
SECTION 6 - ENVIRONMENTAL RESOURCES MANAGEMENT ELEMENT

INTRODUCTION

A series of amendments to California Planning Law enacted in 1970 and 1971 require that city and county general plans be expanded to include open space, conservation and scenic highway considerations as discrete elements of the plan. Deadlines were established for the completion of the open-space element and of an open-space zoning ordinance. Other elements dealing with seismic safety, noise and public safety were also added. Although these amendments were conceived independently of each other, they reflect the growing concern of the Legislature that local government must play a primary role in the formulation and execution of policies and programs, which will assure the protection, and appropriate management of the natural resources of California. Existing law indicated local option for preparation of a Recreation Element, however funding policies direct local counties and communities to prepare such an element to qualify for assistance.

In responding to these legislative mandates, Tulare County recognized early the inherent confusion in the law which suggests that environmentally-oriented elements of the general plan could be interpreted singly and be carried out somewhat independently of each other. Further confusion was introduced by the sheer magnitude of local planning effort required in the short term, and because of the lack of guidelines as to how these new requirements might best be related to the County's comprehensive planning process as a whole.

Upon study of the law, Tulare County found an implicit case for the development of as Environmental Resources Management Element (ERME) approach to those planning activities and implementing programs, which relate specifically to various aspects of the natural environment. Under the ERME concept, basic studies should be undertaken:

- Which would lead toward policies and programs which will avoid degradation of the natural environment and to offset or reverse that degradation which has occurred
- Which recognize the intergovernmental complexity and interrelated nature of the environmental planning process
- Which recognize that local government has heretofore had only a limited responsibility for protecting the environment as compared with that of the State and Federal Governments
- Which recognize that some environmental issues are of such importance that they require priority attention for policy and action in the short term -- lest opportunities to do anything about them in the future be foreclosed; and
- Which recognize that some resource systems require long periods to restore or require on-going conservation practices to avoid continued decline or degradation.

The County determined that if it was to undertake environmental planning and implementation, its efforts must be geared to the realities which exist and to the needs of the public which demand that

the planning process indeed be capable of devising running solutions to complex problems and that such solutions be capable of generating widespread, public support.

In the spring of 1971, the County developed a prospectus for testing its views with those state and federal agencies, which now possess primary statutory responsibility for the conservation and management of the State's natural resources. The Prospectus called for a task force of state, federal and local agency personnel to provide "over-the-shoulder" consulting to the County in developing a set of environmental planning guidelines, which the County could follow and which could serve as a model for application by cities and counties throughout the state. The test was successful and resulted in a legislative request for the formation of such a task force, under the auspices of Senate Resolution 202, authored by State Senator Howard Way.

During the first six months of its environmental planning program, the County developed guidelines with the aid of a task force composed of representatives from 10 State and 7 Federal agencies. The Guidelines were published in the spring of 1972 and were distributed throughout the state by the California Council on Intergovernmental Relations. Subsequently, the County has used the guidelines for its own program. This Preliminary ERME report represents the product of the first year of a continuing environmental planning program which will produce a series of increasingly more refined proposals and recommendations for the conservation and management of open-space and natural resources within the County, carefully related to other mandated and permissive general plan elements.

Basic Components of the Environmental Resources Management Element

The Preliminary ERME brings together three mandatory and one permissive element of the General Plan as now specified by State Law into a single functional element which may be correlated with other elements of the County's General Plan, including the land use element, the transportation element, the housing element, the water element and the sewer element. The four components are the conservation, open-space, scenic highways and recreation elements, respectively. Since each of these components deal with various aspects of the natural environment, they are taken together to produce an initial set of environmental policies for the County dealing with land, water, air, biological and energy resources.

The Preliminary ERME begins with recommended goals for environmental resources management in Tulare County, which set forth the basic directions required of all parties to the environmental-planning process -- both public and private.

Major environmental planning issues facing the County are identified -- issues which are so centrally important that they stand out amongst all others as requiring action in the short term. The first of these central or pervasive issues is concerned with the role of county government. In suggesting the County's role in the management of resources, it became clear that the County must in fact share a set of responsibilities with other levels of government and with the private sector, with differences appearing both in terms of emphasis and of kind.

More specific aspects, which relate to various functional issues and of resource management are discussed; water development, recreation, air, biological energy, etc. As in the case with the central

or pervasive issues, the functional issues here were selected because of their overall importance. For example, an issue related to water deals with the desperate need for action to assure long-term supplies of supplemental water to off-set declining supplies of groundwater.

Policies of the Preliminary Open-Space Plan, Conservation Plan, and Recreation Plan are both in written and graphic form. A countywide system of open-space is proposed, which shows the location and relationship of such major categories of open space within the county as agriculture, recreation, fish and wildlife habitat, flood plains and scenic highway corridors. This open space plan is then related to conservation and recreation.

The preliminary Open-Space Action Program is in accordance with provisions of the California Government Code which state that the open-space plan "...shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan". The proposed action program to some extent repeats and coordinates recommendations of an implementing character presented in previous chapters.

As stated previously, the requirements of law for open-space, conservation, recreation and scenic highway elements of the general plan apply to the cities in Tulare County as well as to county government. The proposals of the Preliminary ERME reflect the premise that the cities must first have an understanding of the principal factors which exert an external influence upon the ability of cities to devise an ERME within their urban areas. Given this premise, the proposed Open-Space Plan attempts to identify the more significant open-space considerations which are of importance to the cities as well as to the county, and which provide the larger framework for cooperative city-county open-space planning within the city urban areas.

An important task of the County's first year program was to prepare an inventory of all data and information which is either readily available or which could be obtained without an original research effort. With the cooperation of agencies represented on the Task Force, a wide variety of environmental data and information was uncovered which has relevance to Tulare County's needs. At the same time however, major gaps and deficiencies in data and information were revealed which must be filled if the County is to fulfill its ongoing responsibilities for improving the quality and effectiveness of its ERME-planning effort.

A further limitation of the program has been, and likely will continue to be, the paucity of state policy in identifying and designating those open-space and natural resources within Tulare County which are of statewide and national significance -- and the role which the State and Federal Governments ought to play with respect to assuring their most appropriate conservation and management. In the absence of clear policy in this regard, the County is in effect forced to assume a far greater role than its resources permit and which a reasonable definition of local responsibility would otherwise allocate to the County.

Under these circumstances, the people of Tulare County are faced with a dilemma -- to assume a disproportionate share of responsibility at this time, or to assume only a limited share and hope for the best. In this regard, a number of recommendations appear in the report, which suggests a more responsible role for State Government as the principal trustee of natural resources, which are of statewide significance. In the final analysis, the County will be limited greatly in pursuing the

goals outlined if other levels of government and the private sector are slow to respond to meeting responsibilities, which they already possess.

- Goal 6.A1.** To preserve and enhance the quality of life of present and future generations of citizens by preventing a degradation of the natural environment, by taking steps to offset and alleviate the effects of that degradation which already has occurred, and by seeking an optimum balance between the economic and social benefits to be derived from the County's natural resources.
- Goal 6.A2.** To seek a distribution of the full range of benefits of resource management as widely and equitably as possible, consistent with the interests of the people of the county, the State and the nations, and to avoid decisions which result in disadvantages to specific areas. Where disagreements occur, the County should seek to reconcile differences for the general public good and to stand as the protector of her resources when special interest demands would be made upon the county at the expense of the people of the county, the region, the state and the nation.
- Goal 6.A3.** To preserve for subsequent generations the greatest possible range and freedom of choice in the use and enjoyment of the County's natural resources – to maintain as many options for the future as reasonably may be possible, consistent with the need for action in the short-term.
- Goal 6.A4.** To seek to increase the appreciation of local residents of their natural environment, to deepen their appreciation of it as a source of human enrichment vital to their existence, and to elicit their constructive support for policies and programs developed in support of the goals for Tulare County. It should be a further goal of the County to assume its share of responsibility in preserving adequate examples of the natural (or near-natural) landscape – to assume initiative in identifying and preserving those ecological units which warrant preservation in the national, state, regional and local interest.
- Goal 6.A5.** To contribute to the highest possible, long-range income of its citizens at the least possible cost in human and material resources, and to seek an equal opportunity for all citizens to share in the fuller life thus provided.
- Goal 6.A6.** To seek ways to organize and promote an efficient and effective combination of public and private efforts in seeking to attain Tulare County's environmental resources management goals. In view of the established larger roles at state and federal levels, some form of high-level inter-governmental mechanism should be sought which will permit adequate participation by local government.
- Goal 6.A7.** To adopt, annually review and reaffirm a set of environmental resources management goals through formal policy action. Such goals shall be the basis against which all policies, programs and expenditures are to be judged.
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Collectively, the adopted goals shall identify and provide the broad guidelines for management of the environment.

Policies:

- 6.A.1. Encourage and support public education that will alert the citizens of the county as to the issues concerning the best interests of the county and its residents, which this report encompasses. Protection of water resources, land, air, energy and biological aspects of the environment of the county must be explained through the appropriate media. Such media can be radio, television, printed materials, school displays and presentations and should be always presented positively and constructively. It must be a program, which will create a desire and knowledge in people to voluntarily protect their environment.

Recreation

- 6.B.1. Initiate immediately a detailed, county-wide recreation study which will provide the basic input for this subject for the ERME; this study should be comprehensive, that is cast within the framework of responsibilities of all levels and the role of private enterprise, and with equal attention toward meeting a balanced program of resource and demand-based recreation. Emphasis should be given to classifying and quantifying the present and future needs of all socio-economic groups and visitors, with special emphasis on deficiencies in recreation for low-income residents. An inventory of potential park and recreation areas should be made and a program of priorities established with proposed methods of financing.
- 6.B.2. Convene officials of cities within the county to discuss the establishment of dividing lines of responsibility and encourage the annexation of growing unincorporated areas adjacent to cities, which will supply neighborhood and community recreation. In this process the county should offer to act as promoter and to negotiate the many available federal and state subvention monies for the cities.
- 6.B.3. Assume the initiative and convene officials and recreation staffs of Fresno, Kings and Kern Counties to seek equitable agreements in meeting the regional recreation problems common to those counties.
- 6.B.4. Request, through the California Council of Intergovernmental Relations that State and Federal agencies provide, or make the necessary studies to determine, what the national and state interest is in the field of recreation in Tulare County.
- 6.B.5. The Tulare County Association of Governments should assume the initiative and convene officials and recreation department staffs of Tulare, Kings, Fresno and Kern Councils of Governments to seek equitable agreements in meeting the recreational needs common to those counties.

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- 6.B.6. Joint agreements should be instituted with public and private agencies, which control utility easements, in order to incorporate such lands into permanent open space linkages throughout the county. Design for such uses as bicycle, horseback and hiking trails, or for green belt planting to enhance the amenities of the county.
- 6.B.7. The Tulare County Association of Governments should continue its study of recreation sites to meet the present and future needs of all socio-economic groups within the county, and of visitors from without -with special emphasis on deficiencies in recreation for low income residents. When considering development of potential sites identified in future studies, as well as those identified in this report, a program of priorities should be established and methods of financing recommended for each individual site.
- 6.B.8. An historic site preservation committee should be formed, including representatives from each community, who have an interest in and knowledge of such matters, to inventory area wide historical sites and buildings worthy of preservation. Such a committee should be called upon to be advisory to various community planning commissions, as well as that of the county, to speak to such considerations where development proposals threaten to invade such sites.
- 6.B.9. A citizens committee should be appointed to investigate and recommend suitable rights-of-way and easements for incorporation into the area-wide open space system. Suggested priorities for investigation include irrigation ditches, abandoned logging and mining roads and other abandoned or never used road rights-of-way within the county. Such a committee should also review all proposed abandonments and recommend selected parcels for inclusion into the area-wide trail and open-space linkage system.
- 6.B.10. The committee should also investigate the problems and costs of liability to owner or public or user involved in the use of the trail and open space linkage system.
- 6.B.11. Access to suitable recreation land should be obtained, after evolution of a system plan, through various types of acquisition and public private joint agreement arrangements, as applicable. Maximum efforts should be concentrated upon acquisition of recreation sites within one hour's travel time from urban concentrations throughout the county and sites that can be developed for intensive use.
- 6.B.12. A long-range (20 year) plan for early acquisition of recreation areas should be adopted.
- 6.B.13. High priority should be given to acquisition of public access rights to public water bodies throughout the county. Acquisition of such sites where they can fulfill more than one function, such as protection of drainage ways, wildlife habitats, and scenic assets, should be encouraged.
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- 6.B.14. Developers of lands to be utilized for urban purposes should be required to donate a minimum of 10 percent of the gross acreage or 10 percent of the gross raw land toward implementation of the recreation system plan, whichever the affected jurisdictional agency designates. Such lands could include flood plains, scenic and historic sites, shorelines and recreation areas that are designated as a part of the countywide Recreation and Open Space System Plan.
- 6.B.15. The proposed Elk Bayou Regional Park should be developed with the intent of making available fullest possible water-oriented recreation opportunities.
- 6.B.16. Scenic and open space easements should be acquired through subdivision and development approvals including, but not limited to, wooded areas, flood plains, scenic and historic sites, shorelines and recreation areas designated as a part of the countywide Recreation and Open Space Plan.
- 6.B.17. Developers of new subdivisions who promise to build private or public recreation facilities should be required to post adequate bonds or cash deposits to assure completion of the entire facility.
- 6.B.18. Where necessary, one or more conflicting recreational uses should be restricted, or prohibited, and a priority of uses established. This is particularly important in water-oriented sports, where such uses as power-boating, swimming, sailing, canoeing, water skiing, skin diving, and fishing all compete for the same water and cannot peacefully co-exist if concentrations become too great.

Conservation / Open Space

Water

- 6.C.2. Surface waters, which serve as substantial recharge sources for groundwater basins, should be maintained at levels of purity suitable for agricultural and domestic use, except that certain particulate materials may be tolerated because of natural filtration available.
- 6.C.3. Solid waste disposal areas should not be located where there is possibility of ground or surface water contamination. (At least four feet above the water table where there is a surface mantle of finely grained natural soil, well compacted, and at least ten feet above the water table where there is disposal of toxic wastes.)
- 6.C.4. Average annual withdrawals should be controlled so that a balance with annual recharges is maintained. A system of monitoring withdrawals from the Tulare groundwater basin must be established and stored water within the basin may have to be allocated on a similar basis as surface water is now regulated.
- 6.C.5. Identifiable groundwater recharge areas must be protected from ground surface covering which would reduce porosity. Such recharge areas should be termed

“Water Preserves” and also be protected from uses, which could introduce polluting elements into the groundwater supply. Some diversions of surface water or runoff from precipitation going to known recharge areas should be prevented where such diversions may cause a reduction in surface water available for needed groundwater recharge.

- 6.C.6. Care should be taken, through statewide planning, with initiative from Tulare County, to utilize water resources in the state for the continued sustenance of agricultural production. The agricultural sector of the economy should not be penalized through diversion of water from its needs to encourage the enlargement of already over-congested metropolitan areas.
- 6.C.7. A priority of consumptive uses for various water sources should be established to insure availability of adequate water supplies to meet public health and safety needs, and for resource protection. Suggested priorities are:
- a. Potable water supply, fire protection, domestic use
 - b. Resource protection and preservation
 - c. Industrial, irrigation, and commercial uses
 - d. Water-oriented or water enhanced recreation
 - e. Air conditioning
- 6.C.8. Care should be taken to avoid destruction of established recharge sites through alteration of existing agricultural practices and substitution made of drainage methods that will transport polluted waters away from such sites.
- 6.C.9. Support the Wild Rivers program as it relates to the designation of the Kern River above the mouth of South Creek, and the South Fork of the Kern River, above the mouth of Bartolas Creek, as Wild Rivers, to be maintained in their natural state.
- 6.C.10. Development practices that upset natural habitat in wetlands and watersheds should be controlled so as to minimize erosion and maximize beneficial vegetative growth.
- 6.C.11. Expedite the continuance and enlargement of wetland preserves, which will provide waterfowl habitat necessary to the maintenance of the flyway route through the valley. Such wetlands should also be protected through flood control, water quality enhancement and air pollution control programs.
- 6.C.12. Further channeling, straightening and lining of waterways should be prohibited until alternative multipurpose modes of treatment, such as wider berms and landscaped levees, in combination with recreation amenities, are studied. Designs

which respect natural curves and vegetation can usually achieve effective flood control while retaining the dynamic flow and functional integrity of the, natural waterway.

- 6.C.13. Future urban and industrial development is planned so that open space and adequate recreational opportunities are provided without impediment to watershed areas and associated ecosystems.
- 6.C.14. Water should not be transported great distances from areas capable of sustaining growth (better soils) to areas where land use capabilities are already strained or overburdened (poor soils).
- 6.C.15. Specific water uses should be allocated to individual sources of water, which would ensure adequate supplies to meet uses that are of greatest priority.
- 6.C.16. Where necessary, one or more conflicting water uses should be restricted or prohibited and a priority of uses encouraged.
- 6.C.17. A program should be instituted which will create a desire and knowledge in people to voluntarily protect their environment, of which the watersheds are an important part.
- 6.C.18. Institute a planned program of obtaining substantial amounts of public access lands along scenic waterways and water bodies particularly when adjacent to heavily traveled highways. Obvious locations are publicly owned lakes and reservoirs. Acquisition of such sites where they can fulfill more than one function, such as protection of drainage ways, wildlife habitat, and scenic assets, should be encouraged. All types of acquisition methods should be utilized, including open space easements, in-fee purchase, purchase of development rights, conditions of subdivision and by gift or will.
- 6.C.19. Lake Success and Lake Kaweah should be extensively developed for water-oriented recreation uses, and minimum pool kept at the highest practicable level.
- 6.C.20. The proposed Elk Bayou Park should be developed with the intent of making available fullest possible water-oriented recreation opportunities.
- 6.C.21. Designs, which respect natural curves and vegetation, can usually achieve effective flood control while retaining the dynamic flow and functional integrity of the natural waterway. Further channeling, straightening and lining waterways should be prohibited until alternative multipurpose modes of treatment such as wider berms and landscaped levees in combination with recreation amenities are studied.
- 6.C.22. Watershed conditions should be identified and evaluated which are causing site deteriorations or unsatisfactory water yields, and amelioration of the problem should be planned.

- 6.C.23. Rock, sand and gravel excavation must be monitored so that, whenever possible, it is done with a minimum disturbance to valuable fish habitat. Measures must be taken to prevent siltation of clean waters and stream and riverbeds.
- 6.C.24. During preliminary and final road location surveys, roads should be planned away from natural drainage channels. Stream crossing points should involve a minimum disturbance to banks and existing channels and excessive cuts and accumulations of waste soil near natural drainages avoided.
- 6.C.25. Vegetative buffer strips along stream courses should be protected when possible, to provide shade or maintain stability of stream banks except where it may aggravate flood damage or where increased water yields outweigh benefits to wildlife and prevention of erosion.
- 6.C.26. Use of streambeds as tractor beds and skid trails should be prohibited, as well as blocking of streams by such systems.
- 6.C.27. A shore land zoning ordinance should be developed regulating uses along water bodies and waterways such as locations of septic tanks, building setbacks, lot sizes, public access and encouraging protection of scenic assets.
- 6.C.28. Recognizing the necessity of the East Side Project to sustain the economic viability of Tulare County and the San Joaquin Valley, Tulare County should assume a leadership role in breaking the log-jam of controversy which impedes the attainment of State and Federal approval for Project construction through the following immediate steps:
- a. Convene a series of annual conferences to focus widespread public attention on the total impact of Project delay on the social and economic well being of the people of the San Joaquin Valley as a means of achieving regional unity for Project approval.
 - b. Acting through the County Supervisors Association of California, (CSAC) develop the financial support needed to sustain an enlarged effort to gain State, Congressional and Presidential approval for the Project.
 - c. Acting through the CSAC, urge the California Water Quality Control Board to assure that basin-wide water management studies currently being conducted within hydrographic regions of the San Joaquin Valley be focused directly on the social and economic implications as well as water quality implications of a failure to achieve East Side Project construction.
- 6.C.29. Tulare County and her neighboring counties should support the concept of a cross-valley canal, and that the feasibility of this project be determined at an early date in recognition of the consequences, which may result if the canal is not constructed.

- 6.C.30. Support vastly increased application of water reclamation and water conservation measures to increase the capacity of existing water supplies to meet current and projected needs of all users.
- 6.C.31. Assure that all watershed planning is done on a complete regional and watershed basis, and that such planning be comprehensive in considering all land uses in fair proportion.

Fish and Wildlife

- 6.D.1. Tulare County shall, as part of the ERME, request of the State Department of Fish and Game, and enter into, a planning agreement to develop jointly a study which will identify in Tulare County the following:
- a. Significant habitat to be preserved in a natural state for the survival of rare and endangered species
 - b. Fish and game habitat desirable for meeting the quantity of demand for fishing and hunting by residents of, and from without the county
 - c. Wildlife habitat needed for meeting the quantity of demand for recreational, educational and scientific observation, scenic enjoyment and appreciation of open space
- 6.D.2. With the results of, these studies, the county should give the highest of priorities to designating land uses to assure protection of rare and endangered species. It should provide for other wildlife uses as much as possible which will also serve to meet open space needs.
- 6.D.3. Adopt a policy of conservation of unique and endangered species through habitat protection. Such necessary areas of habitat should be protected through open space zoning, which would envision only compatible uses.
- 6.D.4. Development practices that upset natural habitat in watersheds should be controlled to minimize erosion and maximize beneficial vegetation growth.
- 6.D.5. Encourage and support public education that will alert citizens of the county to the types of plant and animal life, which need protection and preservation. Such support can be in supply of printed material, speakers, and displays, through the news media or made available to local educators. It should be positive and constant.
- 6.D.6. Agricultural and ranching interests should be encouraged to maintain or develop areas of natural habitat where terrain or soil is not conducive to maximum agricultural production anyway.

- 6.D.7. Support of the wild rivers program and in particular attempt, by every available means, to retain the Kern River above the mouth of South Creek, and the South Fork of the Kern River, above the mouth of Bartolas Creek, in a natural state.
- 6.D.8. Support should be expressed and actively offered to the establishment of a portion of Golden Trout Creek as a natural area for the observation of the native golden trout in its natural setting.
- 6.D.9. Areas containing mineral springs and seeps, where such seeps and springs appear to be vital to the continuation of wildlife in the area, should be covered with protective zoning which will prevent the destruction of these important natural resources.
- 6.D.10. Expedite the continuance and enlargement of wetland preserves that will provide waterfowl habitat necessary to maintenance of the flyway route through the valley. Such wetlands will also function as important habitat sources for many other small animal species, and should be identified also through flood control, water quality enhancement and air pollution control programs.
- 6.D.11. Homesite and recreation developments, which occur along waterways and water bodies, should be required to dedicate, as public open space, the buffer strip necessary to continue the existence of the waterways and riparian habitat in their natural state. Special attention should be given to preservation of trout habitat.

Land Resources

- 6.E.1. Retain the County's initiative in the land resources field by periodically examining the total fire suppression organization in the county to reduce the complexity of units involved at all levels and to determine the most economic administrative combination of federal, state, county, and city efforts. A chief vehicle to reduce complexity should be interagency contracts for services. The county also should determine if improvements can be made to achieve total fire protection within the county and improved cooperation with neighboring counties and federal agencies.
- 6.E.2. Recognition of the intrinsic ability of land to tolerate or reject specific types and intensities of use with special attention to the relation of urbanization to reservation of areas needed for raising specialty crops.
- 6.E.3. Inventory through a land capability study the location where key land uses could be applied, then as a second process, determine where such land uses should be allowed within the county to provide the best balanced environment for residents and visitors of the county. A major part of the latter consideration should be the capability and long-term obligation of Tulare County to export specialty crops to the state and to the nation.

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- 6.E.4. Initial (construction period) and continuous soil conservation practices in recreation-oriented subdivision and resort development, and all other residential, industrial and commercial developments.
- 6.E.5. Invite the State Division of Soil Conservation to discuss and relate their recent study to the establishment of proper controls and ordinances for the relationship of developments to continuous soil conservation and aesthetic practices. Objectives and reasons for such controls should become an integral segment of the ERME.
- 6.E.6. Provide interpretive maps to the general public that shows geographically those areas unsuitable for urbanization and with the reasons, therefore.
- 6.E.7. Assure that all watershed planning is done on a complete watershed basis, and that such planning be comprehensive in considering all land uses in fair proportion.
- 6.E.8. Continue to invite studies by the State Division of Mines and Geology in order to map geological hazards in order to prevent adverse developments which might be affected by such hazards. The county should also insist on such studies being considered by private developers and state and federal agencies on public works projects.
- 6.E.9. Seek to gain the interest and concern of local government and business interests throughout the San Joaquin Valley in the long-range consequences of exporting nuclear power to other regions of the state. The task here is to frame the right questions and to insist on answers to those questions before giving in to the demands of other regions. In the absence of appropriate assurances that environmental and future local power requirements will be given appropriate consideration, the county should pursue vigorously (with other Valley counties) the withholding of state and federal permits for nuclear power plants within the Valley.
- 6.E.10. Standards should be adopted which will be applicable to all types of man-made disruption of soils and subsurface geological features in order to minimize erosion and sedimentation problems.
- 6.E.11. Use of streambeds as tractor beds and skid trails should be prohibited, as well as blocking of streams by such systems.
- 6.E.12. Groundwater and soil conditions should be identified prior to subdividing and road and building construction and such development properly engineered to control potential landslides in areas of unstable soils as well as substantial amounts of soil erosion.
- 6.E.13. Protection of known mineral sources should be assured by their designation on Open Space Protection Maps and consideration of their value when conflicting land uses are proposed.
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- 6.E.14. Include, as a part of mining permits, plans for future use of the land, so that beneficial public and private uses may be assured, such as recreation, solid waste disposal, or wildlife habitat. Such plans should include information on terrain, natural slope and stability, drainage, permeability, water table, suitability for subgrade, and fill or borrow and compaction characteristics.
- 6.E.15. Urban expansion should be allowed only in sequential growth patterns, which will maximize preservation of natural amenities, wonders and cultural heritage sites throughout the county. Such growth patterns will serve also to fill up the interstices of existing urban growth, to allow more efficient and less costly provision of urban services, and to protect land investments.
- 6.E.16. Urban growth should be limited to lands within the Spheres of Influence established by the Local Agency Formation Commission adjacent to municipalities and rural service centers. Whenever possible, such growth should not occur on Class I, II and III agricultural soils.
- 6.E.17. Future urban and industrial development should be planned so that open space and adequate recreational opportunities are provided without impediment to watershed and associated ecosystems.
- 6.E.18. Home site and recreation developments, which occur along waterways and water bodies, should be required to dedicate, as public open space, the buffer strip necessary to continue the existence of the waterways in their natural state. Special attention should be given to preservation of trout habitat.
- 6.E.19. Urban growth should not occur in flood plains, near shorelines, on scenic and historic sites, valuable resource lands, aquifer recharge areas and other protection areas designated on the Open Space Plan, unless such use can be designated to be compatible and unobtrusive.
- 6.E.20. Service to urban areas should be coordinated so that easements can be utilized for more than one purpose and land fragmentation can be minimized. The concept of “utilidors” (utility corridors) is recommended.
- 6.E.21. Tulare County health authorities, in cooperation with state and federal agencies, should continue to attempt to evaluate the side effects of new materials and techniques in pesticide and herbicide usage.
- 6.E.22. Agriculturalists, as well as urban pest control districts, should be encouraged to avoid destruction of wildlife and natural biological control organisms beyond the boundaries of their necessary control areas, where damages can be caused by irresponsible application of pesticides or herbicides. This should include damage caused by wind-drift, and those caused by irrigation waters, impregnated with pesticides or herbicides, which are ejected into waterways and public water bodies.
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Air Resources

- 6.F.1. Become extremely active in the San Joaquin Valley Air Basin Coordinating Council. At the expense of causing controversy, the county should exemplify the role of a resource county protecting its environment from neighboring urban counties.
- 6.F.2. Through its air pollution control district, assume the initiative in achieving a more complete system of air monitoring stations. A study should be requested of the State Air Resources Board to prescribe the locations of stations and be asked to help obtain federal funds for stations.
- 6.F.3. Study and recommend as to the effectiveness of standards and the plan of implementation adopted by the Coordinating Council and on an annual basis recommend changes.
- 6.F.4. Examine the need for establishing a set of regulations for air quality that is more restrictive than that adopted by the Coordinating Council and the state.
- 6.F.5. As part of the planning process develop almost a defensive attitude to proposed developments which do not include a projection of direct or indirect effects upon the environment. Uppermost in this consideration is the effect of any development on air quality. More attention should be given by the county to review of environmental impact statements of new public works. Without hesitation, the county should throw back to the agency or the developer the burden of proof that the proposal not only will not damage the environment, but also will enhance the environment.
- 6.F.6. Consider initiating the formation of a multi-county air pollution control district, which ideally should consist of all the counties in the San Joaquin Valley air basin. A step in this direction would be a four-county district including Kings, Fresno and Kern Counties. Economy and efficiency are advantages of this approach.
- 6.F.7. A system of private weather recording stations should be encouraged throughout the foothill and mountain areas, so as to better define the thermal belt area, valuable to agricultural interests, as well as being highly desirable for residential purposes.
- 6.F.8. Location of industrial, or other developments, which are likely to cause undesirable air pollution, with regard to wind direction and circulation. Consideration should be given in attempting to alleviate, by location, the noxious effects upon adjacent land uses.
- 6.F.9. Vigorous support should be given the County Air Pollution Control Board's efforts to regain better air conditions and support be given to the State Air Pollution Control Board's efforts to achieve regional improvements in air quality.
- 6.F.10. When developing the regional transportation system, the Tulare County Association of Governments should be directed to comprehensively study methods of

transportation which may encourage decreasing use of the internal combustion engine or otherwise contribute to reduction in air pollution in Tulare County. Some possible alternatives that should be studied are:

- a. Commuter trains connecting with Sacramento and San Francisco, with attractive services scheduled up and down the valley
- b. Public transportation such as buses, to serve between communities of the valley, publicly subsidized if feasible
- c. Community bus or other public transportation systems, with particular attention to high-density areas

6.F.11. In cooperation with the appropriate agency, the Association of Governments should seek to secure additional funding for air pollution control, using such funding to provide additional manpower and monitoring equipment.

6.F.12. Air pollution inspectors do not have cease and desist powers, which are important in stopping offenders, on the spot. This problem should be studied and more effective control methods instituted.

6.F.13. The whole air pollution variance system should be restudied so that the established rules and regulations are consistently upheld; the seriousness of the situation must be understood and recognized.

6.F.14. Broad public education programs concerning the problem must be instituted, and be ongoing, in order to bring awareness of the seriousness of the pollution problem to the people of the valley.

6.F.15. All of the above recommendations should be discussed with other valley counties and agreements made which will assure commitment to the programs by all valley counties. Tulare County must take the initiative, as it can benefit the most from increased surveillance and control of air pollutants. It receives build-up from most counties to the north and can most effectively protect its own citizens through engaging in cooperative efforts with other counties. If such efforts cannot be implemented and cooperation is not forthcoming, then other methods of control should be investigated, such as state support through existing agencies or legislative direction.

6.F.16. Urban extensions into the hinterlands around principal metropolitan areas should be encouraged to remain as compact as possible, to minimize new vehicular travel needs.

6.F.17. Become extremely active in the San Joaquin Valley Air Basin Coordinating Council. At the expense of causing controversy, the County should exemplify the role of a resource county protecting its environment from neighboring urban counties.

- 6.F.18. Through its air pollution control district, assume the initiative in achieving a more complete system of air monitoring stations. A study should be requested of the State Air Resources Board to prescribe the locations of stations and be asked to help obtain federal funds for stations.
- 6.F.19. Study and recommend as to the effectiveness of standards and the plan of implementation adopted by the Coordinating Council and on an annual basis recommend changes.
- 6.F.20. Examine the need for establishing a set of regulations for air quality that is more restrictive than that adopted by the Coordinating Council and the state.
- 6.F.21. The County of Tulare, as an ethic, should as part of its planning process, develop almost a defensive attitude to proposed developments which do not include a projection of direct or in direct effects upon the environment. Uppermost in this consideration is the effect of any development on air quality. More attention should be given by the County to review of environmental impact statements of new public works. Without hesitation, the County should throw back to the agency or the developer the burden of proof that the proposal not only will not damage the environment, but also will enhance the environment.
- 6.F.22. Assure through adoption of the ERME that a positive role is assumed in pointing out when certain developments should take place, which will not cause problems to air quality.
- 6.F.23. Distribute the Guidelines for the ERME and eventually the adopted ERME to the members of the San Joaquin Valley Air Basin Coordinating Council to demonstrate the comprehensive base of environmental concern of Tulare County to achieve good air quality.

Biology

- 6.G.1. The County and Cities should adopt a policy of preservation of unique and endangered species through habitat protection. Such necessary areas of habitat should be protected through open space zoning, which would envision only compatible uses.
- 6.G.2. Agricultural and ranching interests should be encouraged to maintain or develop areas of natural habitat where terrain or soil is not conducive to maximum agricultural production.
- 6.G.3. Support should be expressed and actively offered for the establishment of a portion of Golden Trout Creek as a natural area for the observation of the native golden trout in its natural setting.

- 6.G.4. Areas containing mineral-seeps and springs, where such seeps and springs appear to be vital to the continuation of wildlife in the area, should be preserved with protective zoning which will prevent the destruction of these valuable natural resources.
- 6.G.5. Effort should be made to protect the large grove of mature oak trees east of Visalia along Scenic Highway 198 through agreements with the owner until such time as the County can purchase the land.
- 6.G.6. Support should be given to, and active pursuance of, a program of acquisition or preservation of an unique natural resource, peculiar to the County and the valley, commonly known as hog wallows, more scientifically termed vernal pools.

Energy

- 6.H.1. The Tulare County Association of Governments encourages the development of a planned state and interstate power production system, designed to meet future needs, and predicated on a combination of various known and acceptable power plant types. It should not accept power plant sites that are not a part of a well-developed and substantiated system plan.
- 6.H.2. Prior to the acceptance of a proposed site and facility, studies should be made which include the following as a minimum:
- a. The cost-benefit ratio to the local taxpayers funded by the public or private utility system proposing the site and accomplished by an objective consultant firm acceptable to Tulare County, as well as the proponent. If such a study results in a negative cost-benefit ratio, an integral part of the development costs would be allocated to raising the disparity to a break-even level, so that no short or long-term development or maintenance costs over and above benefits would accrue to the county.
 - b. Both short and long-term environmental impact, funded by the proponent, with particular regard to the effect of consumptive use of water on the agricultural production of the county, and of the thermal pollution (both water and air) which may be caused by alternative cooling methods.

Agriculture

- 6.I.1. Land use in Tulare County should be determined with soil characteristics as an integral part of an established rating system.
- 6.I.2. Urban uses should be permitted on Class I, II, and III soils only when these uses are located within the Spheres of Influence as established by the Local Agency Formation Commission around each municipality and service center within the county.

- 6.I.3. Take the initiative in seeking to obtain county-wide coverage by resource conservation districts, in order to assure detailed and up-to-date soil mapping. It should seek the assistance of the Local Agency Formation Commission in this effort.
- 6.I.4. Two agricultural zones should be established which will generally encompass Class I, II, III and IV soils within the county that are not designated in the Environmental Resources Management Element for other than agricultural uses. Such zones could be described as:
- a. An intensive, exclusive agricultural district, not with the intent of large lot residential use, but to allow for intensive family-farm or corporate operations which require relatively small acreages, such as horticulture, vineyards, orchards, flower stock or seeds, and some animal raising with conditions established to preclude nuisance or hazard to adjoining land owners.
 - b. A larger minimum lot farm district, in exclusive, extensive agricultural zoning, to prevent the intrusion of uses which conflict with agricultural and related agricultural and industrial uses. Such a zone would be regularly used for extensive agricultural uses; animal agriculture, tree crops, and with use permits, related uses such as feed mills, stock feeding pens or resource oriented uses such as quarries or asphalt manufacture would be included. These are uses which, by their nature, can conflict with adjacent land uses and would, with large surrounding acreages, have whatever nuisance factors that exist ameliorated by space and by minimal conditional controls.
- 6.I.5. Attempt to maintain agriculture as a primary, extensive land use, not only in recognition of the economic importance of agriculture, but also in terms of agriculture's real contribution to the economic conservation of open space and natural resources.
- 6.I.6. Recognize the need to utilize the Williamson Land Conservation Act on all agricultural lands throughout the county and not just within three miles of the city limits. It should support the concept that agriculture is a total, functioning system, which will suffer when any part of it is subjected to conflicts of land use, urban-based speculative tax procedures, or excessive fragmentation. It should be aggressive in its support, at the state level, of the use of the Land Conservation Act to protect viable agricultural and other open space lands throughout the county, without limitation by the rationale that only land within three miles of the city limits is threatened by urban uses. The County Board of Supervisors should pass a resolution stating that all lands in the county otherwise eligible for this program are subject to such pressure and should be included in the Williamson Land Conservation Act agricultural preserves. The Local Agency Formation Commission should concur in this action.

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- 6.I.7. Urban development, within established spheres of influence of municipalities and around the periphery of other growth centers in the county, should proceed in orderly fashion, with coordinated extension of utility services and avoidance of fragmented urban growth extension in order to attain maximum conservation of usable agricultural acreages.
- 6.I.8. Tulare County health authorities, in cooperation with state and federal agencies, should continue to attempt to evaluate the side effects of new materials and techniques in pesticide controls.
- 6.I.9. Agriculturalists, as well as urban pest control districts, should be held responsible for destruction of wildlife and natural biological control organisms beyond the boundaries of the control area, where damages are caused by irresponsible application of pesticides or herbicides. This should include damages caused by wind drift, also those caused by irrigation waters impregnated with pesticides or herbicides, which are ejected into waterways and public bodies.
- 6.I.10. The Association should assign this whole system of pesticide use versus other methods of control as a subject for more intensive study and recommendation. Such recommendations should recommend land use considerations and intensive investigation of long-term effects on Tulare County organisms.
- 6.I.11. The Association must sponsor wise land use plans and controls, which will minimize the opportunities for conflict.
- 6.I.12. Extensive and Intensive, Exclusive Agricultural zones are an example of planning/zoning devices available to bring about more compatible adjoining land uses in terms of the need to use pesticides related to urban or other agricultural uses which do not use them.

Soils

- 6.J.1. Land use in Tulare County should be determined with soil characteristics as an integral component of an established rating system.
- 6.J.2. Urban uses should be permitted on Class I, II, and III soils only when they are located within the Spheres of Influence around each municipality and service center community within the county.
- 6.J.3. The County should take the initiative through Local Agency Formation Committee in seeking countywide coverage by soil conservation districts, in order to assure detailed and up-to-date, comprehensive mapping.
- 6.J.4. Standards should be adopted which will be applicable to all types of man-made disruption of soils and subsurface geological features in order to minimize erosion and sedimentation problems.

- 6.J.5. Building and road construction on slopes of more than 25 percent should be prohibited, and development proposals on slopes of 5-25 percent should be required to be accompanied by plans for control or prevention of erosion, alteration of surface water runoff, and increase of soil slippage and wildfire occurrence.
- 6.J.6. Hazardous building areas should be zoned for open space, conservation and recreation uses.
- 6.J.7. Channel modification should be discouraged in streams and rivers where they increase the rate of flow, rate of sediment transport, erosive capacity, have adverse effect on aquatic life or modify necessary groundwater recharge.
- 6.J.8. Areas should be identified of:
- a. Soil and rock units that will support large structures without costly and special engineering design
 - b. Soils that present foundation problems because of excess plasticity, high shrink-swell properties, saturation with large volumes of water, or subsidence danger resulting from either too much or too little water
 - c. Highly corrosive soil and rock units
 - d. Impermeable soils
 - e. Highly acid or alkaline soils.
- 6.J.9. Invite the State Division of Soil Conservation to discuss and relate their recent study to the establishment of proper controls and ordinances for the relationship of developments to continuous soil conservation and esthetic practices. Objectives and reasons for such controls should become an integral segment of the Environmental Resources Management Element of Tulare County.

Geology

- 6.K.1. When considering developments proposed for areas adjacent to the Kaweah and Tule Rivers and Lewis Creek, where there are potential sand and gravel resources, such development should be planned to not hinder future extraction of these commercially important construction materials.
- 6.K.2. Include, as a part of mining permits, plans for future use of the land, guaranteed by reasonable bonds, so that beneficial public and private uses may be assured, such as recreation, solid waste disposal, or wildlife habitat.

- 6.K.3. Plan for protection of other known mineral sources by their designation on open space protection maps and consideration of their value when conflicting land uses are proposed.
- 6.K.4. Require existing and proposed, mining operations to conform to noise, water, air, and visual pollution standards.
- 6.K.5. Institute a system of intergovernmental communication, which will provide for notification of applications to State and federal agencies for mining explorations and other allied work within the county. Such agencies, under this system could then send copies of applications to the Tulare County Association of Governments for comment.

Vegetation

- 6.L.1. Classify and preserve public and private lands which are prime timber lands and reserve them for that use, while at the same time encouraging compatible recreation and open space uses.
- 6.L.2. Identify areas particularly susceptible to wildfire and allow man-made uses only where it can be demonstrated that they do not appreciably increase fire hazard.
- 6.L.3. Identify areas of unique value in their natural state, for purposes of educational, scientific, and aesthetic uses and plan and program for their preservation.
- 6.L.4. Enact ordinances that control the use of trail vehicles on lands where such use may destroy natural resources and cause harmful effect on adjacent property.
- 6.L.5. Identify important wildlife habitat areas and provide for compatible uses within those areas.
- 6.L.6. When approving recreation subdivisions and building permits within foothill and mountain areas provide for control of destruction of vegetation, which may cause undue erosion. Require a plan and a bond for guarantee to be submitted prior to the time of construction that will designate the natural vegetative growth to be retained and/or destroyed and ascertain possible harmful effects, which may be remedied by careful construction practices.

Open Space

- 6.M.1. Developmental proposals will be individually examined and evaluated in three respects:
 - a. Cost-benefit (short and long term)
 - b. Environmental impact

- c. Social consequences Evaluation should result in a plan having positive cost-benefit ratio to the general public of the city, minor adverse environmental damage (with no irreversible damage) and beneficial social consequences
- 6.M.2. An environmental impact review committee will be established. This committee, under the director of the City Planning Commission will submit an environmental impact statement on any proposed residential, industrial, or commercial development.
- 6.M.3. Neighborhood recreation centers at three acres per 1,000 population, if adjoining an elementary school and six acres if separate.
- 6.M.4. Community recreation parks of one-acre per 1,000 population if adjoining a high school and double this if separate.
- 6.M.5. City-wide recreation facilities of ten acres per 1,000 population.
- 6.M.6. One-half of the city total park acreage for active recreation and one-half for large parks.
- 6.M.7. One-quarter mile is the goal for maximum travel distance for a neighborhood playground.
- 6.M.8. Minimum size of play and recreation areas, as a desirable standard:
 - a. Neighborhood play lot - 2,000 square feet
 - b. Neighborhood park - 10 - 15 acres
 - c. Community park - 15 - 40 acres
 - d. Reservation (natural wild land park) - 500 acres
- 6.M.9. High priority is given to public acquisition of rights to public water bodies throughout the urban area. Acquisition of such sites where more than one function can be fulfilled, such as protection of drainage ways, wildlife habitat, and scenic assets should be encouraged. All types of acquisition methods should be utilized, including open space easements, in-fee purchase, purchase of development rights and conditions of subdivision.
- 6.M.10. Prohibit building and road construction on slopes of more than 24 percent and require development proposals on slopes of five percent to 25 percent to be accompanied by plans for control and prevention of erosion altering rate of surface runoff, and increasing soil slippage and wildfire occurrence.
- 6.M.11. Require dedication of ten percent of the gross acreage of any proposed urban

development or an equivalent cash donation, based upon raw land value, as a part of any proposed development otherwise acceptable. The cash or the land shall be under the decision of the Planning Commission.

- 6.M.12. Privately owned scenic and open space areas and conservation projects should be encouraged and provided with concurrent open space, recreation or institutional zoning and inclusion in open space (Williamson Act) contract or agreement programs.
- 6.M.13. Urban expansion should be encouraged in sequential growth which will maximize preservation of natural amenities, wonders and cultural heritage sites within the county.
- 6.M.14. Access to suitable recreation land should be obtained, after evolution of a system plan, through various types of acquisition and public-private joint agreement arrangements, as applicable.
- 6.M.15. Concentrate maximum efforts upon acquisition of recreation sites within 0-1 hour travel time of urban concentrations within the county that can be developed for high-density mass uses.
- 6.M.16. A long-range (twenty-year) plan for early acquisition of recreation areas should be adopted.
- 6.M.17. Developers of lands to be utilized for urban purposes should be required to donate a minimum of ten percent of the gross acreage or ten percent of the value of the gross raw land acreage toward implementation of the recreation system plan, whichever the affected jurisdictional agency designates.
- 6.M.18. Scenic and open space easements should be acquired through subdivision and development approvals including, but not limited to, wooded areas, floodplains, scenic and historic sites, shorelines and recreation areas designated as a part of the county-wide recreation and open space system.
- 6.M.19. High priority should be given to acquisition of public access rights to public water bodies throughout the county. Acquisition of such sites where they can fulfill more than one function such as protection of drainage ways, wildlife habitat, and scenic assets should, is encouraged. All types of acquisition methods should be utilized, including open space easements, in-fee purchase, purchase of development rights and conditions of subdivision.
- 6.M.20. Sand and gravel excavations should be planned for ultimate land use, before excavation permits are issued. Such plans should contain information on terrain, natural slope and stability, drainage, permeability, water table, suitability for sub-grade, fill or borrow and compaction characteristics. Recommendation for ultimate land use should then be derived and excavation planned which would be compatible

with such use. Suggested uses such as recreational water bodies, golf courses and solid waste disposal sites deserve serious considerations.

- 6.M.21. An historical preservation advisory committee shall be formed, including representatives from each municipality, who have an interest in and knowledge of the field, to inventory area-wide historical sites and buildings worthy of preservation. Such a committee should be called upon to be advisory to various community planning commissions, as well as the county planning commission, to speak to such considerations where development proposals concern such sites.
- 6.M.22. The Tulare County Association of Governments should continue its study of recreation sites to meet the present and future needs of all socio-economic groups within the county and visitors from without, with special emphasis on deficiencies in recreation for low-income residents. When considering development of potential sites identified in future studies, as well as those identified in this report, a program of priorities should be established and methods of financing recommended for each individual site.
- 6.M.23. The Association should assume the initiative and convene officials and recreation staffs of Fresno, Kings, and Kern Councils of Governments to seek equitable agreements in meeting the regional recreation problems common to those counties.
- 6.M.24. On a cooperative, regionally planned basis, share with neighboring counties, provide for regional recreation needs in fair proportion to the demand from each county.
- 6.M.25. The Association should immediately, through the Council of Intergovernmental Relations, request the necessary State and Federal agencies to provide, or make the necessary studies to determine, what the national and state interests are in the recreation demands within the County of Tulare.
- 6.M.26. Urban growth should be limited to lands within the officially established spheres of influence of the incorporated cities and to within reasonable spheres of influence of the unincorporated communities. Wherever possible, it should not occur on Class I, II, and III agricultural soils.
- 6.M.27. Urban growth should not occur in flood plains, shorelines, scenic and historic sites, valuable natural resource lands, aquifer recharge areas and other protection areas designated on the Open Space Plan, unless such use can be designed to be compatible and not incursive into protected uses.
- 6.M.28. The County of Tulare should provide interpretive maps to the general public that shows geographically those areas unsuitable for urbanization.

- 6.M.29. Coordinate public and private utility easements in order to maximize multiple use of such easements and minimize land fragmentation. The concept of “utilidors” is recommended.
- 6.M.30. Wherever possible, institute joint agreements with public and private agencies, which control utility, easements in order to incorporate such lands into permanent open space linkages throughout the county. Design for uses such as bicycle, horse and hiking trails or for green belt planting to enhance the visual amenities of the county.
- 6.M.31. Appoint a citizens committee to investigate and recommend suitable rights-of-way and easements for incorporation into the area-wide open space system. Suggested priorities for investigation include irrigation ditches, abandoned logging and mining roads and other abandoned or never used road rights-of-way within the county. Such a committee could also review all proposed abandonments and recommend selected parcels for inclusion into the area-wide trail and open space linkage system.
- 6.M.32. The committee should investigate the problems and costs of liability to owner or public or user involved in the use of trail and other open space linkage systems.
- 6.M.33. Hazardous building areas should be zoned for open-space, conservation and recreation use.
- 6.M.34. The county should avail itself of all technical assistance possible from state and federal agencies in order to precisely establish areas where public safety may be jeopardized through improper construction and land use changes.
- 6.M.35. Continue to invite studies by the State Division of Mines and Geology to map geological hazards in order to prevent adverse developments, which might be affected by such hazards. The county should also insist on such studies being considered by private developers and state and federal agencies on public works projects.
- 6.M.36. Standards for “flood-proofing” and similar planned protection should be made a part of routine land division and land use regulations locally.

ERME Open Space Map

Animal Confinement Facility Plan

- 6.N.1. A new dairy site shall contain at least 160 acres (gross). Other new animal confinement facility sites shall contain at least 80 acres (gross).
- 6.N.2. The density of animals on a dairy/confined animal raising facility shall be limited to the number whose production of wastes (Nitrogen, salts and other minerals) can be utilized by the crops grown on site or transported off site for beneficial use in a way that does not create a pollution problem. Each dairy or other animal confinement facility should have its own liquid manure discharge area; if however, sharing of discharge areas is necessary, the combined nutrient loading on the discharge area shall be within the range of parameters for discharge as reflected in the Salts Loading Table shown below. Plans shall be submitted that: (1) demonstrate that, liquid manure and solid manure can be evenly distributed over the entire crop acreage; (2) detail the number of acres of cropland, crops to be grown, and amount of doubled cropped acreage; (3) indicate the amount of liquid manure and solid manure to be disposed of off site and the intended use of said manure; and (4) identify any off-site discharge area for recycled lagoon water available through a recorded easement, in a form acceptable to the County. Ultimately, the number of animals allowed on a project site shall be based on nitrogen and salt loading rates so that onsite wastewater (including precipitation and drainage) and manure are discharged or applied to crop lands at rates of application that are appropriate for the crop, soil, climate, special local situations, management system, and type of waste product. The Regional Water Quality Control Board (RWQCB) shall determine the adequacy of loading rate plans to assure the preceding.
- 6.N.3. The following tables set forth the range of parameters for the maximum allowable Animal Units per Crop Acre for different dairy/animal confinement facility development and operating scenarios (depending on animal housing type and solid wastes disposal method/location) that may be utilized for individual facilities. Salts content in manure and manure water is considered the first limiting factor. Values are based on current RWQCB daily allowance of 1.8 lbs. compound from salts per 1,400 lb. Animal Unit (AU) and single and double crop plan uptake of 2,000 and 3,000 lbs. of compound salts respectively per acre yearly.
- 6.N.4. The Salts Loading Animal Density table (“Salts Loading Table”) (which generally requires a lower density than the Nitrogen Loading Animal Density Table shown below the Salts Table) will be used to establish the maximum animal units per crop acre for new and expanded dairies and other animal confinement facilities. However, if mitigation measures can be demonstrated to the decision making body (with assistance from the University of California Cooperative Extension and/or the Regional Water Quality Control Board), then deviations from the requirements of the Salts Loading Table can be considered. Such deviations shall be based on a management plan (Salts Loading Report) which demonstrates how a proposed animal facility can avoid salts over-loading of the available crops acreage beyond that shown in the Salts Loading Table. If the decision-making body determines that

SALTS LOADING ANIMAL DENSITY

Animal Housing Type	Cropping Program	Solids Discharge Method/Location	Max. Animal Units per Crop Acre *
Open corral (all)	Double	Off site (100%)	7.61
Open corral (all)	Single	Off site (100%)	5.07
Open corral (all)	Double	On site (100%)	4.56
Open corral (all)	Single	On site (100%)	3.04
Free stall & Open corral	Double	Off site (100%)	5.71
Free stall & Open corral	Single	Off site (100%)	3.8
Free stall & Open corral	Double	On site (100%)	4.56
Free stall & Open corral	Single	On site (100%)	3.04

* See above text for deviations from maximum salts

ASSUMPTIONS for scenarios between Upper and Lower Parameters:

Open Corral-Double Crop-Solids Off-site = 7.61 AU x 1.8 lb. salts/AU x 365 days x 60% retained = 3,000 lbs. salts

Open Corral-Single Crop-Solids Off-site = 5.07 AU x 1.8 lb. salts/AU x 365 days x 60% retained = 2,000 lbs salts

Open Corral-Double Crop-Solids On-site = 4.56 AU x 1.8 lb. salts/AU x 365 days x 100% retained = 3,000 lbs.salts

Open Corral-Single Crop-Solids On-site = 3.04 AU x 1.8 lb. Salts/AU x 365 days x 100% retained = 2,000 lbs. salts

Free Stalls-Double Crop-Solids Off-site = 5.71 AU x 1.8 lb. Salts/AU x 365 days x 80% = 3,000 lbs. salts

Free Stalls-Single Crop-Solids Off-site = 3.80 AU x 1.8 lb. Salts/AU x 365 days x 80% = 2,000 lbs. salts

Free Stalls-Double crop -Solids On-site = 4.56 AU x 1.8 lb. Salts/AU x 365 days x 100% = 3,000 lbs. salts

Free Stalls-Single Crop-Solids On-site = 3.04 AU x 1.8 lb. Salts/AU x 365 days x 100% = 2,000 lbs. Salts

salts over-loading can be adequately mitigated to avoid salts buildup in groundwater and soils, then the Nitrogen Loading Animal Density Table below can be used to determine the animal confinement facility's maximum animal unit per crop acre.

- 6.N.5. Acceptable salts loading factors could be achieved beyond that listed in the Salts Loading Animal Density Table based on a facility's site specific and operational factors including soil types, irrigation water, crop production history and proposed cropping types and patterns, manure and sludge use and removal, and any accepted technology proposed to further control potential salts loading. These variables are to be documented in a Salts Loading Report to be submitted with applications for use permits for dairy or other animal confinement facilities. Deviations from the Salts Loading Animal Density Table can be permitted by showing that the additional salts generated by an animal facility are being utilized in a beneficial way and/or are being reduced by accepted technology.
- 6.N.6. The Nitrogen Loading Animal Density Table sets forth the range of parameters for the maximum allowable Animal Units per crop acre for different dairy/animal confinement facility development and operating scenarios that may be utilized for individual facilities, based on Nitrogen content in manure and manure water. This

NITROGEN LOADING ANIMAL DENSITY TABLE

Animal Housing Type	Cropping Program**	Solids Discharge Method/Location	Max. Animal Units per Crop Acre		
			50%N***	60%N***	70%N***
Open corral (all)	Double	Off site (100%)	9.71	8.13	6.71
Open corral (all)	Single	Off site (100%)	6.94	5.78	4.98
Open corral (all)	Couple	On site (100%)	5.85	4.85	4.17
Open corral (all)	Single	On site (100%)	4.17	4.47	2.98
Free stall & Open corral*	Double	Off site (100%)	7.81	6.54	5.59
Free stall & Open corral*	Single	Off site (100%)	5.59	4.65	4.00
Free stall & Open corral*	Double	On site (100%)	5.85	4.85	4.17
Free stall & Open corral*	Single	On site (100%)	4.17	3.47	2.98

ASSUMPTIONS for ratios for scenarios between Upper and Lower Parameters:

* Free stall = 60% milk cows and Open corral = 40% support stock

** Double cropping based on 350 lbs. Of Nitrogen utilized per acre and Single cropping based on 250 lbs. Of Nitrogen utilized per acre (Double crop = 1.4 x Single crop)

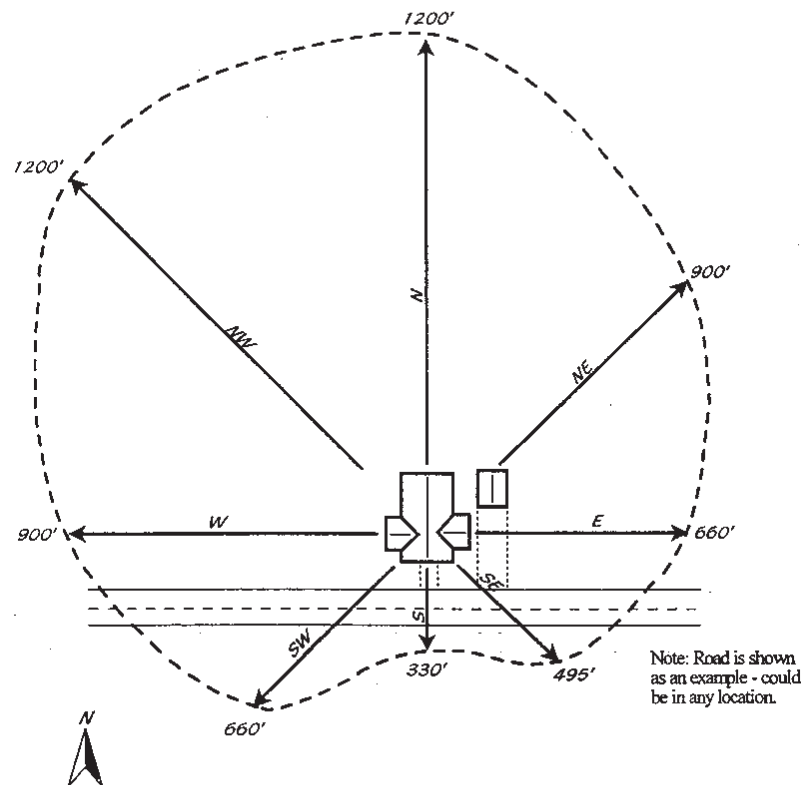
*** Percentage of Nitrogen remaining = function of the number of days wastewater has been in the lagoon [>60 days in lagoon = 50% N remains; 30-60 days in lagoon = 50% N remains; <30 days in lagoon = 70% N remains]

table can be used to calculate an animal facility's maximum allowable animal density only if the decision-making body determines that salts overloading can be adequately mitigated as set forth in the preceding provisions of this Policy.

- 6.N.7. The maximum total animal density on the dairy site shall not exceed ten (10) Animal Units per crop acre, and the maximum density of cows in milk on site shall not exceed eight (8) Animal Units per crop acre. For confined animal facilities other than dairies, the maximum on-site density shall not exceed ten (10) Animal Units per crop acre.
- 6.N.8. New dairy and other animal confinement facilities (animal barns, corrals and pens; wastewater lagoons/sumps; manure and feed storage areas excluding hay barns) shall be located at least one-half mile (2,640 feet) from the nearest dairy, swine, poultry, or other animal confinement facility. These separations are required to avoid potential nuisance problems, disease transmission, soil and groundwater contamination, and air quality degradation.
- 6.N.9. Expansions of legally-established dairies or other legally established animal confinement facilities that do not meet the one-half mile separation may be permitted provided that any new facilities do not encroach any closer than the existing facilities. Consideration of such expansions shall be on a case-by-case

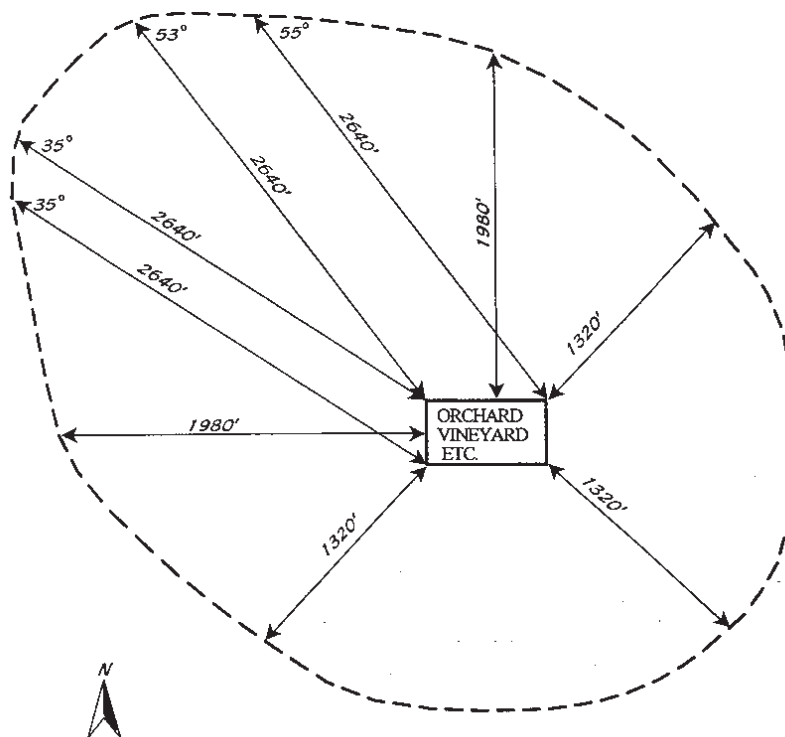
basis through the special use permit process; however, in no instance shall the degree of nonconformity of the separation encroachment be increased.

- 6.N.10. A new dairy or other animal confinement facility shall not be located as follows:
- a. Within any Windshed Area for incorporated and unincorporated communities or within the Windsheds for areas zoned for residential use and containing at least thirty (30) legally-established dwelling units (for which the Windshed Area shall be measured from the outermost residential zoning boundary), - A 'Windshed Area' is defined as a one-mile setback from an incorporated or unincorporated community's Urban Area Boundary. For those communities that have an Urban Development Boundary but not an Urban Area Boundary, the Urban Development Boundary line shall be used or urban-type residential zoning boundary line
 - b. Within primary floodplains
 - c. within 1,000 feet of the boundary of a public park
 - d. in sink holes or areas draining into sink holes
 - e. within one-half mile (2,640 feet) of school grounds or of the nearest point of a dwelling structure in a concentration of ten (10) or more occupied private residences. Such residences must be legally established, occupied, located within a contiguous area, and exceed a density of one dwelling unit per acre, excluding travel trailers. As used herein, 'legally established' residences are defined as residences "established in accordance with all applicable building and zoning regulations".
- 6.N.11. The Community Windshed shall not apply where the decision-making body determines that a portion of a community's Urban Area Boundary has been expanded to include municipal uses such as sewage treatment facilities, airports and waste disposal sites that are located well beyond the city's Urban Development Boundary. In such cases, the decision-making body shall determine the location of the Community Windshed area; however, in no circumstance shall a Community Windshed setback of less than one mile be allowed from a community's Urban Development Boundary.
- 6.N.12. A new dairy or other animal confinement facility shall not be located closer than the distances shown on Micro-Windshed Diagram "A" (Residential) to an occupied dwelling owned by a property owner other than the animal confinement facility site owner/operator or employee.
- 6.N.13. A new dairy or other animal confinement facility shall not be located closer than the distances shown on Micro-Windshed Diagram. "B" (Agricultural) to an established citrus grove, vineyard, deciduous fruit/nut, or vegetable agricultural enterprise.

MICRO-WINDSHED DIAGRAM 'A'

Measurements are to be made from the geometric center of the dwelling to the nearest part of the subject confined animal facility.

- 6.N.14. These regulations shall not apply to the repair, maintenance, replacement, and upgrading of a legally-existing dairy or other animal confinement facility, provided that such work does not increase the animal capacity of the facility.
- 6.N.15. Expansions of existing legal nonconforming dairies or other existing legal nonconforming animal confinement facilities that do not meet the policies set forth above will be considered on a case-by-case basis, subject to the Special Use Permit process, provided that the degree of nonconformity is not significantly increased. However, no expansions of an existing dairy or other animal confinement facilities shall be approved unless the whole dairy under permit meets the density standards set forth herein.
- 6.N.16. Deviations from the animal density standards set forth herein and the Micro-Windshed criteria may be allowed on a case-by-case basis provided that (a) animal facility proposal meets Policies No. 1, 3, and 4 above; and (b) a more detailed environmental review (for example, an EIR) demonstrates that the proposed changes will clearly have no environmental effects that cannot be

MICRO-WINDSHED DIAGRAM 'B'

Measurements are to be made to the nearest edge of the affected orchard/vineyard/etc from the nearest part of the subject confined animal facility.

mitigated to a level which is less than significant. However, in no instance shall the maximum total onsite animal density for any dairy or animal confinement facility ever exceed ten (10) animal units per crop acre, nor shall the maximum density of cows in milk onsite ever exceed eight (8) animal units per crop acre.

- 6.N.17. In addition, no deviations from the Micro-Windshed distances set forth herein (from an offsite residence or from a tree crop or vineyard operation) may be approved unless the owner of the residence or agricultural operation agrees in writing to the deviation.

Compliance And Monitoring Policies

- 6.N.18. Pursuant to the need for addressing grandfathered facilities as well as establishing a monitoring and enforcement program, the following policies shall apply to all dairies and other animal confinement facilities in the County:

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- a. An Annual Compliance Report (in a form established by Ordinance) shall be completed and filed with the appropriate County agency for every confined animal facility in Tulare County.
 - b. Compliance inspections shall be conducted on at least 20 percent of dairies each year with priority given to inspecting those dairies that did not submit an Annual Compliance Report, those dairies that exceed their permitted or grandfathered animal density, and other dairies as determined by Ordinance. Every dairy shall be inspected at least once every five years.
 - c. All dairies shall be subject to the new “Locational and Animal Density Policies” and shall, be brought into compliance with said Animal Density Policy within a reasonable period of time as established and implemented by Ordinance. Existing legal nonconforming dairies or other existing legal nonconforming animal confinement facilities that do not meet the other Dairy/Animal Confinement Facility Policies will be considered on a case-by-case basis, subject to the Special Use Permit or equivalent permitting process. Diagram C illustrates the application of these compatibility criteria.
 - d. A streamlined administrative permitting procedure shall be developed to facilitate the permitting of legal nonconforming or grandfathered animal facilities.
 - e. The Dairy/Animal Confinement Facility Policies adopted herein shall be reviewed by the Agricultural Advisory Committee or other entity designated by resolution of the Board of Supervisors, every two years; or as needed, to determine if modifications and/or updating are necessary. The Committee or successor shall then forward a written report to the Tulare County Board of Supervisors.
 - f. An annual report shall be filed by the RMA with the Planning Commission and the Agricultural Advisory Committee which compiles the Annual Compliance Reports required and the CEQA-required Mitigation Monitoring & Reporting Program adopted for the Program EIR. The primary purpose of the annual report is to address animal facilities’ compliance with the Animal Confinement Facilities Plan, to identify problems and proposed solutions (such as new regulations). In addition, the report should disclose any relevant new technology or industrial advancements that could result in the need to revise policies and/or mitigation measures of the ACFP/PEIR.

replace page with Diagram C (color map)

IMPLEMENTATION PROGRAMS:

Although other directions or modes of action may be inferred, from the text, these are some general directions to be followed:

- 6.IP.1. Local, state and federal action should be directed toward guiding and perpetuating existing open space, conservation or recreation goals. One example of such a device to guide or perpetuate existing private or public uses toward the achievement of open space conservation and recreation goals is the Williamson Land Conservation Act. Although the working of the act in Counties of California is generally viewed as a device for extending a tax break to the poor and encumbered farmer, the long range effect of the application of that law is to preserve the open space and conservation aspects of a viable and ongoing agricultural use of the land.
- 6.IP.2. Other devices such as public investment and development programs can also have the effect of guiding and perpetuating existing private and public land uses, which support the implementation of these plan elements.
- 6.IP.3. A principle application of existing regulations can be to keep interfering land uses of land. Existing county, state and federal regulations, carefully and thoroughly administered, can probably achieve nearly all the ends sought providing adequate coordination is maintained.
- 6.IP.4. New regulations should be devised with careful evaluation of their eventual impact on the open space, conservation and recreation plan elements. Significant weight should be placed upon the ability of any new regulations to help achieve these plans. For example, current consideration of some exclusive agricultural zoning categories with minimum acreages regulating future land division in these areas has a direct positive relationship to the achievement of the open space, conservation, and recreation plan element objectives.
- 6.IP.5. The acquisition of properties, or partial rights in properties, by local, state or federal government is another way to achieve some of the ends proposed in these plan elements. There can be a significant tax benefit for persons who gift-deed their properties to a local, state or federal agency for public open space, conservation or recreation purposes. Mechanisms such as gift of extensive properties with life estate rights in a small parcel with a home can be an effective way to preserve the old homestead for tax poor, retired farm or ranch people.
- 6.IP.6. The County Board of Supervisors, and the administration of the various cities therein, intend to use whatever means are feasible for the particular situation, drawing upon the above listed methods, to thus acquire the open space and recreation lands necessary to meet the needs of the residents of the County and to assure a favorable environment over the years to come. This plan is specifically designed to meet the needs for the next twenty years; however, many of the policies

and recommendations contained in this report are of more or less permanent nature, not bounded by any particular span of time.

- 6.IP.7. The County recognizes that appropriate ordinances supportive of the Environmental Resources Management Plan must be enacted and revised where such enactment and upgrading is necessary; many of its present codes and ordinances are already proper content. It will, by January of 1973, have whatever remaining codes and ordinances adopted and into use as are required to carry out the purposes and recommendations expressed in this Plan.
- 6.IP.8. The Board of Supervisors is particularly concerned that the Williamson Land Conservation Act contracts continue to be made available for all lands now in agricultural use or in or other uses specified in that law as being eligible for protection under the Law. It rejects the concept that only lands within three miles of urban areas are threatened by urban expansion. It has been the experience of the Board that in a County with desirable lands for development not only on the valley floor, but also in the foothills and mountains, all lands which by virtue of their use or value are eligible to be included in the Williamson Land Conservation Act, should be so protected. It has adopted a resolution to that effect.
- 6.IP.9. There are other lands in the County which need protection because of their value in protection of water quality and quantity; in conservation of mineral resources; in preservation of wildlife species and in particular habitat for endangered species; for recreational use; for unique scenic or historic interest, and all the other natural resources mentioned in this report, and in adopting this report and recommendations contained therein, the Cities and the County pledge themselves to preservation and conservation of these lands. Such lands are graphically shown on the Open Space Plan and the Recreation Plan, as well as being described in the narrative portion of the report. They will be protected through a combination of zoning, outright acquisition, easements and public-private agreement.
- 6.IP.10. Tulare County embraces these viewpoints and is committed to the concepts. In addition, through the directives of this plan it will:
- a. Preserve open space through zoning and easements.
 - b. Acquire or protect natural stream courses, watersheds, and wetlands.
 - c. Preserve locally important natural and historic areas.
 - d. Protect scenic values by controlling billboards, signs, auto junkyards, and other potentially unsightly land uses and practices.
 - e. Provide access to streams and lakes and to public recreation areas.

- f. Provide or help provide neighborhood and community parks other local government units are unable to provide such facilities.
- g. Improve and protect habitat for fish and wildlife, especially endangered species.
- h. Encourage construction of community water and sewer facilities.
- i. Connect public open space areas with trails for walking, horseback riding and bicycling.
- j. Meet outdoor recreation needs and protect outdoor recreation and scenic resources in a variety of ways.
- k. Provide planning assistance to municipalities in order to achieve urban recreation goals.