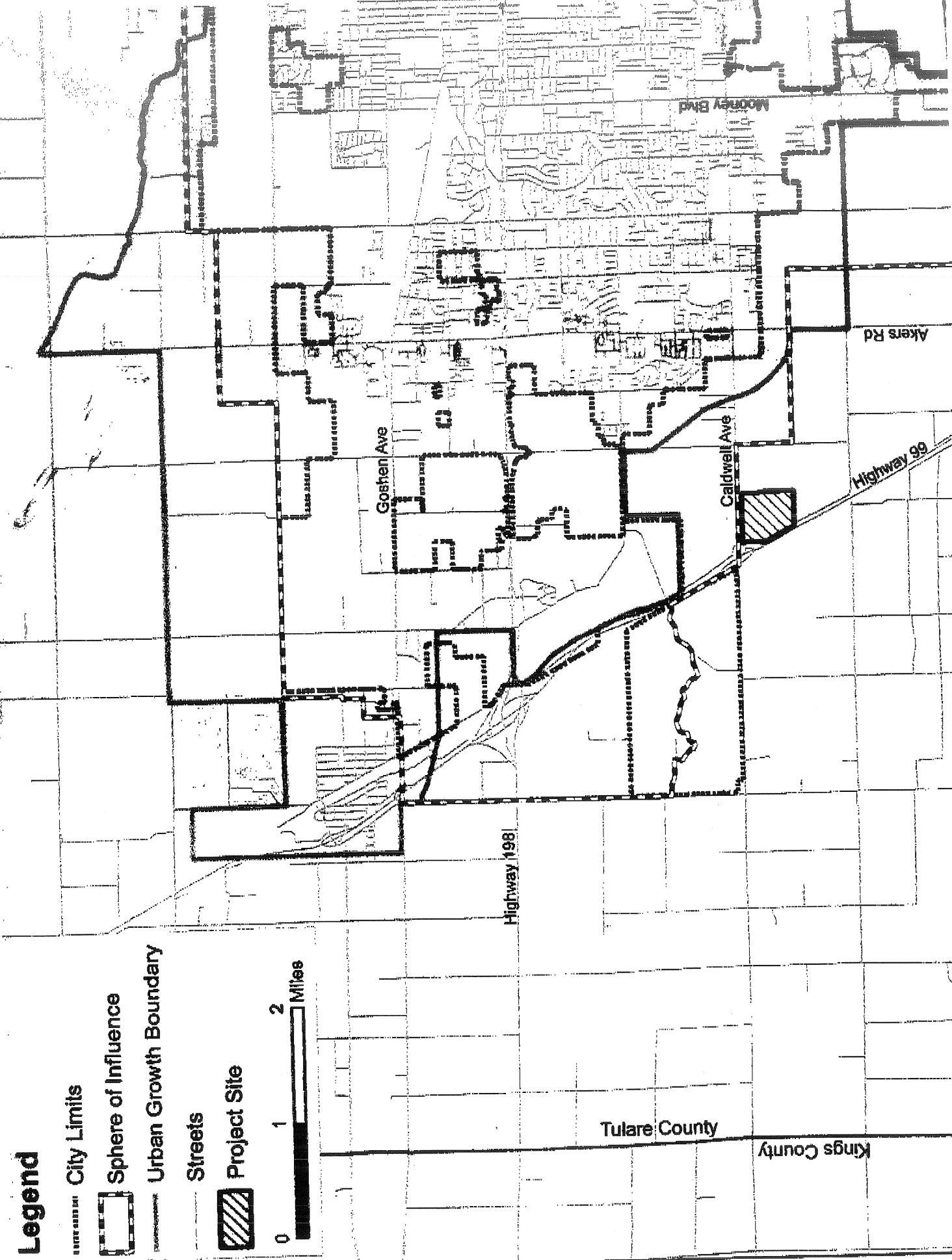
Urban Growth Boundary



Streets



Project Site



Goshen Ave

Caldwell Ave

Highway 198

Highway 99

Akers Rd

Mooney Blvd

Tulare County

Kings County

From: David Bryant
To: Przybylski, Chuck
Date: 07/16/2008 3:09 PM
Subject: Fwd: Additional Comments on Draft General Plan
Attachments: Model_Groundwater_Ordinance.pdf; salt_lake_city.pdf; EPA-Source Water Bibliog.pdf; fs_swpp_fertilizer.pdf; fs_swpp_lspesticides.pdf

>>> "Laurel Firestone" <laurel.firestone@communitywatercenter.org> 06/21/2008 11:25 AM >>>

Hi David,

Thanks for speaking with me a few weeks ago. One of the things we discussed was the General Plan and you mentioned that it was particularly useful to have examples of policies and implementation measures that could be added. I submitted comments earlier but recently came across a number of examples of policies and measures that could be taken to protect water quality, particularly drinking water quality. There is also a bibliography of other resources for source water protection. These all should be added as potential mitigation measures evaluated in the draft EIR to protect water quality, given what I believe to be the potential significant impact to drinking water quality of this General Plan. Additionally, attached are two guides for protecting drinking water from fertilizer and pesticide sources, both of which continue to impact our drinking water sources due to land use practices and lack of adequate protections. These also could be at least part of the educational materials the County could provide and use as a starting point for reducing impacts to drinking water quality.

Let me know if you have any questions or concerns around these and thanks for your work on this important effort.

Laurel

--

Laurel Firestone
Co-Director & Attorney at Law
Community Water Center
313 N. West St.
Visalia, CA 93291
Tel: 559-733-0219 Fax: 559-733-8219
Cell: 559-789-7245
www.communitywatercenter.org