

CHAPTER 4

Master Responses

Introduction

This section provides several master responses that have been prepared to address several key issues identified in the various comments received on the RDEIR.

In some cases, multiple comments were received regarding the same planning and/or environmental issues identified in the Recirculated Draft EIR (“RDEIR”). In order to provide the commenter with a complete picture regarding his or her concern, the County has prepared a master response to address same or similar comments received regarding certain subject areas. These master responses have been developed to provide a broader context to the response than may be possible when making responses to individual comments. Typically, these master responses provide some background regarding the issue, identify how the issue was addressed in the RDEIR, and provide additional explanation to address the concerns raised. In some cases, these responses have also been prepared to address specific land use or planning concerns (i.e. inclusion of specific policies, etc.) related to the General Plan 2030 Update (proposed project) but unrelated to the RDEIR or environmental issues associated with the proposed project.

The following topics are addressed by the Master Responses:

- Master Response 1: Policy Comments that do not Raise CEQA Issues
- Master Response 2: Previous Comment Letters and the RDEIR
- Master Response 3: Enforceable Policy Language
- Master Response 4: Level of Detail for the General Plan and Programmatic Nature of the RDEIR
- Master Response 5: Land Use Diagram and Build-out Assumptions
- Master Response 6: Water Supply Evaluation Assumptions and Methodology
- Master Response 7: Implementation Measures
- Master Response 8: Foothill Growth Management Plan
- Master Response 9: Range of Alternatives Addressed in the RDEIR
- Master Response 10: Climate Action Plan
- Master Response 11: Discussion of Yokohl Ranch Project

Responses to comments (including references to these master responses) to individual comment letters received on the RDEIR are provided in Chapter 5 “Response to Comments on the RDEIR” of this FEIR.

Master Response 1: Policy Comments that do not Raise CEQA Issues

During the public review period for the RDEIR, several commenters provided a variety of comments requesting changes to the planning concepts (i.e., policy revisions, etc.) provided in the County’s General Plan 2030 Update. This master response has been developed to address various comments related to the general plan concepts and policies that do not raise issues specific to the environmental analysis provided in the RDEIR or other CEQA issues.

This Final EIR (FEIR) responds to comments received on the RDEIR during the public review period between March 25, 2010 and May 27, 2010 that address concerns specific to environmental impacts of the proposed project or to the adequacy or completeness of the environmental analysis. (Pub. Res. Code Section 21091(d) (2) (B), CEQA Guidelines Sections 15088(c), 15204(a) It is common in comprehensive General Plan updates, given the broad nature and multiple functions of a General Plan that a number of the comments on the RDEIR do not address environmental issues or CEQA concerns. The CEQA Guidelines do not require a formal response to such comments, even though they may well address legitimate concerns of public policy (e.g., economic, fiscal, or social issues). Some comments just question why certain changes are made. Additionally, some comments merely express approval or disapproval of the proposed project or particular policies. Some comments criticize the proposed project from a policy standpoint, or characterize it in negative terms, but do not argue that the RDEIR is in any way deficient. Still other comments offer suggested changes to proposed new and old policy language. All such comments are part of the administrative record for the General Plan 2030 Update process, and all will be forwarded to County decision-makers for their careful consideration. In addition to weighing the various benefits and detriments associated with the proposed project and the other alternatives, the County decision-makers will balance economic, social, fiscal, and other policy concerns against the environmental impacts of the various options.

Master Response #2: Previous Comment Letters and the RDEIR

Several commenters attached letters they or others had previously submitted, in 2008, commenting on the originally published Draft EIR (DEIR). The majority of these comment letters also included new, 2010 letters of equivalent level of detail. This master response has been developed to address the individual comments referring to previously submitted 2008 comment letters. As discussed under CEQA Guidelines Section 15088.5(f)(1) below, the County does not have the duty to decipher what comments the public or agencies believe to still be applicable or inapplicable from their 2008 comment letters, which is why they have been given the opportunity to draft new comment letters.

In January 2008, the County published the Tulare County General Plan 2030 Update Draft Environmental Impact Report (DEIR), i.e. the original DEIR. The original DEIR assessed the environmental implications of implementing the proposed project. The original DEIR was circulated for public review and comment for an extended period of over 90 days (January 14, 2008 through April 15, 2008) to allow for maximum public involvement and input. A copy of the Notice of Completion (including extensions, published January 14, 2008), requesting public comment was attached to the RDEIR as part of Appendix A.

As noted in the RDEIR there have been substantial revisions to the proposed General Plan 2030 Update released in 2010, as well as the RDEIR, which was recirculated in its entirety. These revisions are described in the RDEIR starting on pages ES-6 and 1-3. In drafting these revisions the County carefully considered each of the comment letters received on the previous DEIR in 2008.

As discussed under CEQA Guidelines Section 15088.5(f)(1), “When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previously comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.” Consistent with the requirements of this section, the County notified reviewers that responses would not be prepared for comments on the 2008 DEIR (see page ES-8 of the RDEIR, in addition to the Notice of Availability of the RDEIR).

This approach is also consistent with CEQA Guidelines Section 15204(a), which states that in drafting comment letters the public should “focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the way in which the significant effects of the *project* might be avoided or mitigated” (Emphasis added). Furthermore, as discussed in CEQA case law, the lead agency does not have a duty to respond to “non-project-specific secondary materials submitted in support of the comments.” (*Environmental Protection & Information Center v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 484) As also noted in recent CEQA case law, comments/issues “must be ‘fairly presented’ to the agency...Evidence must be presented in a manner that gives the agency the opportunity to respond with countervailing evidence...The City cannot be expected to pore through thousands of documents to find something that arguably supports CREED’s belief the project should not go forward.” (*Citizens for Responsible Equitable Environmental Development v. City of San Diego* (4th App. Dist, June 10, 2011, Case No. D057524) 196 Cal. 4th 515. (See also *Save the Plastic Bag Coalition v. City of Manhattan Beach* (CA Supreme Court, July 14, 2011) 51 Cal.4th 310, 322 [Comments should not rely upon non-project-specific “generic studies.”])

In the current instance, both the proposed project and the RDEIR have been substantially revised in comparison to the 2008 documents. Because of these substantial revisions, previous comments are generally no longer be applicable to the currently proposed 2010 draft of the General Plan (project), which is why additional opportunities to comment on the revised General Plan 2030 Update and the

RDEIR have been provided. As discussed under CEQA Guidelines Section 15088.5(f)(1) above, the County does not have the duty to decipher what comments the public or agencies believe to still be applicable or inapplicable from their 2008 comment letters, which is why an opportunity to draft new comment letters has been provided.

For example, several 2008 comments letters requested that additional information from the Background Report be provided in the environmental setting text of the RDEIR. These revisions were made in the 2010 RDEIR, which makes such comments inapplicable. During the public review period for the original DEIR, the County accepted approximately 90 written communications (over 770 pages of written communication with more than 800 pages of attachments) from agencies, organizations and individuals with comments on the then-proposed project and original DEIR. The County and its consultants reviewed these comments to determine whether any additional environmental analysis would be required to respond to issues raised in the comments. Based on that review, the County determined that several subjects warranted additional information, analysis or clarification and, consequently, a revised DEIR (this RDEIR) was prepared for recirculation. The County also considered the various comments on the initial General Plan 2030 Update document and prepared an updated plan for analysis in the RDEIR as well.

A summary of key revisions is provided below:

- **Updated Land Use/Circulation Diagram:** The County has included a more detailed land use/circulation diagram showing the location of all future growth areas proposed as part of the General Plan Update. Refer to Figure 1-2 and 1-3 in Chapter 1 of this FEIR. This diagram is derived from the Tulare County Planning Areas (Figure 4-1) in the Goals and Policies Report (Part I of the General Plan Update). This figure also identifies the Urban Development Boundaries within which future urban growth is expected to occur under the General Plan 2030 Update.
- **Initiate Climate Action Strategy:** In light of the recent legislative actions (AB 32 and SB 375) specific to sustainability and climate change, the County has initiated a Climate Action Strategy specific to its unique rural nature. As an initial step, the County has prepared a Greenhouse Gas (GHG) Inventory for the Planning Area. Information from the inventory as well as applicable regulatory information is incorporated into the Air Quality section (Section 3.3) and the Energy and Global Climate Change section (Section 3.4) of the RDEIR and draft Climate Action Plan has been prepared. Consequently, the analysis of air quality impacts now includes a more robust discussion of the proposed project's impacts associated with climate change. Additionally, the RDEIR now recommends including a number of additional policies (in the areas of sustainability, energy conservation, and climate change) that will assist the County in meeting the GHG emissions reduction goals set by the State.
- **Updated Stationary Air Emission Analysis:** The RDEIR includes a more thorough list of estimates for stationary sources of air pollution (see Section 3.3, "Air Quality" and Section 3.4, "Energy and Global Climate Change"), including industrial emissions, residential emissions, agricultural emissions, landfills, power plants, and oil and gas production. Many of these sources were developed as part of the Greenhouse Gas Inventory report and subsequently incorporated into the RDEIR (see appendix E).
- **Updated Water Supply Analysis:** The RDEIR incorporates the results of a water supply evaluation prepared by Tully and Young for the proposed project prepared June 2009 (see appendix E). Using the most current (or readily available) data from the Department

- of Water Resources and other sources, the water supply evaluation provides a representation of ‘existing’ supply and demand conditions and projects ‘future’ conditions contemplated by the proposed project. Section 3.6 “Hydrology, Water Quality, and Drainage” and 3.9 “Public Services, Recreation Resources, and Utilities” of this RDEIR have been prepared with information from the water supply evaluation, which is included as Appendix G to the RDEIR. These updated sections (and the water supply evaluation) are intended to supplement the original water supply information provided in the General Plan Background Report.
- Updated General Plan Background Report (“2010 Background Report”):** To the extent feasible, the County has updated baseline data in the 2010 Background Report for topics for which more recent data was available. While not all topics of the original Background Report were updated, data to help determine the baseline condition for environmental resource topics addressed in the RDEIR was the focus of the update. These topics include Demographics, Land Use, Agriculture, Recreation, and Open Space, Biological Resources, Air Quality, Safety (including Geologic and Seismic Hazards, Flood Hazards, Fire Hazards, Human-Made Hazards, and Climate Change), Biological Resources, Archaeological Resources, and Historical Resources, Natural Resources (including Mineral Resources, Oil and Gas Resources, and Timber Resources), and Scenic Landscapes. This information was also used to update the environmental setting sections of each resource topic addressed in the RDEIR (see Sections 3.1 through 3.12 of the RDEIR). The 2010 Background Report is a supporting document to the RDEIR that provides both historic and baseline information that is incorporated by reference to this RDEIR. This report is also included as Appendix B to this RDEIR.
 - Enforceability of Goals and Policies:** In light of the various comments received on the previously proposed 2008 draft of the General Plan and DEIR the County has made several revisions to the Goals and Policies Report in the 2010 draft of the General Plan. These changes, including several important changes to policies, provide for greater clarity. The updated Goals & Policies Report (Part I of the General Plan Update) refines the “project” that is evaluated in this RDEIR. Table 4-1 (below) provides a numerical summary of the various policy and implementation measures changes resulting from comments received during the initial public review of the proposed project.

**TABLE 4-1
NUMERICAL SUMMARY OF KEY POLICY REVISIONS TO GOALS & POLICIES REPORT**

	New Policies and Measures (to 2008 draft version)	Modifications to Existing (2008 draft version) Policies and Measures
Policies	24 new policies	75 with minor revisions. 125 with new or revised text.
Implementation Measures	13 new measures	28 with minor revisions. 69 with new or revised text.

- Organization of the Goals and Policies Report:** Part I and II of the Goals and Policies Report were reformatted to facilitate review of the General Plan. Additionally, Chapter 1 “Introduction” of the Goals and Policies Report was expanded to describe the organization of the document and the General Plan’s relationship to other key planning documents in the County including existing community plans, mountain service center plans, hamlet development plans, and corridor plans. To facilitate review of the document, the section also summarizes updated or deleted sections and elements that occurred as part of the General Plan 2030 Update.

- Organization of the EIR:** The County has simplified the organization of the RDEIR to more closely resemble the CEQA Checklist found in Appendix G of the CEQA Guidelines. While the original DEIR incorporated the Background Report information and data by reference, this RDEIR includes relevant information from the 2010 Background Report directly in the “Environmental Setting” and “Regulatory Setting” sections of each EIR resource section. Much of this information has been updated, as described previously.

In addition, the Planning Framework Element, Part 1 Chapter 2, was revised to include a set of updated or new policies (including PF-4.17, PF-4.18, PF-4.19, etc.) designed to help define future city growth areas and the important relationship between unincorporated areas and cities within the County. The later relationship is of primary importance as a majority of the County’s future growth is anticipated to occur within the unincorporated areas near cities.

To focus this growth, the Planning Framework Element includes a set of policies designed to address this issue. These policies are summarized below in Table 4-2 with further detail provided in the Goals and Policies Report. Key to these policies includes cooperation between the County and the cities in County Adopted City UAB and UDBs (CACUAB and CACUDB) for each city. A variety of measures are identified in the policies to help determine what development would be appropriate within these areas. For example, Policy PF-4.20 “Application of the Rural Valley Lands Plan checklist” calls for the County to work with individual cities using the Rural Valley Lands Plan or a similar checklist to evaluate applications for special use permits, variances, or land divisions within CACUDBs, and to provide that the County will consider impacts on regional issues (i.e., transportation infrastructure, availability of water, etc.) when reviewing such entitlement applications.

This summary in Table 4-2 represents some of the modifications included as part of the General Plan 2030 Update.

**TABLE 4-2
SUMMARY OF POLICIES (SECTION 2.4 – CITIES) FROM PLANNING FRAMEWORK ELEMENT***

PF-4.1	CACUABs for Cities	PF-4.15	Urban Improvement Areas for Cities
PF-4.2	CACUDBs for Cities – Twenty Year Planning Area	PF-4.16	Coordination with Cities in Adjacent Counties
PF-4.3	Modification of CACUABs and CACUDBs	PF-4.17	Cooperation with Individual Cities
PF-4.4	Planning in CACUDBs	PF-4.18	Future Land Use Entitlements in a CACUDB
PF-4.5	Spheres of Influence	PF-4.19	Future Land Use Entitlements in a CACUAB
PF-4.6	Orderly Expansion of City Boundaries	PF-4.20	Application of a Checklist to control Development in a CACUDB
PF-4.7	Avoiding Isolating Unincorporated Areas	PF-4.21	Application of the RVLP Checklist to Control Development in a CACUAB
PF-4.8	General Plan Designations Within City UDBs	PF-4.22	Reuse of Abandoned Improvements in a CACUDB
PF-4.9	Updating Land Use Diagram in CACUDBs	PF-4.23	Reuse of Abandoned Improvements in a CACUAB
PF-4.10	City Design Standards	PF-4.24	Annexations to a City within the CACUDB
PF-4.11	Transition to Agricultural Use	PF-4.25	Sphere of Influence Criteria
PF-4.12	Compatible Project Design	PF-4.26	City 50 Year Growth Boundaries
PF-4.13	Coordination with Cities on Development Proposals	PF-4.27	Impacts of Development within the County on City Facilities
PF-4.14	Revenue Sharing		

Notes: (*) Policies PF-4.17 through PF-4.27 are new policies included in the current version of the Goals and Policies Report designed to highlight the County’s desire to coordinate land use decisions with other jurisdictions.

As previously described, the County reviewed and considered all comments received on the 2008 Draft EIR, made changes to address these comments which are now incorporated and presented in the General Plan 2030 Update. Additionally, because the revisions affected substantial portions of the proposed project, the County has opted to republish and recirculate the entire document, rather than selected sections of the Draft EIR. Consequently, as discussed above, previous comments received on the January 2008 draft EIR and addressed by the analysis provided in the RDEIR do not require a written response in the Final EIR, and the County, as provided in CEQA Guidelines, section 15088.5(f)(1), will not respond to individual comments received on the January 2008 Draft EIR.

Master Response #3: Implementation and Enforcement of General Plan Policy Language

How the General Plan will be Implemented

Several commenters have suggested the General Plan policies will not be implemented or have questioned who will implement these changes.

In compliance with State law, the General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, standards, and plan proposals (see Gov. Code §65302). These policies and objectives are then implemented by the County and its Staff through various other actions, such as the adoption of new zoning ordinances, area and sub area plans, community plans, hamlet plans and Mountain Service Center (“MSC”) plans, which are more detailed and specific (see Gov. Code §§ 65359, 65400, 65455, and 65860). Some of these actions, such as the adoption or revisions to County Ordinances, are outlined in the “Implementation” Sections of the proposed General Plan (see also Master Response #8). However this is not an exclusive list of implementation measures. While the County has listed numerous implementation measures in the General Plan, and noted in the RDEIR, it is simply not feasible to list every potential implementation measure which will be adopted over the 20 year horizon of the General Plan, nor to provide the text of every potential ordinance that will be adopted as a result of General Plan implementation. In other instances, such as the adoption of Community Plans, subdivisions, special use permits the projects are reviewed by the Board of Supervisors, Planning Commission, and various other County agencies and staff, for consistency with the General Plan.

Policy Language Enforceability

Several commenters have expressed skepticism that certain words used in policies would result in enforceable policies. Words such as “encourage”, “may”, “support”, and the use of should versus shall, were specifically mentioned.

Several commenters questioned the use of the term “should” instead of “shall” in specific policies throughout the General Plan. At least one commenter states that the use of the term “shall” is necessary to “...make a policy effective and enforceable.” This is not the case.

Bryan A. Garner's "A Dictionary of Modern Legal Usage", New York: Oxford University Press, 1995, pp. 939-942, discusses the use of the terms "shall" and "should" under the entry "Words of Authority" (Garner is a well-known legal linguist and is Editor-in-Chief of "Black's Law Dictionary.") He delineates an "American Rule" whereby the use of "shall" is restricted exclusively to the meaning "has a duty to" while "should" denotes a directory provision. A "directory provision" (as opposed to a "peremptory provision" or a "mandatory provision") requires substantial compliance only; not exact compliance. The emphasis is on substantial compliance in line with the spirit and purpose of the legislation, rather than formal compliance with the letter of the law. Typical planning practice suggests that the use of the term "shall" in constructing policies is preferred for site specific projects; but is not necessarily required in broad legislative policy. "Shall" is considered a mandatory directive that leaves no uncertainty or flexibility. "Should", as used in General Plan policy development, is a less rigid directive to be honored in the absence of compelling or contravening considerations. Policy makers will typically use or employ the term "shall" to communicate a mandatory requirement and "should" to communicate a clear commitment that permits flexibility if circumstances so dictate. Policies containing the term "should" remain effective and enforceable. They are clear expressions of the policy makers' (i.e. Board of Supervisors) intent to rely on the subject policy to guide relevant decisions, and so must be recognized and analyzed in such decisions.

As discussed in the Governor's Office of Planning and Research (OPR) General Plan Guidelines, "given the long-term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change" (Office of Planning and Research 2003 General Plan Guidelines, page 14). This statement recognizes the value in maintaining flexibility to address unforeseen or evolving circumstances. While some of the policies may have flexibility, CEQA does not require the County to assume a worst case scenario (i.e. that they will not be implemented); (*Towards Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437; CEQA Guidelines Sections 15064 and 15358; see similar NEPA requirements *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332).

Similarly, flexibility is needed to address the peculiarities of specific parcels and specific projects as they are proposed. The County will need to balance numerous planning, environmental, and policy considerations in the General Plan based upon the specific parcels of land and projects. Mandatory language or outright bans on development in certain areas suggested in some comment letters while beneficial for one resource area, could potentially have unintended consequences for other resources areas. While the County has addressed these impacts to the greatest extent feasible in the RDEIR, there could be unknown circumstances and parcels of property with peculiar features which warrant some flexibility. For example, an outright ban on development on an unknown parcel in a flood zone could force development into other areas with greater geologic, fire, or other hazards. For example, some commenters requested a ban on all development in flood zones (Comment I11-124), others request limiting development based upon fire considerations (Comment I25-5), and others requested a ban on development for areas that could affect cultural resources (Comment I22-12). Flexibility is needed to allow decision makers to balance all of these concerns once specific projects on specific parcels are proposed.

Adequacy of Self Mitigating Goals and Policies

Some commenters have suggested that the individual policies in the RDEIR designed to avoid impacts (i.e. self mitigating) improperly defer mitigation of some impacts and suggest that these mitigation measures and policies should be more specific. Commenters also contend that some policies and mitigation measures are infeasible, unenforceable, unlikely to be carried out, or unlikely to be successful.

The proposed 2010 General Plan is a policy document to provide a long term, comprehensive plan for the physical development of the County. It generally describes the type, intensity, and location of development that may occur within the County, and provides policies that will guide the design and provide basic standards for that development. The General Plan itself is not intended to provide the level of detail that is found in an ordinance or special use permit condition.

Several commenters questioned the enforceability of individual policies. General Plan policies should not be reviewed in a vacuum. All of the goals and policies have been proposed as part of a comprehensive system (i.e. the entire General Plan); (for example see Table on RDEIR page 3.6-39). These policies will be interpreted in relationship to the other goals, policies, and implementation measures contained in the General Plan. Additionally, development (i.e. build out) under the proposed project will also have to comply with existing Federal, State and local regulations which are also outlined in the individual resource chapters (for example, see RDEIR pages 3.6-5 through 3.6-14). CEQA case law also supports the use of compliance with regulatory requirements to help reduce or avoid impacts (see *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 913, 914 [discussing compliance with Safe School Plan requirements under Education Code Sections 32282 et seq. to help avoid hazardous material impacts]; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 [“compliance [with environmental regulations] would indeed avoid significant environmental effects”]; see also CEQA Guidelines Sections 15002(h)(3), 15064(h)(3), and 15130(c.)).

As described above, the General Plan’s goals and policies will be implemented and realized through County ordinances and future County decisions on specific development projects. As discussed in the OPR Guidelines, the General Plan should “be general enough to allow a degree of flexibility in decision-making as times change.”

Adequacy of Mitigation Measures

Some commenters have suggested that the mitigation measures in the RDEIR designed to avoid impacts improperly defer mitigation of some impacts and suggest that these mitigation measures and policies should be more specific. Commenters also contend that some policies and mitigation measures are infeasible, unenforceable, unlikely to be carried out, or unlikely to be successful.

These mitigation measures will become part of the proposed project and should also be read in conjunction with the goals, policies, and implementation measures that are part of the proposed General Plan. Mitigation Measures are components of the RDEIR and are subject to the same

requirements regarding their level of detail required for a programmatic document (see CEQA Guidelines Section 15126.4; see also CEQA Guidelines Sections 15143, 15146, 15151, 15204). A program EIR is not expected to analyze site-specific impacts nor provide the level of detail found in a site specific project EIR. The General Plan consists of goals and policies that will guide future development decisions. It does not include site-specific development proposals. General Plan policies and mitigation measures should be consistent with the geographic scope of the project (a diverse geographic area encompassing approximately 4,840 square miles of valley, foothill, and mountain geographic areas), population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors (Government Code Sections 65300.9 and 65301(c); CEQA Guidelines Sections 15143, 15146, 15151, and 15204). It is important for General Plan policies and mitigation measures, which cover such a large and diverse area, to be flexible enough to accommodate the individual environmental and planning needs of each area of the County. Accordingly, this EIR proposes goals, policies, and mitigation measures at a programmatic level. An attempt to examine impacts on a site-specific basis and to provide mitigation measures for those project level impacts would be speculative given the lack of information about future site-specific development.

While the County strives to provide as much detail as possible in the mitigation measures and policies, some flexibility must be maintained to provide a General Plan capable of covering the County's 4,840 square miles. Additionally, as discussed by the Court of Appeal, "a first-tier EIR may contain generalized mitigation criteria and policy-level alternatives" (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29). CEQA case law has also held that deferral of the specifics of mitigation is permissible where the lead agency commits itself to mitigation and, in the mitigation measure, either describes performance standards to be met in future mitigation or provides a menu of alternative mitigation measures to be selected from in the future (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [the details of exactly how the required mitigation and its performance standards will be achieved can be deferred pending completion of a future study]; *Endangered Habitats League Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793 [deferred mitigation acceptable when performance standards are included]; see also, *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1448-1450 [a deferred approach may be appropriate where it is not reasonably practical or feasible to provide a more complete analysis before approval and the EIR otherwise provides adequate information of the project's impacts]; *Sacramento Old City Assn. v. City Council of Sacramento*, supra, 229 Cal.App.3d at p. 1028-1029 [deferral of agency's selection among several alternatives based on performance criteria was appropriate]). Furthermore, the Government Code and other statutory and regulatory requirements provide mechanisms to implement the goals and policies of the General Plan and to ensure future projects will be consistent with the General Plan (see Government Code Sections 65359, 65400, 65455, and 65860). This includes the annual report required by Government Code Section 65400. Under CEQA, this reporting requirement is considered appropriate to implement the General Plan (see CEQA Guidelines Section 15097(b)).

Mitigation Measures are components of the RDEIR and are subject to the same requirements regarding their level of detail described in Master Response #4. (See CEQA Guidelines CEQA

Guidelines Sections 15126.4(a) (2), 15143, 15146, 15151, 15204) A program EIR is not expected to analyze site-specific impacts. The 2010 General Plan consists of goals and policies that will guide future development decisions. It does not include site-specific development proposals.

Master Response #4: Level of Detail for the General Plan and the Programmatic Nature of the RDEIR

Several commenters questioned whether the General Plan and/or EIR contained sufficient information and detail to satisfy the requirements of State Planning law and CEQA. This master response has been developed to address these comments.

The proposed project before the County is the adoption of the General Plan 2030 Update. This general plan update revises multiple elements of the County's existing general plan¹, a planning document that is necessarily general or broad in nature. The function of a General Plan is not to prescribe all of the land use and environmental standards in the county, but to set general policies and provide direction for implementing those policies through more specific land use regulation such as zoning ordinances (see, e.g., Tulare County Ordinance Code 352 as amended). The standards for adequacy of a General Plan are established by State law, commencing with Section 65300 of the Government Code. Further elaboration is provided in the advisory State General Plan Guidelines. In general, local governments are given great latitude in the development and adoption of a General Plan as long as the statutory requirements of State law are satisfied. Among the most important of those requirements is that the elements of the General Plan be integrated and internally consistent. The County's General Plan 2030 Update clearly meets these requirements as described in Chapter 1 "Introduction" of Part 1 (see General Plan 2030 Update, Goals and Policies Report, pp. 1-1 through 1-15.). Standards for adequacy of an EIR are discussed in the CEQA Guidelines (Section 15151) and further elaborated upon regularly via the courts in published case law. Section 15151 states in full:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Section 65301(c) of the Government Code addresses the appropriate "level of detail" for General Plans and Section 15146 of the CEQA Guidelines discusses the appropriate "level of detail" for preparation of the EIR.

¹ Some previously adopted elements, e.g., the Animal Confinement Facilities Plan, Flood Control Master Plan, and previously adopted sub-area Plans, County-adopted City General Plans and Community Plans are not revised in this update.

Government Code Section 65301(c) establishes that, as long as the content and scope of the General Plan meets the minimum requirements of State law, the degree of specificity and level of detail must reflect local conditions and circumstances. A General Plan is by definition intended to be broad, or “general,” in scope. Relegation of more specific regulatory details and requirements to implementing plans, regulations, and ordinances is common practice. As discussed in the Government Code, the Legislature recognized that the level of detail in the General Plan will vary. “The Legislature recognizes that the capacity of the California cities and counties to respond to state planning laws varies due to the legal differences between cities and counties, both charter and general law, and to differences among them in physical size and characteristics, population size and density, fiscal and administrative capabilities, land use and development issues, and human needs...recognizing that each city and county is required to establish its own appropriate balance in the context of the local situation when allocating resources to meet these purposes (see Gov. Code § 65300.9; see also Gov. Code § 65301(c)). As further discussed in the Governor’s Office of Planning and Research (OPR) General Plan Guidelines; “given the long-term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change” (Office of Planning and Research, 2003 General Plan Guidelines, page 14).

Section 15146 of the CEQA Guidelines states in full:

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) *An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive Zoning Ordinance because the effects of the construction can be predicted with greater accuracy.*
- (b) *An EIR on a project such as the adoption or amendment of a comprehensive Zoning Ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.*

The County provides as much quantitative detail as possible in preparation of this programmatic RDEIR for the General Plan 2030 Update. For example, while the availability of county-wide agricultural resources data allows a quantitative assessment of important farmland impacts (see Section 3.10 of the RDEIR), not all impacts can be analyzed quantitatively (see Section 3.1 “Land Use and Aesthetics”). Qualitative analysis is consistent with CEQA; as discussed in CEQA Guidelines Section 15064.7:

“Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of the environmental effects. A threshold of significance is a quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effects will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.”

The General Plan 2030 Update and the RDEIR address plans and policies covering over 3,000,000 acres in Tulare County (approximately 4,840 square miles). How and where (within individual parcels) development will proceed is generally unknown and cannot be practically and feasibly addressed or analysis in detail at this level of planning. Within the context of Section 15146 of the CEQA Guidelines, analysis of development of specific individual parcels is neither feasible nor required. Thus, development in the county is considered more generally (e.g., a specific number of homes will be developed in a certain market area producing a calculated number of vehicle trips, air emissions, etc.). This conforms to the guidance provided by CEQA.

Throughout the RDEIR, mitigation measures have been clearly identified and presented in language that will facilitate the establishment of a mitigation monitoring and reporting program (MMRP) consistent with CEQA Guidelines Section 15097. Any mitigation measures adopted by the County may take the form of policies and implementation measures integrated into the General Plan itself. This approach is encouraged by the same statute (Section 21081.6 (b)), which, in subdivision (b), states that “conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.” Case law also gives the County the option of integrating its mitigation monitoring and reporting plan directly into the General Plan (see *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 380-381). As described above, Government Code Section 65400 contains provisions to implement the General Plan along with other statutory requirements.

Additionally, future development contemplated by the General Plan 2030 Update will be required to comply with State and Federal permitting regulations concerning biological and other resources, as well as existing County regulations. The County and future project applicants will utilize appropriate State and Federal permitting regulations in developing specific mitigation measures for future projects. As individual projects or specific plans are considered, more detailed information will be generated regarding size and placement of buffers and the particular measures needed. Given the variety of field conditions within each of the future development areas (UDB, HDB, and MSC within 3 diverse geographical areas), pre-determining the most effective measures for any given setting would be speculative and not based upon any of the detailed information that will be acquired in the future concerning site specific resources and the design objectives of a site specific project. The General Plan 2030 Update provides Consistency Standards and Environmental Mitigation policies for detailed subsequent development environmental impact review which is defined in Part I, Chapter 1, Section 1.5 of the Goals and Policies Report.

Master Response #5: Land Use Diagram, Land Use Designations, and Build-out Assumptions

Several commenters expressed confusion as to why the included General Plan 2030 Update’s land use diagram and land use designations are not as specific as those typically found in City, or individual specific plan land use diagrams and designations. In addition, several commenters asked that the County identify all land use designation changes proposed by the general plan update. Commenters asked for more detail regarding the location and intensity of future

development that would occur under the proposed project. Finally, several commenters criticized the environmental review of this project because it does not provide detailed parcel level description and evaluation typical of a city's review of general plan and zoning amendments. This master response has been developed to address comments specific to these issues.

Land Use Diagrams and Land Use Designations

In undertaking the General Plan 2030 Update and preparing the Recirculated Draft Environmental Impact Report (RDEIR), the County of Tulare is not writing on a "blank slate." The General Plan 2030 Update amends the existing County General Plan by modernizing, updating, and adding to existing policies that have been developed over time since the first County general plan was adopted in 1964.

The general plan update planning area covers all of the unincorporated territory in the County which includes three diverse geographical areas. Continuing the County's traditional approach, the General Plan 2030 Update applies an "umbrella" of general planning policies over an established planning system which includes three "area plans" (each providing more detail for one of the three major geographic areas of the County), several detailed County Adopted City General Plans, several Sub-Area plans, detailed community plans, and a corridor framework plan.

Each area plan is designed to address the typical issues found in one of the three geographic regions in the County (valley, foothill and mountain). The County Adopted City General Plans, adopted Community Plans, Hamlets, Corridor, Sub-Area plans, and Mountain Service Center plans (MSC) apply to smaller areas within the area plans and address more localized planning concerns. A County Adopted City General Plan applies to the unincorporated planning areas immediately adjacent to a city's boundary and is consistent with the plan character developed by the particular city in question. Each Community, Hamlet, and MSC plan has been developed based upon the specific character and needs of the unincorporated urban service center to which it applies. These unincorporated settlements are scattered throughout the agricultural and open space areas within each specific geographic area and thus have diverse issues, needs and opportunities.

One way to look at this planning system would be a three tier system based on specificity: Tier one would be the General Plan 2030 Update "umbrella" of general policies applicable throughout the county, the second tier would be the area plan policies applied in particular geographical regions. The third tier would be policies tailored to sub-areas, communities, hamlets and to the planning areas surrounding the cities, all carved out of the area plan territories and adopted by the County. These third tier areas take the form of community plans, County Adopted City General Plans, Hamlets, Corridors, and Sub-Area plans. The structure of the General Plan 2030 Update is discussed in more detail in the Goals and Policies Report, Part I. (See Goals and Policies Report, Part I, Introduction, pp. 1-2 through 1-6.)

Underlying and implementing these plans and regulating the agricultural and open space areas, are 32 types of zoning districts that cover all unincorporated areas. The County's zoning ordinance was first adopted in 1947 and, as appropriate for zoning regulation, provides a more detailed use of particular parcels consistent with the overlying land use designation.

In Contrast to the Cities

There are significant differences and challenges in planning between the County and the cities. The County and the cities are each entitled to determine their own approach to these challenges and these approaches do not have to be similar. Tulare County has unique planning challenges to address related to its vast areal extent, diverse topography and habitat types, and, as described above, has chosen to address them by using different types of plans and levels of detail in its planning structure. The analysis and review undertaken by the County of its current project is appropriate, as described in Master Response #4.

First and foremost of the significant differences between the County and cities is the size and diversity of the planning area. To put this diversity into perspective, please note that County of Tulare covers approximately 4,840 square miles. Of this, approximately 2,520 square miles are state or federal lands and outside the County's planning jurisdiction. Also, the eight incorporated cities within the County cover approximately 130 square miles. This leaves the County with approximately 2,190 of remainder square miles within its jurisdiction. Most of the areas under the County's planning jurisdiction are agricultural or open space areas except for the historical urban service centers (communities, hamlets, and mountain service centers) which total only approximately 170 square miles out of the County's approximate 2,190 remainder square mile planning area.

Furthermore, the cities within Tulare County are generally located on the valley floor except for the Cities of Exeter, Lindsay, Porterville and Woodlake, which border on the foothills. The County, on the other hand, has three widely diverse geographical areas within its planning area, each with its own unique planning challenges: valley floor, foothills, and mountains areas.

The same areal extent and geographic diversity is not found in any of the individual cities in Tulare County, and consequently the County's layered or tiered approach, which works well for Tulare County, would not be needed in an individual city. The areal extent and diversity are the main reasons why the County's land use diagram and land use designations included in the General Plan 2030 Update are not as specific as those typically found in City or individual specific plan land use diagrams and designations.

Planning Strategy and Development Constraints

The County planning strategy to address the California Department of Finance and Tulare County Association of Governments projected population growth for the 20 year planning horizon of the proposed General Plan 2030 Update is straightforward: to focus growth into urban centers, provide services, and economic opportunities to these centers, and to protect agriculture and the County's unique rural character. The proposed General Plan 2030 Update directs development and proposed growth into specified "urban areas": community urban development boundaries (UDB), hamlet development boundaries (HDB) and mountain service centers (MSC). In order to develop within the County's land use jurisdiction on the valley floor (where most of the prime agricultural land is located) outside of community UDB's and HDB's, proposed development must meet the requirements of the Rural Valley Lands Plan to be rezoned to a nonagricultural zoning or qualify for certain permits. To locate in the community UDB's and HDB's, development is not required to meet the

restrictive RVLP requirements. This approach also uses economic or fiscal factors (see Policy PF-1.4) to focus growth where there is the possibility of using the economy of scale to provide services to populations gathered in these compact areas.

However, development in these urban areas may be limited by the availability of urban type services. As shown by the background report and the environmental settings described in the RDEIR, a majority of urban service centers have limited existing capacity to serve new growth or development. Consequently, proposed General Plan 2030 Update policy (PF-1.4) requires that such new development “pay its own way” and provide sufficient resources to serve the proposed development. This policy seeks to require that new development not increase existing deficiencies. New development within these urban areas may also be limited by other constraints such as the existing ordinances, topographical restrictions (such as slope and other terrain limitations) and many others.

The General Plan 2030 Update would focus urban development into specific and limited areas of the County (consistent with General Plan Policy PF-1.2). As shown in Figure 4-1 “Land Use Diagram”, (General Plan 2030 Update, Part I, p. 4-5) vast regions of the County remain as agriculture and/or resource conservation areas (approximately 85% of the overall County acreage). The remaining areas that are the main focus of urban type growth are: UDB’s, Hamlet Boundaries, Mountain Service Centers, Foothill Development Corridors, Planned Community Areas (none yet established), Regional (none yet established) urban and scenic corridors, and a few other existing Sub-Area plan areas such as the Kings River Plan, Sequoia Field Land Use and Public Buildings Element/Juvenile Detention Facility element, Great Western Divide North-Half, and Kennedy Meadows Mountain Sub-area Plans. Most of the planning boundaries in the proposed general plan currently exist within the County. These boundaries concentrate urban growth within specified areas of the county thereby limiting sprawl and preserving the vast majority of the County’s open space resources. These boundaries were previously adopted through Community Plans, Area Plans or other type of General Plan amendments over the years. Land use designations and zoning designations or districts were usually applied within these plan areas at or soon after the adoption of the plan. The Urban Development Boundaries, Urban Area Boundaries, Foothill Development Corridors boundaries, Sub-Area Plan boundaries, RVLP boundaries and FGMP boundaries were previously adopted by the County and, except as discussed below under Area Descriptions, are not being amended in the proposed General Plan 2030 Update.

The General Plan 2030 Update already contains numerous policies designed to cluster development and provide for infill including proposed Policies PF-2.2, PF-1.2, PF-2.2, PF-3.2, PF 4.6, LU-1.1, LU-1.8, LU-5.4, Land Use Implementation Measure #3 and #7 and #8 and #9, Policy AQ-3.2, Air Quality Implementation Measure #11, Policy PFS-1.15, and PFS Implementation Measure #4 (including density bonuses and financial assistance).

The General Plan 2030 Update also contains a number of policies to limit and focus development, with several examples provided in the summary table provided on page 3.10-15 of the RDEIR. Specifically, Policy PF-1.2 provides that “The County shall ensure that urban development only takes place in the following areas: (1) within incorporated cities and County adopted City UDB’s; (2) Within the UDBs of adjacent cities in other counties, unincorporated communities, planned

areas, and HDB's of hamlets; (3) Within foothill development corridors as determined by procedures set forth in Foothill Growth Management Plan; (4) Within areas set aside for urban use in the Mountain Framework Plan and the mountain sub-area plans; and (5) Within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan [Urban Boundaries Element, as amended]." (Emphasis Added.)

Land Use Diagrams

As described above, the County must address a large amount of territory in three different geographical regions, and address existing urban service centers. As described above, the County must address a large amount of territory in three different geographical regions, and address existing urban service centers. Consequently, the Tulare County Land Use Diagram consists of several diagrams. The diagram that is broadest in scope is the Countywide Land Use Diagram, which depicts land use designations for resource lands primarily on the San Joaquin Valley floor, in the foothills and in the mountains (see Figure 4-1: Tulare County Planning Areas on page 4-5 in Part I of the Goals and Policies Report). The remainder of the County is covered by Land Use Diagrams as set out in Part III, including diagrams for individual Community Plan Areas, the Kings River Plan, Hamlet Plans, Mountain Sub-Areas, Corridors and County Adopted City General Plan areas. Another component of the Land Use Diagrams consists of the various land use designations, which are described in Table 4-1: Land Use Designation Matrix and Table 4.2: Countywide Land Use Designation Matrix. The diagrams in Chapter 2 Planning Framework show only the planning boundaries of communities and hamlets.

The General Plan 2030 Update includes sufficient policy guidance and land use diagram information (as indicated in Chapter 4 of Part I (Goals and Policies Report) of the proposed General Plan Update) consistent with the broad nature of this planning document as more fully described in Chapter 1 of Part I of the General Plan 2030 Update. The existing documentation that comprises Part III of the Goals and Policies Report contains specific land use diagrams and provides sufficient guidance to address specific land use density and intensity information pertaining to those documents. The documents and information included as part of these planning documents in Part III are not a focus of or a part of the current update.

When there is a need for interpretation to the General Plan Land Use Designation and/or goals and policies of the General Plan, the Planning Commission will have interpretative authority. If there is a disagreement over interpretation, the Board of Supervisors will have final authority over interpretation (see Land Use Diagram and Standards in Part I, Chapter 4 of the General Plan).

Land Use Designations

The Land Use Diagram is a useful tool to visualize and identify areas where land use designations would be changed. Figure 4-1 (General Plan 2030 Update, Part I at page 4.5) The Land Use Diagram of the County is divided into geographical regions and areas. As a tool, the Land Use Diagram is intended to provide an overview of all planning areas of the County. This tool allows readers to find the correct "Planning" area within the County. For example, a reader looking at a project within the Foothill Growth Management Plan area would be directed to Part II-Chapter 3,

Foothill Growth Management Plan, for the Land Use Diagram and boundaries. Where no previously adopted plan exists, land use designations are proposed to fill in these land use designation gaps (i.e. Hamlets, Mountain Service Centers, Federal and State Areas, the Tule River Indian Reservation, etc). More specific, individual area descriptions are provided below.

Since the existing general plan was originally adopted (1964), several Area, Sub-Area and Community Plans have been adopted, each with its own set of land use and development standards. The result is that, by 2005, Tulare County was using over 60 separate land use designations. It is the intent of the updated Land Use Element (Chapter 4 of Part I: Goals and Policies Report) to “compile” these land use designations (Table 4.2: Countywide Land Use Designation Matrix (Chapter 4 of Part I: Goals and Policies Report)) and establish a common set of broad, uniform land use designations (Table 4.1: Land Use Designation Matrix (Chapter 4 of Part I: Goals and Policies Report)). This uniform set of land use and development standards will apply to all future updates and planning efforts when implementing the General Plan 2030 Update. When adopting, amending or updating the Area Plans, Community Plans, Hamlet Plans, Corridor Plans, Mountain Service Center Plans, Sub-area Plans, Planned Community Areas, and County Adopted City General Plans. The general plan Land Use Diagram, Area Plans, and Community Plans will generally employ these land use designations, although not every planning document uses every designation.

The re-defined land use designations, set out in Chapter 4 of Part I of the General Plan 2030 Update, will be used in the future on any new planning amendments. The General Plan 2030 Update will be updating land use designations on site specific and plan specific areas within the County. This includes any areas with land use designation gaps within the general plan. As previously described, existing Part III Plans are not being changed or amended as a part of the General Plan 2030 Update. Their land use boundaries, designations, density and intensity will be found within said existing plan. The new designations are designed to encompass and be consistent with the old community plans. Please see Table 4-2 of Chapter 4 of Part I.

Proposed Land Use Designation Changes

Some commenters have asked that the County identify all land use designation changes proposed by the General Plan 2030 Update. As described above, most of the land use designations already applied by the County will not be amended or changed by this update. However, the proposed General Plan 2030 Update will fill in some gaps in the existing land use diagram. Consistent with CEQA case law, when an existing Plan is amended, the agency will not be required to assess the environmental effects of the entire plan or preexisting land use designations. Instead, the question becomes the potential impact on the existing environment of *changes* in the plan as embodied in the amendment.” (Emphasis in original; *Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974.)

A description of the diagram areas and any exceptions/proposed changes is explained in the section that follows.

Hamlet Development Boundaries

The proposed General Plan 2030 Update would establish Hamlet Development Boundaries for eleven small, historic, rural urban service centers or settlements. Several of these areas were designated as rural service centers in the 1964 Tulare County General Plan: Seville, Yettem, Monson, and Waukena. The others are existing settlements located throughout the County, which include Allensworth, Delft Colony, East Tulare Villa, Lindcove, Teviston, Tonyville, and West Goshen; all of these have existed since the early 1900's. The proposed General Plan 2030 Update labels these rural urban service centers or settlements "Hamlets". The Hamlet Diagrams (Chapter 2: Planning Framework, Figures 2.3-2 through 2.3-12, depict the individual Hamlet Development Boundaries (HDBs); The Land Use Designation of Mixed-Use as described in the Land Use Element (Chapter 4) of Part I (the Goals and Policies Report) will be applied, unless a traditional plan approach is requested (Policy PF-3.4). Policies PF 1.2 and PF-4.1 limit urban development to the area within these boundaries, Policy PF-3.2 limits modification of these boundaries and Policies PF-3.3 and PF-3.4 provide for Hamlet Plans and future changes to land use designations. The existing zoning (zone districts) within each of the Hamlets will not be changed by this update. Any new zoning shall be consistent with the mixed-use designation or any designation applied by a future adopted Hamlet Plan.

Timber Production

There are certain areas located in the Mountain Areas of the County that are currently zoned Timber Preserve (TP) Zones but do not have land use designation. The General Plan 2030 Update fills this gap by designating these TP Zones as Timber Production. These areas are within State and or federal jurisdiction and not under County control.

Furthermore, Government Code Section 65302(a)(1) requires that the general plan: "Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5)." The County has limited authority to affect land uses zoned under the California Timberland Productivity Act of 1982 ("TPZ") (See Government Code Section 51115 ["The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations."]).

Mountain Sub-Area Plans

Boundaries for seven Mountain Area Sub-Area Plans were established in 1986 as part of the Kennedy Meadows Sub-Area Plan, which include Kennedy Meadows, Great Western Divide North Half, Great Western Divide South Half, Redwood Mountain, Posey, Upper Balch Park, and South Sierra. These boundaries are not being amended or changed by the General Plan 2030 Update. Out of these areas, only two have adopted sub-area plans: Kennedy Meadows and the Great Western Divide North Half Plan. These two sub-area plans will not be amended by the General Plan 2030 Update. When adopted in the future, the Sub-Area Plans for the remaining five sub-area plan boundaries will become part of Part III and additional land use designations or changes to land use designations will be made at that time. However, the proposed General Plan 2030 Update

does address private in-holdings in these five sub-area plan areas. Please see “Mountain Service Centers”. The mountain sub-area plans primarily consist of Federal and State Lands.

Mountain Service Centers

Mountain Service Centers (MSCs) are areas designated for development in or adjacent to existing communities within the boundaries of the Mountain Framework Plan. MSC Plans will become components of Part III of the General Plan when adopted. Within the MSC boundaries, lands would be designated mixed use under the proposed project, until a future, sub-area plan applied different land use designations. MSCs boundaries that would be established by the proposed General Plan 2030 Update include Balance Rock, Balch Park, Blue Ridge, California Hot Springs/Pine Flat, Fairview, Hartland, Johnsondale, McClenney Tract, Panorama Heights, Posey/Idlewild, Poso Park, Silver City, Sugarloaf Mountain Park, Sugarloaf Village, and Wilsonia. There are no existing land use designations for these lands. Consequently, the proposed General Plan 2030 Update fills in this gap. These small areas currently consist of residences, summer homes, cabins, and may contain small community amenities, such as stores, restaurants, post offices, etc.

State or Federal Lands

Areas within Federal or State jurisdiction are designated as Resource Conservation. There are no existing land use designations for these lands, so the currently proposed General Plan 2030 Update covers this gap. These areas do have zoning; however, the County has no jurisdiction over these areas.

Tule River Indian Reservation

There are no existing land use designations for the Tule River Indian Reservation. The General Plan 2030 Update will cover this gap by designating the Tule River Indian Reservation as Native American Reserve. This is land held in trust by the federal government. No boundaries will be changed and the County has no land use authority within this area.

Communities with Community Plans

Adopted Community Plan Boundaries and Land Use designations are within Part III. These plans, which include Cutler/Orosi, Earlimart, Goshen, Ivanhoe, Pixley, Poplar/Cotton Center, Richgrove, Springville, Strathmore, Terra Bella/Ducor, Three Rivers, and Traver will not be amended by the proposed General Plan 2030 Update. A reader must go to the specific, existing adopted Community Plan to locate its boundary and land use designations. The only exception is the Pixley community plan boundary (Urban Development Boundary): The General Plan 2030 Update will modify this boundary to include the old Harmon Field airport area. The land use designation for this area remains Valley Agriculture. However, because the site will now be within the Pixley Urban Development Boundary, the site will be exempt from the Rural Valley Lands Plan checklist requirements if its zoning is changed in the future.

Communities for which no community plan has been adopted

These areas have existing UDB's and urban zoning, which include East Orosi, Lemon Cove, London, Plainview, Sultana, Tipton, and Woodville. The General Plan 2030 Update will not change or amend these boundaries or existing zoning, but does call for adopting a Community Plan for each of these areas (see Goals and Policies Report, Part I, pp. 1-5 – 1-6.). The 1974 Urban Boundaries Element designated these areas as Urban, established UDB's around them and allowed urban type zones within these boundaries. The General Plan 2030 Update will update this "Urban" designation to Mixed-Use by Policy PF-2.6. Sultana is the only community not designated "Urban" by the 1974 Urban Boundaries Element. Sultana was established as a rural service center by the 1964 Tulare County General Plan and, as such, would have been considered a Hamlet and exempt from the Rural Valley Lands Plan under the proposed General Plan 2030 Update. However, Sultana meets the criteria for a community according to the general plan and therefore will be categorized as a Community and be designated as Mixed-Use. The General Plan 2030 Update will not update zoning within Sultana.

Planned Community Areas

This land use designation establishes areas suitable for comprehensive planning for long term community development on large tracts of land. There are no lands or areas within Tulare County currently designated as a Planned Community Area and no such areas will be designated as part of this General Plan 2030 Update. Any designation of any Planned Community Area may only be accomplished through a General Plan amendment process established by the California Planning and Zoning Law. Any such application must comply with CEQA. Any Planned Community Area must be consistent with the General Plan 2030 Update and the overlying Area Plan (i.e., Rural Valley Lands Plan, Foothill Growth Management Plan or Mountain Framework Plan).

Corridor Framework Plan/Corridor Area Boundary (Urban and Regional only)

The Mooney Boulevard Corridor Concept Plan is the only area within Tulare County that has been designated as a Corridor Area (in 1972). However, this Corridor Concept Plan has been suspended since 2004 and the areas within this corridor are subject to the existing general plan's Urban Boundaries Element and the Rural Valley Lands Plan during this suspension. If the proposed General Plan 2030 Update is adopted, the proposed Corridors Framework Plan would provide policy guidance for this area. The proposed Corridor Framework Plan consists of new policies that would provide the framework for future corridor plans to be adopted. The proposed General Plan 2030 Update also provides an interim policy (C-1.6) with criteria for highway oriented commercial, industrial and mixed use development that would apply until a regional growth corridor plan is adopted. Part II, Chapter 2, Corridors Framework Plan, Figure 2-1, identifies the routes upon which new Corridors may be considered. This General Plan 2030 Update does not locate (designate) or adopt any regional, scenic or urban corridors. Future regional, scenic, or urban corridors may only be established under this Corridors Framework Plan through future General Plan amendments. These future amendments would be processed through the provisions of the Planning and Zoning Law and will be consistent with the General Plan 2030 Update. A corridor

plan will be required for the designation of any future corridor areas. Interim corridors locations must be consistent with the overlying Area Plan (i.e., Rural Valley Lands Plan, Foothill Growth Management Plan or Mountain Framework Plan). In the past, the Foothill Growth Management Plan has utilized a “Planned Development Corridors” land use designation. This designation is not intended to be the same as those contemplated by the Corridors Framework Plan; consequently, the Foothill Growth Management Plan land use designation for these areas will be changed to Foothill Mixed-Use. Please refer to the land use descriptions provided in Chapter 4 of the Goals and Policies Report for additional information.

County Adopted City General Plan

County Adopted City General Plans areas, including boundaries and land use designations for Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake, are in Part III of the General Plan 2030 Update and will not be changed or amended by this General Plan 2030 Update. A reader must go to the specific existing County Adopted City General Plan to locate its boundary and land use designation. The only exception is the Dinuba Urban Development Boundary will be modified by this General Plan 2030 Update to reflect an expansion of the existing City limits previously approved by the Local Agency Formation Commission (LAFCo). The exception is coterminous with the Dinuba City limits.

Foothill Growth Management Plan (FGMP)

The proposed General Plan 2030 Update updates the previously adopted FGMP. Revisions in this FGMP update include elimination of obsolete or outdated information and policies, clarifications, and restoration of a comprehensive list of FGMP development standards (RDEIR, p. 2-13; see also General Plan 2030 Update, Part II, Chapter 3.). Minor revisions in the boundaries and land use designations of the FGMP are part of the proposed General Plan 2030 Update. Planned Development Corridor designations would be changed in name only to the Foothill Mixed-Use designation. Additionally, while the 600’ elevation line remains on the Land Use Diagram (see Figure 4-1) as the reference boundary line that distinguishes the RVLP from the FGMP areas, the previous agriculture and foothill extensions are not called out specifically and have been folded into their respective land use designations (i.e. Agriculture Extensions are now Valley Agriculture and fall under the RVLP and Foothill Extensions are now Foothill Agriculture and fall under the FGMP) These revisions would not change the amount or type of growth expected within the FGMP area.

Rural Valley Lands Plan (RVLP)

Hamlet Development Boundaries, as described above, would be established and the Mixed-Use designation would be applied within these boundaries as part of the proposed General Plan 2030 Update. No other boundary or land use designations changes to or within the RVLP are proposed by the General Plan 2030 Update. The RVLP, including its boundaries and land use designations, are set out in Chapter 1 of Part II of the General Plan 2030 Update. Additionally, while the 600’ elevation line remains on the Land Use Diagram (see Figure 4-1) as the reference boundary line that distinguishes the RVLP versus the FGMP areas, the previous agriculture and foothill

extensions are not called out specifically and have been folded into their respective land use designations (i.e. Agriculture Extensions are now Valley Agriculture and fall under the RVLP and Foothill Extensions are now Foothill Agriculture and fall under the FGMP). This represents a change in name only, as the boundaries have previously been established.

Mountain Framework Plan

The boundaries for the Mountain Framework Plan, as described above, were adopted in 1986 as part of the Kennedy Meadows Sub-Area Plan. Policies for a Mountain Framework Plan were originally drafted in 1995, they were not adopted. These policies have been updated and modernized and are now proposed for formal adoption as Chapter 4 of Part II of the General Plan 2030 Update.

Project Build-out

Commenters asked for more detail regarding the location and intensity of future development that would occur under the proposed General Plan 2030 Update. Other commenters suggested that the RDEIR must assume and analyze “full build out” of the General Plan land use designations (i.e. land use designations built to their maximum dwelling units per acre (DU/Acre), and maximum floor area ratios (FAR)).

The RDEIR provides population growth and distribution assumptions and the location of these areas can be viewed in RDEIR Table 2-11 and Figure 2-2. (RDEIR page 2-24 and 2-25.) As discussed therein, analysis in the RDEIR used Tulare County Association of Governments (TCAG) population projections as a basis for build out associated with the proposed project. (RDEIR pp. 1-12, 2-24) However, as discussed in the RDEIR, the County has only limited control over growth and cannot control external factors such as population growth (i.e. birth rates and death rates), existing infrastructure constraints, and the intent of individual property owners, businesses, and citizens. Additionally, other Federal, State, and local regulations will shape the way development occurs within the County. By using growth projections, the County is able to capture the net effect of these other constraints which cannot be individually quantified.

As discussed above, the proposed General Plan 2030 Update is a policy document to provide a long term, comprehensive plan for the physical development of the County (also see Master Response #4). It generally describes the type, intensity, and location of development that may occur within the County, and provides policies that will guide the design and provide basic standards for that development. The General Plan 2030 Update itself is not intended to provide the level of detail that is found in an ordinance or special use permit condition. While population growth and the associated development through the horizon year (2030) of the General Plan is reasonably foreseeable, development on any particular parcel is largely speculative. (See *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351, 371-372 [“the omission of any description of specific potential facilities [in an EIR for a component of the General Plan]...does not...render the FEIR deficient”].)

Analysis in the RDEIR evaluates the impacts of build-out under the proposed General Plan 2030 Update by evaluating the approximate amount and location of development through 2030 (the planning horizon) (see also RDEIR, p. 1-12.). In this way, the analysis addresses changes in allowed land uses which would change build out within the County. The proposed General Plan 2030 Update includes one new, Mixed-Use designation for Community Urban Development Boundaries (without community plans), Hamlet Development Boundaries, and Mountain Service Centers; the Timber Production designation for Timber Preserve Zones; the Native American Reserve designation for the Tule River Indian Reservation; and the Resource Conservation designation for State and Federal lands. Resource Conservation, Native American Reserve, and Timber Preserve zones (land use designations) are entirely within Federal or State areas and are not under the jurisdiction of the County. Please see “Proposed Land Use Changes:” above. The remaining land use designations within the County’s jurisdiction will not be changed.

Impact analysis based on maximum, theoretical build-out (i.e. land use designations built to their maximum dwelling units per acre (DU/Acre), and maximum floor area ratios (FAR) of the County to some speculative number of units or year, would not provide meaningful information to the decision making body. Analysis in the RDEIR is based on reasonable assumptions about projected increases in population, and the location and extent of growth that would occur through a horizon year (2030).

CEQA only requires analysis of reasonably foreseeable impacts (see CEQA Guidelines Section 15064(d)). As a corollary to this guideline, CEQA does not require analysis of impacts that are too remote or speculative. While it is appropriate to discuss reasonably foreseeable growth at the horizon year of the proposed project, impacts beyond this time frame are speculative. As discussed in *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1173, over a 30-year period, it is “impracticable to foresee with certainty specific source of water and their impacts...” Similarly, for the proposed project, maximum theoretical build-out would not occur, if ever, for well over a hundred years; impact analysis based on such a time frame would be speculative and premature. It is not possible to determine how development will actually occur beyond the project’s horizon year.

The approach taken in the RDEIR is consistent with OPR’s 2003 General Plan Guidelines, which state that most jurisdictions select a 15 to 20 year planning horizon. This approach is also consistent with recent CEQA case law (See *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437 [holding the DEIR did not need to assume second dwelling unit [theoretical build-out] would be constructed even though allowed by zoning.]). (See also *Sondermann Ring Partners-Ventura Harbor v. City of San Buena Ventura* 2008 WL 1822452 (Unpublished) [“Sondermann asserts the EIR does not comply with CEQA because it does not analyze impacts of full build-out under the updated general plan...The updated general plan analyzes growth potential over the 20-year life of the plan. [A]n EIR is not required to engage in speculation in order to analyze a ‘worst case scenario.’”]). This approach is also consistent with other General Plan EIRs (see City of

Sacramento’s EIR for their General Plan², National City’s EIR for their General Plan,³ and Santa Monica’s EIR for their General Plan (“LUCE”).⁴ Furthermore, if the County were to base impact analysis on maximum theoretical build out, this could result in additional environmental impacts resulting from construction of any new mitigation measures/improvements for growth that is not actually expected to materialize within the planning horizon year of 2030.

However, based on comments received, the County offers the following additional detail regarding build-out:

The new, mixed-use designation would apply to approximately 205.6 square miles of 2,190 square miles of unincorporated area involved in the project. (Areal extent of the County’s land use jurisdiction is discussed above.) The underlying zoning districts in those areas would continue to be applied and will control future growth and development. The mixed-use designation will only be applied in HDB’s, MSC’s and Community UDB’s for those communities without existing community plans, as described above.

Because the mixed-use designation would allow future development to include combinations of compatible development, it is not possible to give a precise breakdown between the various uses which may occur on specific sites. However, the pattern and extent of existing uses is considered predictive for the proportion of uses that would occur in future development.

GIS data was used to determine the average vacant land available for development within areas that would receive the mixed use designation: 46% for Communities and MSC’s and 26% for Hamlets. An average, existing residential density of 2.58 units per acre was calculated for these communities and MSC’s. Also an average percentage of land use designated areas within the plans were calculated for each designation type: residential (55.4%), commercial (13.5%), industrial (18.6%) and other (12.5%). Using the data in this way relies on historic development as a reasonable predictor for the proportion of uses in future, mixed use development. These

² Sacramento General Plan EIR “...assuming development would be at 80 percent of the maximum development potential associated with each land use designation...” (Pages 5-11 and 6.0-1). Available at http://www.sacgp.org/mastereir/documents/Part1_GPMasterEIR.pdf.

³ National City General Plan EIR “The level of development evaluated in this EIR is based upon reasonable assumption for development activity anticipated to occur up to the 2030 horizon year. Actual development in any city or county is typically less than the theoretical limit of development. This is a result of market forces, population growth (including birth rates and immigration), as well as building and zoning restrictions, availability of resources, and other federal, State, and local regulations...Existing population and other demographic data is taken from year 2008 estimates associated with the San Diego Association of Government’s (SANDAG) 2050 Regional Growth Forecast, Series 11, February 2010.” (Pages 3-41 through 3-43; Available at: <http://www.ci.national-city.ca.us/Modules/ShowDocument.aspx?documentid=4460>.)

⁴ Santa Monica General Plan (LUCE) EIR: “Future year forecasts for the proposed LUCE identify a potential amount of change that would be anticipated under the proposed LUCE during the 20 year planning period. The forecasts incorporate the proposed LUCE strategies to conserve residential neighborhoods and direct intensive residential pressure into mixed-use transit-served corridors, to transform regional commercial to housing opportunities and encourage local-serving uses. These forecasts identify a potential future scenario based on reasonable assumptions and the best data available. Forecast estimates were checked against regional projections from the Southern California Association of Governments (SCAG) and the California Department of Finance (DOF)... An effective Floor Area Ratio (FAR) was determined for each district based on proposed LUCE standards, setback requirements, loading areas, and site design considerations as well as existing development trends for the districts. This effective FAR was then applied to the selected underutilized land area to conclude total development estimates... Total development for the commercial districts and the residential neighborhoods was then checked for consistency with growth projections estimated by the SCAG for the City of Santa Monica within the same study period.” (page 3-16). Available at: http://www.shapethefuture2025.net/PDF/eir/luce_feir_I.pdf.

averages were used to estimate the types of development in Hamlets and Communities without community plans that would occur based on this historic experience.

Analysis in the RDEIR used Tulare County Association of Governments (TCAG) population projections as a basis for population targets associated with the proposed project. (RDEIR pp. 1-12, 2-24) The developable areas within the County Adopted City General Plan UDB's are assumed to be annexed into the respective city and therefore, ultimately not under the County's jurisdiction. Most of the projected population growth in the County would occur in areas where no changes in the applicable land use plans are proposed as part of the General Plan 2030 Update, i.e., adopted CACUDBs and the incorporated cities' respective Spheres of Influence (see RDEIR, page 2-24).

Although it is not possible to give a precise breakdown between the various uses which may occur, residential uses would be expected to be part of most mixed use development. Various constraints within the County would restrict development in some areas, and on some individual parcels, reducing the maximum build-out of General Plan's land use designations. Typical constraints include water and sewage disposal capacity, public infrastructure improvements (roadways, etc), slope incline, public services (fire, sheriff, etc), zoning, environmental considerations and other low intensity uses such as parks, agriculture, industry, schools, churches, etc. An example of a community with constraints is Springville. Springville is currently under a wastewater moratorium by the California Regional Water Quality Control Board. Further constraints within the community are the slope percentage, grading, existing urban development, floodway, biological, cultural and many other issues. These constraints limit the density of urban development within the community. As discussed above, analysis in the RDEIR also takes into consideration historic development patterns to project the type of development that would occur in areas with the new, mixed use designation. Existing zoning, roads, existing development, slope percentage, water and sewer capacity, and many other constraints would remain in place and would greatly reduce the maximum build-out potential. It is highly unlikely that most of the vacant land in these areas will develop to a maximum of 30 units an acre.

Tables 5-1 through 5-7, below, are based on data developed for the County's 2009 Housing Element. "Build-out" Tables 5-2 through 5-7 mathematically project theoretical maximum build out in various ways. No adjustments are made in these tables for "fixed" constraints (such as setback, slope, terrain, water availability, roads, wastewater, zoning, and other physical limitations) or constraints that can be remedied (infrastructure capacity and market availability of land parcels). Please note that the amount of development presented in these tables is not expected to occur by the planning horizon year (2030). The information presented in Tables 5-2 through 5-7 illustrates how much development is theoretically possible.

As mentioned above, the numbers set out in these tables are speculative because it is impossible to anticipate all the circumstances that can affect development and estimate the reduction of units due to those constraints (see the examples in the table below). Table 4-3 below summarizes an adequate site inventory prepared for the Tulare County Housing Element that was adopted in 2010 but not certified by the State Department of Housing and Community Development. This

survey estimates that only 15,592 sites are available for residential units within the Urban Boundaries of the GP 2030 Update. This number is far below that of a speculative maximum build-out requested. Please see Chapter 7 Adequate Sites inventory, pages 170-263 of the Housing Element for methodology and analysis of this assessor parcel by parcel analysis of the County's Urban Areas. As shown in Table 4-3, the estimated build-out in all of the adequate sites is extremely lower than the maximum build-out projected in the following Table 4-4. For example in Table 4-3, Hamlets have approximately 977 sites available for housing units, however, maximum build-out of the Mixed-Use designation could allow 133,374 units, as shown in Table 4-7.

**TABLE 4-3
2009 HOUSING ELEMENT ADEQUATE SITES INVENTORY**

Urban Areas	Units
CACUDB's	3,519
Hamlets	977
Communities with Plans	9,133
Communities without Plans	1,963
Total	15,592

SOURCE: County of Tulare, 2009 Housing Element

Table 4-4 outlines the existing land use intensity and density that occurs within the communities with plans and the FGMP Development corridors. This table represents a maximum build-out with 100% of the land available for build-out. In column 2, Acres represents the total amount of acres in these two areas. In column 3, Maximum Residential Units represents the total amount units the communities may develop at 100% of the land within the community available for residential units. Maximum Floor Acre Ratio (FAR) acres represents the total amount of acres developable within the communities and development corridors at 100% of the land within those areas developed to a maximum FAR acres for commercial and industrial uses. Please see page 4-4 within the General Plan 2030 Update for a discussion of FAR.

**TABLE 4-4
EXISTING URBAN AREAS MAXIMUM BUILD-OUT**

Urban Area	Acres	Max Residential Units	Max FAR acres
Communities	102,930	1,471,416	3,642
Development Corridor	86,138	2,584,140	43,069

SOURCE: County of Tulare, Community Urban Worksheet 5-1, 5-2, 5-3, 5-6

Table 4-5 outlines the existing land use density and intensity that occurs within the communities with plans and the FGMP development corridors on vacant available land (based on the 46% average). The columns are similar to that in Table 4-4 except the totals are calculated using the vacant land average of 46%.

**TABLE 4-5
EXISTING URBAN AREAS VACANT LAND AVAILABLE BUILD-OUT**

Urban Area	Acres	Max Residential Units	Max FAR acres
Communities	102,930	676,851	1,675
Development Corridor	86,138	1,188,690	19,811

SOURCE: County of Tulare, Community Urban Worksheet 5-1, 5-2, 5-3, 5-6

Table 4-6 shows the build-out of existing resource designated lands within the County by using the density of the land use designation. As an example, the Foothill Agriculture Designation (160 acre minimum lot size) allows five units per 160 acres. Mountain areas designated as Resource Conservation, Timber Preserve, and the Native American Reservation are not under jurisdiction of the County and thus have a build-out of zero. The RVLP area includes the Kings River Sub-Area Plan build-out and the Mountain area includes the build-out for Kennedy Meadows and Great Western Divide North Half Sub-Area Plans. The Valley area nets approximately 0.08 units per acre, the Foothill area nets approximately 0.03 units per acre, and the Mountain region nets approximately 1 unit per acre.

**TABLE 4-6
AGRICULTURAL AND OPEN SPACE AREA PLAN BUILD-OUT**

Designation	Acres	Maximum Units
Valley	811,094	87,711
Foothills	554,108	17,315
Mountain	604,153	895.69

SOURCE: Community Urban Worksheet 5-6, 5-9, 5-12

Tables 5-5 and 5-6 outline the build-out of Hamlets, Communities without plans, and Mountain Service Centers, by using the baseline averages developed above. In Column 2, Max Residential Units shows the build-out of these three newly designated areas at 100% maximum build-out of residential units at 30 units per acre. In Column 3, Max FAR acres calculate these areas at 100% maximum available land of commercial and industrial uses at maximum 0.5 FAR. Columns 4, 5, and 6 represent maximum build-out of these areas based on the percentage of land distribution as outlined above at maximum build-out: Residential (55.4% at 30 units per acre), Commercial (13.5% at 0.5 FAR) and Industrial (18.6% at 0.5 FAR). The last column calculates the percentage of land distribution for residential only at a build-out of 2.58 units per acre.

**TABLE 4-7
URBAN AREAS DESIGNATED MIXED-USE, MAXIMUM BUILD-OUT**

Urban Area	Max Residential Units	Max FAR acres (Commercial, Industrial, etc.)	Residential 30 Units/acre Average 55.4%	Commercial FAR Acres Average 13.5%	Industrial FAR Acres Average 18.6%
Communities	94,160	1,569	52,164	211	291
Hamlets	133,374	2,222	73,889	300	413
MSC	3,720,019	62,000	2,060,890	8,370	11,532

SOURCE: County of Tulare, Community Urban Worksheet 5-4, 5-5, 5-7, 5-8, 5-10, 5-11

Table 6 follows the same column calculations except that the available vacant land average was used 46% for communities and MSC's and 26% for Hamlets.

**TABLE 4-8
URBAN AREAS DESIGNATED MIXED-USE, VACANT LAND AVAILABLE BUILD-OUT**

Urban Area	Max Residential Units	Max FAR acres (Commercial, Industrial, etc.)	Residential 30 Units/acre Average 55.4%	Residential 2.58 units/acre Average 55.4%	Commercial FAR Acres Average 13.5%	Industrial FAR Acres Average 18.6%
Communities	43,313	721	23,995	2,063	97	134
Hamlets	34,677	577	20,565	1,755	83	115
MSC	967,205	16,120	535,831	45,794	4,249	5,854

SOURCE: County of Tulare, Community Urban Worksheet 5-4, 5-5, 5-7, 5-8, 5-10, 5-11

Table 4-9 shows the Countywide grand total of Maximum Units at 100% maximum land available and Maximum FAR at 100% maximum land available. Maximum Units and FAR at average land use designation percentage and residential total based on the 2.58 unit per acre County Urban Average.

**TABLE 4-9
TOTAL COUNTYWIDE ESTIMATED BUILD-OUT**

Countywide	Maximum Units	Maximum FAR Acres
Existing Land Uses plus Vacant Land build-out	3,016,659.05	61,624.00
Existing Land Uses plus Maximum build-out	6,637,616.05	112,502.00

SOURCE: County of Tulare, Community Urban Worksheet 5-13

Master Response #6: Water Supply Evaluation Assumptions and Methodology

A Water Supply Evaluation (WSE) (as presented in Appendix G of the RDEIR) was prepared by the County to provide a program-level evaluation of the possible effect that land use changes anticipated by the General Plan 2030 Update could have on County-wide water resources. The consulting firm of Tully & Young prepared the WSE. Tully & Young are considered experts in this area, with extensive knowledge and experience preparing such evaluations as well as preparing California Water Code §10910 compliant water supply assessments⁵. Using reasonably available information and professional practices as described herein, the WSE was developed to provide a suitable program-level evaluation of future demands to aid in the analysis of potential impacts to County-wide water resources.

In preparing the WSE, the following two primary conditions were established to allow the program-level evaluation in the WSE to proceed: (1) an available County-wide water budget for

⁵ Tully & Young, Inc. was founded in 2004 with an emphasis on integrating land and water use planning. The two founding principals bring nearly 40 years of experience in strategic water resource planning.

2003, prepared by the California Department of Water Resources (DWR), was determined to reasonably represent “baseline” conditions throughout the County, and (2) over 95% of the land use changes proposed for both the Rural Valley Lands and Foothill Growth Management Areas anticipated by the proposed project would likely occur in proximity to existing urban areas of the County, where current irrigated agriculture exists.⁶ (See RDEIR page 3.9-2 and RDEIR Appendix G page 2.)

To establish the first condition, the WSE analysis included a review of three water budgets (for the years, 1999, 2002, and 2003) as provided by the 2009 Water Plan Update prepared by DWR for Tulare County. Of the three, the 2003 budget was determined to most reasonably representative “average” water supply and demand conditions for the Tulare Lake Hydrologic Region. This was determined by reviewing average historic precipitation in the City of Visalia – and comparing the average precipitation with the precipitation in 1999, 2002 and 2003. Average precipitation in Visalia is approximately 11.03 inches per year. This approach is consistent with CEQA. “[T]he date for establishing baseline cannot be a rigid one. Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods.” (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125; see also *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 336.) Collectively, the DWR budgets also reasonably provide a County-wide baseline representation of water supply and demand conditions necessary for assessing the potential impacts of the General Plan 2030 Update. To understand the level of detail in these DWR budgets, similar budgets, organized to reflect DWR “Planning Areas” (not the same boundaries as was provided by DWR for the County-wide analysis), are available for review (<http://www.waterplan.water.ca.gov/technical/cwpu2009/>).

To establish the second condition, a table of the agricultural acreage potentially changing from irrigated agriculture to mixed-urban use (consistent with the proposed project) was provided to the expert performing the WSE. Using these land use assumptions, estimates of baseline water demand associated with irrigated agriculture were made and subsequently compared to estimates of future water demand for mixed-urban use that could replace the existing irrigated agricultural uses. These comparisons effectively demonstrated that the land-use changes contemplated by the proposed project essentially had the same, if not slightly reduced, potential future demand for water resources as that of the existing land uses (see RDEIR pages 3.9-11 and 3.9-47). Thus the comparison of the County water resource demands from existing conditions to those anticipated under the proposed project (future conditions) indicates there would be little or no difference in demand for water.

The WSE is not intended to serve as a detailed, community-by-community assessment of the sufficiency of water supplies as would be required for a project-level CEQA compliance document. As detailed in Master Response #4, the RDEIR is a Program EIR, serving as a first-tier

⁶ As discussed in greater detail in Master Response #5, where an existing Plan is amended “the agency will not be required to assess the environmental effects of the entire plan or preexisting land use designations. Instead, the question is the potential impact on the existing environment of *changes* in the plan which are embodied in the amendment.” (Emphasis in original; *Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974.)

document to assess the broad environmental impacts of the program. More detailed site-specific environmental review would be required to assess future projects implemented under the General Plan Update. As such, the County is able to use the analysis in the WSE to reasonably evaluate the implications of the contemplated land-use changes. Combined with the array of new policies, such as those listed as part of the impact analysis under Impact 3.6-2 (see page 3.6-45 through 3.6-47 of the RDEIR) and Impact 3.9-1 (see pages 3.9-47 through 3.9-49 of the RDEIR), future project-specific water supply analysis will investigate the unique conditions within and adjacent to the project specific proposals and address any impacts accordingly. This approach is consistent with recent CEQA case law from the California Supreme Court (see *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1174 - 1175 [Holding additional detail on a second tier project, an Environmental Water Account (EWA) WSE, was not required in the first tier EIR.]).

Water Supply Assessment (SB 610)

Several commenters have also indicated that the RDEIR should include a more detailed “SB 610” water supply analysis. Senate Bill (SB) 610, enacted in 2001, requires that the public water supplier for any large development project (as defined in the statute) prepare a water supply assessment describing the long-term availability of water to supply the project. The RDEIR does not include a formal SB 610 Water Supply Assessment (WSA) because General Plan EIRs are not required to provide this type of assessment under SB 610. (SB 610 does not apply to General Plans for three reasons: 1) the express language of SB 610 does not include General Plans as projects subject to the Act; 2) General Plan law sets forth an alternative process for local governments to consult with water supply agencies during General Plan preparation (see Government Code Section 65352.5); and 3) the Legislature envisioned the General Plan being considered during preparation of long-term Urban Water Management Plan preparation, to serve as the first tier of land use and water supply planning coordination, prior to consideration of individual development projects.

SB 610 applies to site specific development projects, for example, “a proposed residential development of more than 500 dwelling units,” or a “project that would demand an amount of water equivalent, or greater than the amount of water required by a 500 dwelling unit project” (Water Code §10912(a)). SB 610 lists several other “projects” requiring a WSA; a General Plan is not on that list. SB 610 further provides that nothing in SB 610 is “intended to modify to otherwise change existing law with respect to projects that are not subject to...” (Water Code §10914(c)) Although a General Plan may enable individual projects falling within the SB 610 definition of a project, the General Plan itself is not such a project. Instead, the Legislature, through Government Code Section 65352.5, has directed land-use agencies to use an alternative approach to assure that local government agencies consider water supply and demand conditions when preparing General Plans. Under this direction, Tulare County prepared the WSE to provide the necessary countywide level of analysis to aid in the consideration of elements included in the General Plan 2030 Update. The use of a WSE for this purpose is an accepted practice that provides opportunities to incorporate information and understanding that is not captured by the limited geographic extent of local urban water management plans (e.g. they only cover the service area of the purveyor, whereas the County’s land-use analysis extends well beyond these bounds).

Lastly, the Legislature envisioned land use and water supply planning coordination being accomplished not through SB 610, but rather through the Urban Water Management Plan (UWMP). The Urban Water Management Planning Act (Water Code §§ 10610 et seq.) requires urban water suppliers to consider their entire service area, and is intended to “provide assistance to water agencies in carrying out their long-term resource management responsibilities...” (Water Code Sec. 10610.2(a)).

Water suppliers must prepare UWMPs that analyze water supply and demand, and water supply reliability, over a 20-year planning horizon, and to update these plans every 5 years. General Plans typically serve as an information source for water suppliers to prepare UWMP water demand projections. When individual development projects are proposed, WSAs are entitled to rely on information contained in the UWMP. (Water Code §10910(c) (2)) Thus under the Legislature’s approach, UWMPs based on General Plans can function as the first tier of coordinating land use and water supply planning. WSAs prepared for individual development projects then function as the second tier.

Finally, several commenter’s on the RDEIR indicated that the WSE and the discussion of impacts in the RDEIR should have used several other “much more detailed studies” (e.g. Comment Letter I11 at p. 26). However, while these and other studies are valuable sources of information for localized conditions, they either (1) do not integrate supply and demand conditions across the County, and/or (2) are not reflective of “existing” or historic conditions. As discussed under CEQA Guidelines Section 15204(a), “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.”

The primary objective of the WSE was to provide the drafters of the RDEIR a County-wide, program-level comparative evaluation of the existing water demands on County-wide water resources compared to the potential future water demands considering the proposed project’s anticipated land use policy changes. Other studies identified by commenters were available with the DWR 2003 County-wide water budget, and could contribute to determination of a baseline condition. However, the data and analysis relied on in the RDEIR is adequate to determine baseline conditions. Further, integrating these studies to provide a County-wide evaluation would require additional information to fill in gaps between commenters’ suggested studies, and the data sources relied on in the RDEIR. Consequently, the various studies described by the commenters were considered, but not used in the preparation of the WSE. In summary, analysis in the RDEIR relies on the experts preparing the evaluation to support the program-level RDEIR, and the readily available and functional water budgets from DWR. These sources provide reliable information from which to establish a baseline for use in the subsequent comparison and resulting analysis of the RDEIR. Furthermore, these DWR budgets were the best available County-wide representation of baseline water resource conditions at the time of preparation of the WSE.

Master Response #7: General Plan Implementation Measures

Several commenters expressed confusion as to why all policies do not include implementation measures. Further, some commenters expressed dissatisfaction with the scope of implementation measures. This master response has been developed to address the individual comments specific to this issue.

As noted in the General Plan 2030 Update, the implementation measures set forth in the Goals and Policies Report and RDEIR constitute a preliminary “work plan” to assist the County in carrying out the various goals and policies of the proposed project. An implementation measure is a specific action, program, procedure, or technique and is provided to help ensure that appropriate actions are taken to implement the General Plan 2030 Update. Implementation measures state which policy (ies) the measure supports, which County departments are responsible for seeing that this implementation is achieved, and provides an anticipated timeline for completion of the implementation measure. (see General Plan 2030 Update, Part I Goals and Policies Report, p. 1-11.) It should be noted, that each policy need not have its own individual implementation measure, and a single implementation measure may be used to implement a set of related policies i.e., policies and implementation measures do not have (and do not require) a one to one correspondence.

Because implementation measures will take time and County staff resources, the County will need to prioritize implementation measures. It is contemplated that this ongoing process is part of the County’s annual general policy-making and budget cycle functions.

The timing of implementation measures may be adjusted over time, without amending the General Plan, based on new information, changing circumstances, and evaluation of their effectiveness, as long as the result remain consistent with the intent of the General Plan and adopted mitigation measures. In addition, California Government Code Section 65300.5 requires the General Plan and its Elements to have “an integrated, internally consistent and compatible statement of policies...” Goals and policies within each element are consistent with one another and each element is consistent with the other elements of the General Plan.

The General Plan 2030 Update in (Part I) Page 1-13 of the Goals and Policies Report Update also indicate that not all policies require implementation measures. Policies fall into four categories depending on the purpose they serve and how they are implemented.

- **Framing Policies.** Framing policies are general policy statements that set out broad direction, much like a goal. These typically do not require a follow-up implementation measure.
- **Consistency Standard Policies.** Consistency standard policies are policies that, taken together, establish a basis for consistency findings as part of individual project reviews. These policies set a standard for approval or denial of a project or provide the basis for imposing conditions on the project that would allow for the project’s approval. These policies are “self implementing” in that they do not require a follow up implementation measure.

- **County Directory Policies.** County directory policies are policies that generally commit the County to undertaking a particular action. Typically, these require a specific implementation measure, which will be incorporated into the County's Work Plan and monitored through the County's annual review of the general plan. As discussed above, the Implementation Measures described in the Goals and Policies Report constitute a preliminary, anticipated Work Plan to assist in carrying out the Goals and Policies.
- **Environmental Mitigation Policies.** Environmental mitigation policies are those that serve to minimize or eliminate potentially significant environmental impacts. Often these are identified through the environmental review process and cited specifically in environmental findings made consistent with the requirements of CEQA in approving the proposed project and certifying the environmental compliance document. These policies and objectives are then implemented by the County and its Staff through various other actions, such as the adoption of new zoning ordinances, area and sub area plans, community plans, hamlet plans and MSC plans, which are more detailed and specific (see Gov. Code §§ 65359, 65400, 65455, and 65860).

While the County has listed numerous implementation measures in the General Plan, and noted in the RDEIR, it is simply not feasible (i.e. accomplished within a reasonable period of time) to list every potential implementation measure which will be adopted over the 20 year horizon of the General Plan, nor to provide the text of every potential ordinance that will be adopted as a result of General Plan implementation. Government Code Section 65400 recognizes that implementation of the General Plan will take time. Furthermore, CEQA Guidelines Section 15097(b) recognizes this General Plan implementation requirement is appropriate to implement the General Plan. Please also see Master Response #3 for additional discussion of statutory requirements for implementation of the General Plan.

Master Response #8: Foothill Growth Management Plan

Several commenters expressed confusion as to how and why changes were made to the Foothill Growth Management Plan (FGMP) and/or policies specific to the FGMP and how those changes may affect growth in the area covered by the FGMP. This master response has been developed to address the individual comments specific to this issue.

The General Plan 2030 Update consolidates existing elements of the general plan, omits language that has since become outdated or superseded, and reduces redundancy of what is already required by State and/or Federal law. As part of the proposed project, the FGMP has been updated to be consistent with the objectives of the General Plan 2030 Update, without affecting or changing the fundamental land use goals of the FGMP. The FGMP continues to set out guidelines for community identity, new development, recreation/open space, agriculture, environmental protection, scenic corridors protection, history/archeological, infrastructure facilities, and public services. This is accomplished by a four level planning strategy whereby analysis continues to focus on multiple areas (and level of detail) of the foothills. The four levels are as follows:

1. The first level involves the designation of lands that are potentially suitable for development.

2. The second level of analysis is an assessment of factors of special concern that help determine whether areas should be maintained for open space and agricultural uses, or considered for other uses.
3. Reference maps which depict the information gathered in the first and second levels are utilized in the third level of analysis to identify the location of each development corridor and the locations of agriculture and open space land uses.
4. The fourth level of analysis provides standards for development in the foothills.

The methodology, goals and polices, implementation measures, and development standards from the 1981 document have been reformatted and revised for, and are consistent with the General Plan 2030 Update. Outdated or obsolete policies have been eliminated (for example, Policy FGMP-1.2 “Rural Agricultural Land Densities” has been deleted. Additionally, other policies have been modified including Policy FGMP-1.5 “Preparation of Specific Plans” which is now Policy FGMP-1.3 “Preparation of Community Plans, Master Development Plans, Specific Plans, Area Development Plans, and Hamlet Plans”. However, the purpose, intent, and substantive policies of the FGMP have not changed.

Why does the FGMP look different?

The format of the FGMP has been changed to match the General Plan 2030 Update format. The FGMP is incorporated into Part II Chapter 3 (Area Plans) of the Goals and Policies Report. Additionally, some policies and implementation measures have been consolidated to match the overall format of the document, without changing the intent of the plan. Some of the policies have undergone minor re-wording in order to match the language of the General Plan 2030 Update, or language has been added, such as “The County shall...”, but the fundamental intent of the policies has not changed. Some outdated or superseded language from the 1981 document has been omitted or revised. For example, the introduction section of the 1981 document has been omitted since some of that information is outdated or no longer pertinent. For example, the 1981 introduction section included discussion of outdated policies such as “Develop an Urban Area Boundary for the community of Three Rivers”. General Plan 2030 Update policies FGMP-2.2 and 2.3 re-organize the provisions of GPA 83-03 from the 1981 FGMP.

Changes to the FGMP

Only limited changes have been made to the FGMP to clarify previous, outdated language in the 1981 document, to eliminate obsolete policies and to make the FGMP consistent with the other elements of the General Plan 2030 Update. For example, these changes include:

- Specific properties do not need to be held in private ownership to be potentially suitable for development.
- Maximum size of a neighborhood commercial center has changed from 5 acres to 10 acres.
- New Polices and provisions for Planned Community Areas; see policies FGMP-1.13 Land Use and Zoning, FGMP-1.14 Planned Community Areas, FGMP-1.15 Development Corridor Linkages, FGMP-1.16 Applicable Development Standards; and FGMP-3.3 Development Compliance.

These changes in the FGMP and the impacts of the General Plan 2030 Update, including the FGMP, have been adequately addressed in the RDEIR. A summary table describing impacts by county area is provided for each environmental resource topic addressed in the RDEIR. For example, land use and aesthetic impacts for the FGMP are summarized on page 3.1-17 and 3.1-18 of the RDEIR.

Will Changes in the FGMP affect growth in the area?

The FGMP provides for allowed uses and development standards in the foothill development corridors. The General Plan 2030 Update does not propose any changes to the location or the size of the areas currently designated as foothill development corridors. The Foothill Mixed Land Use Designation provides that the Maximum density and intensity are determined based on site capacity analyses conducted in accordance with the procedures and standards set forth in Part II, Chapter 3 (FGMP) of the Goals and Policies Report. These procedures and standards are identical to the existing (i.e., 1981) Foothill Growth Management Plan which utilizes the same four level planning strategy. The FGMP also retains implementation measures and development standards from the 1981 document with the exception of those that are outdated or obsolete, as discussed above.

Master Response #9: Range of Alternatives Addressed in the RDEIR

Several commenters express concern that the discussion of alternatives in the RDEIR does not meet CEQA requirements. This master response is directed to those comments. It will address the range of alternatives presented in the RDEIR, the level of detail at which each alternative is analyzed, and the Healthy Growth Alternative.

The RDEIR considers a reasonable range of potentially feasible alternatives, as required by CEQA Guidelines Section 15126.6. This “reasonable range” of alternatives discussed is governed by the “rule of reason” (CEQA Guidelines §15126.6(f)).

CEQA requires an EIR to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives” (CEQA Guidelines, §15126.6; Pub. Res. Code, §21001). The selection of alternatives is governed by the rule of reason (CEQA Guidelines, §15126.6). This means that “an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible” (CEQA Guidelines, §15126.6(a)). The lead agency has the discretion to determine the number of alternatives necessary to constitute a legally adequate range, which will vary from case to case depending on the nature of the project (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3rd 553). In addition, an alternative need be environmentally superior to the project in only some respects (*Sierra Club v. City of Orange* (2008) 163 Cal. App. 4th 523, 547).

The RDEIR analyzes five alternatives to the proposed project as more fully described in Chapter 4 of the RDEIR. As more fully described in Chapter 4 “Alternatives to the Proposed Project”, public input received during community workshops, County staff, and the Technical Advisory Committee (TAC) contributed to the development of these alternatives. Additionally, as part of the EIR preparation process an additional alternative (Confined Growth) was developed and analyzed in the RDEIR by County staff (Fall 2007) to consider the feasibility of establishing ‘hard’ urban boundaries to better protect the County’s agricultural resources. This alternative is important because it addresses many of the concerns expressed by various community members, in particular those concerns submitted by the Tulare County Citizens For Responsible Growth and expressed in their Healthy Growth Alternative.

These alternatives have been analyzed at the appropriate level of detail for a General Plan under CEQA. The alternatives analysis requires less detail than the analysis of the project’s impacts and it need not be exhaustive (CEQA Guidelines, § 15126.6(d); *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523). It is sufficient if it allows the relative merits and impacts of the project and the alternatives to be comparatively assessed (*Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712; *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143). The RDEIR provides a narrative description of each alternative and a discussion of the impacts of each as compared to the proposed project as well as several tables comparing the alternatives with the proposed project (RDEIR Chapter 4). The RDEIR’s level of analysis for each alternative, including the no project alternative, is sufficient to allow meaningful evaluation, analysis, and comparison with the proposed project and therefore meets the requirements of CEQA (CEQA Guidelines, §15126.6(d)).

The alternatives selected for consideration in the RDEIR represent a reasonable range of alternatives. They were selected from a longer list of alternatives based on their ability to feasibly attain most of the basic project objectives as well as reduce the significant impacts of the project (see RDEIR Section 4.3). As stated above, the lead agency has the discretion to determine the number of alternatives necessary to constitute a legally adequate range, which will vary from case to case depending on the nature of the project (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3rd 553). The proposed project updates the general plan for Tulare County. Consequently, the alternatives to the proposed project represent similar or broad planning level actions and are evaluated at an appropriate level of specificity in the RDEIR. These alternatives are considered within a context of whether they reduce or avoid significant impacts as compared to the proposed project and in the light of the constraints of feasibility. Alternatives need not reduce all impacts compared with the proposed project. (*Sierra Club v. City of Orange* (2008) 163 Cal. App. 4th 523, 546-547.).

Tulare County Citizens For Responsible Growth suggested an alternative to the proposed project called the “Healthy Growth Alternative,” which is a variation on RDEIR Alternative 5. (see Comment I23-77 in Chapter 5 of this Final EIR). Both Alternative 5 (Confined Growth) and the Healthy Growth Alternative would direct development in ways that would reduce or avoid the loss of agricultural and open space areas and aesthetic resources, and concentrate development within areas that are or are becoming urbanized. Further, the Healthy Growth Alternative

recommends limits on expansion of urban areas, and Alternative 5 incorporates strategies to limit the circumstances under which urban areas could be expanded, specifically, a “no-net gain” scenario. The “no net gain” scenario is discussed further, below.

The Healthy Growth Alternative need not be analyzed in the EIR because it is a variation on RDEIR Alternative 5 and does not offer significant environmental advantages in comparison with the alternatives presented in the EIR (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022 [an EIR need not analyze multiple variations on the alternatives selected for analysis]; *Save San Francisco Bay Ass’n v. San Francisco Bay Conservation and Development Commission* (1992) 10 Cal. App. 4th 908; *Sequoiah Hills Homeowners Ass’n v. City of Oakland* (1993) 23 Cal. App. 4th 704 [an EIR does not need to analyze alternatives that do not offer significant advantages over the alternatives presented in the EIR, or that constitute an alternative version of an alternative presented in the EIR]).

The County did consider the “The Healthy Growth Alternative” provided by the Tulare County Citizens for Responsible Growth, which is a variation on RDEIR Alternative 5, in that it represents restrictive population assumptions for the County’s planning areas. A “Healthy Communities” policy section was also included as part of the updated Health and Safety Element that included (as Goals) many of the policy objectives suggested by the Tulare County Citizens for Responsible Growth.

As more fully described on page 4-32 of the RDEIR, Alternative 5 (Confined Growth) is intended to minimize significant and unavoidable impacts to open space areas, agricultural lands, and aesthetic resources. Unlike the proposed project, growth under Alternative 5 would be directed to occur only within established CACUDB and Hamlet Development Boundaries (HDB). A key assumption of Alternative 5 is that boundary expansion would only be allowed under a “no net gain” scenario. A “no net gain” scenario could allow modifications to the “hard boundaries”, which are defined by the CACUDBs and Hamlet Boundaries, only if these are offsetting equivalent deductions in boundaries elsewhere. Another opportunity for adjustments to boundaries could occur through transferring CACUDB capacity between cities and community UDBs. Finally, some comments have expressed concern that the environmentally superior alternative has been rejected. To clarify, the County has not yet selected whether the proposed project or one of the project alternatives, if any, will be approved and carried out. This decision will be made by the Board of Supervisors after considering the final EIR and making the required findings (Pub. Res. Code §21081; CEQA Guidelines, §§ 15092, 15091).

Master Response #10: Climate Action Plan

Several commenters provided comments specific to the County’s Climate Action Plan (CAP). This master response has been developed to address the individual comments specific to this issue.

Overall, the issues fall under three key topic areas:

- Disagreement over the basis for the CAP targets and cumulative significance of greenhouse gas impacts.

- Enforceability of the CAP strategies and related General Plan policies.
- Timing of CAP adoption and timing for addressing greenhouse gas emissions from dairies.

Climate Action Plan Targets

Commenters stated that the CAP target was not supported by substantial evidence as required by CEQA Guidelines Section 15183.5. This assertion is incorrect. Section 4, Emission Reduction Target and Justification of the County's CAP, provides substantial evidence supporting the target. The modeling results and analysis used for the target is provided as Appendix B of the CAP. The CAP target analysis also includes a "gap" analysis that estimates the difference between the reductions required to achieve consistency with the Air Resources Board (ARB) Scoping Plan targets and reductions that will be achieved by application of State measures to the Tulare County emission inventory. The difference between the two must be addressed by projects to demonstrate that they are not cumulatively considerable. There are no regulations requiring a CAP or mandating the content of a CAP, only voluntary guidance. There are no regulations mandating particular methods for setting targets or cumulative greenhouse gas impacts. In the absence of regulatory guidance, local agencies must identify workable approaches to targets and thresholds. The Tulare CAP approach uses consistency with the ARB Scoping Plan as the basis for the reduction target. The ARB Scoping Plan determined the reductions required to reduce California's emissions to 1990 levels by 2020. The CAP demonstrates that Tulare County will achieve the emission reductions necessary to assist the State in achieving that goal. The CAP includes detailed documentation supporting the County's contribution of greenhouse gas emissions in the inventory sectors for which it is responsible or has the ability to influence. The Scoping Plan states "ARB encourages local governments to adopt a reduction goal for municipal operations emissions and move toward establishing similar goals for community emissions that parallels the State commitment to reduce greenhouse gas emissions by 15 percent from current levels by 2020." The commenters may be unaware that 15 percent from current levels by 2020 is approximately 28 percent below the business as usual (BAU) inventory for the State in 2020. In addition, the CAP reduction measures require a 15 percent reduction from current levels (16.9% from the 2007 baseline inventory). The BAU inventory accounts for projected growth in population and emissions, so a larger reduction is needed by 2020 to offset the impacts of growth. This factor is accounted for in the Tulare County CAP target.

The commenters incorrectly characterized the use of the 6 percent project level reduction described in the CAP. The target analysis prepared for the CAP is based on the emissions from existing and new development being reduced by 26.2 percent compared to the 2020 BAU inventory for the sources under County control or influence. This percentage is the reduction amount that the State is counting on from development related sources to achieve its overall objective of reducing emissions to 1990 levels by 2020. The analysis applied only State reductions that are adopted or under development to the emission sources in Tulare County that are affected by the regulations. The reductions were adjusted to account for Tulare County's actual mix of emission sources and applicability of the regulations to those sources. For example, reductions anticipated from implementation of the Pavley motor vehicle regulations only apply to cars and light duty trucks in

Tulare County's emission inventory. This same concept was applied to all reductions attributable to State regulations. Applying the State reductions to existing development and projected new development results in a 24.6 percent reduction in Tulare County's 2020 BAU inventory. This allocation is appropriate because the regulations apply to the entire vehicle fleet (on local and state roadways) including those owned by people in existing development and those that will be living in new development constructed during the analysis period.

The next step was to determine the reductions required from new development and from other programs. The population in unincorporated Tulare County is projected to grow by 18.6 percent between 2007 and 2020. New development built to accommodate an 18.6 percent population increase must comply with General Plan 2030 Update policies and project level mitigation measures to provide reductions beyond state regulation. A 6 percent reduction in emissions from new development projects would reduce the Tulare County 2020 BAU inventory by another 1.1 percent ($6\% \times 18.6 = 1.1\%$). The 6 percent reduction is based on emissions in the first year after project construction and each subsequent year of project operation. The San Joaquin Valley Air Pollution Control District's (SJVAPCD's) new employer based trip reduction regulation (Rule 9410) was estimated to provide a 0.5 percent reduction. The combined benefits of these reductions total 26.2 percent, demonstrating that Tulare County's inventory will be reduced sufficiently to achieve consistency with State targets. If population growth is greater than anticipated in the plan, new development would provide greater reductions. For example if growth was 30 percent between 2007 and 2020, the emission inventory would be reduced by 1.8 percent ($6\% \times 30.0 = 1.8\%$). Although the CAP is designed to achieve the required reductions to achieve consistency, some uncertainty exists regarding the timing and the effectiveness of implementation of State regulations to reduce greenhouse gases. Therefore, the County found the project's impact to be significant and unavoidable.

Commenters were also concerned with the form of the target as a reduction from BAU. The 2007 baseline inventory from development related sources is 1,913,191 metric tons of carbon dioxide equivalents (MTCO₂e) per year. The 2020 inventory accounting for all controls in place by 2020 will be 1,600,197 MTCO₂e per year (26.2 percent less than BAU). This is a reduction from 2007 of 16.9 percent, which exceeds the ARB's suggested local target of 15 percent from 2008 levels. The per capita emission rate in 2007 is 13.28 MTCO₂e per year per capita. The per capita rate in 2020 is 9.36 MTCO₂e per year. This is a per capita decrease of 29.5 percent.

Several commenters questioned the 26.2 percent reduction target and indicated that there was no argument in the CAP that this amount is the cutoff point for mitigation feasibility. It is important to note that the CAP is designed for future development to provide additional reductions beyond that required by statewide measures. Development projects in the County would be required to achieve an average reduction of 6 percent beyond that required by State regulation to demonstrate this consistency. The CAP fully describes the methodology and approach. In addition, existing development will have spillover benefits from improvements to the transportation system and land use patterns (blueprint concepts) that will be available for all residents of Tulare County. Therefore, the selected level of significance and the 26.2 percent target is appropriate.

A commenter indicated that the Bay Area Air Quality Management District (BAAQMD) target approach had changed, inferring that the approach used in the Tulare County was invalid. This conclusion is incorrect. The BAAQMD changed from a percentage reduction to an “emission rate per service population” value. The only difference is that the BAAQMD divides the total inventory by the number of persons plus jobs in the jurisdiction. This just constitutes another way to present the same information that was used in the County’s CAP. Tulare County can present its inventory as a per person plus job emission rate; however, it is not as useful a metric for a CAP that only applies to lands under County jurisdiction. An inventory for the County that includes all the cities of Tulare County would be needed to account for the jobs of many County residents that are located in cities. However, this approach would not fulfill the objective of identifying emissions that are the County’s responsibility. In addition, locating large job centers in areas under County jurisdiction to increase the service population in the unincorporated County would produce a favorable inventory amount, but could result in longer commutes (great GHG emissions) and greater conversion of farmland. Therefore, a percentage reduction from the future year business as usual inventory is the best approach for Tulare County.

BAU Future Baselines

A commenter suggested that the RDEIR and the Climate Action Plan used an inappropriate hypothetical future baseline or BAU. The commenter wanted emission reductions to be compared to a current year.

There are many ways of stating and portraying the AB 32 goal. The ARB used a future year projection of emissions to account for the effect of growth on the State’s emission inventory in the 2020 target year. ARB used this method to provide a more accurate picture of the reductions required. A reduction based on emissions in the ARB Scoping Plan 2008 base of year of 15 percent is roughly equivalent to a 26 percent reduction from business as usual for 2020. Identifying reductions required to meet future year targets is the method used for all attainment planning for other air pollutants and is useful for plans that will be implemented in response to growth. This approach is used to create a realistic future baseline inventory for a target year, and is not an improper hypothetical baseline as claimed by the commenter.

In order to comply with CEQA guidelines and consistent with case law, impacts must be related to the existing environment. The CAP includes inventories for a base year (2007), a target year (2020), and the General Plan 2030 Update (2030). The existing environment for climate change issues can be defined as Tulare County’s 2007 base year greenhouse gas inventory. As discussed on page 3.4-32 of the RDEIR:

“The incremental increase of CO₂e emissions of the proposed project (year 2030) versus existing (year 2007) would be approximately 897,420 metric tons/year of CO₂e.”

The 2007 emission inventory of development related sources is 1,913,190 metric tons/year of CO₂e. The 2020 inventory accounting for population growth and controls that apply to new and existing development is projected at 1,658,416 metric tons/year of CO₂e. This provides an absolute reduction of 254,774 metric tons/year of CO₂e below 2007 levels and a reduction of

585,760 metric tons/year of CO₂e from 2020 business as usual levels. In other words by 2020, at projected growth rates, Tulare County's emission inventory will be 15 percent below 2007 levels with implementation of General Plan policies and CAP strategies.

The CAP also includes analysis that relates the 2020 target to impacts at the time individual projects will be considered. The results of the analysis indicated that development projects constructed between now and 2020 need to achieve reductions of at least 6 percent on average to ensure that growth in the County would not hinder or interfere with the State's plan to achieve the goals of AB 32. The CAP includes annual monitoring to ensure that projects achieve the 6 percent average reductions and to allow the County to take timely corrective actions if necessary. This constitutes a performance standard that projects can achieve to show consistency with the CAP.

The commenter was apparently not aware that the reductions at the project level addressed in the CAP apply in the year the project is constructed. Reductions will occur on a cumulative basis consistent with the cumulative nature of the impact. Greenhouse gases are a true cumulative impact since individual projects would not make a measurable impact on the Earth's climate; only the combined emissions of thousands of projects over time result in measurable increases in greenhouse gases in the atmosphere. The target approach is very similar to regional ozone impacts that are addressed in Air Quality Attainment Plans (AQAP) implemented by the SJVAPCD and provide a precedent for greenhouse gases. The CAP targets are based on achieving an emission level in a future year just as is done in the AQAP.

Air quality plans include emission projections for a future attainment year accounting for growth and based on all regulations and controls that are in place or that are planned to become effective prior to the attainment year. The AQAP identifies the difference between the emissions projected to occur and the amount of reductions needed to attain the standard by the target year. Control measures are then identified that will provide emission reductions required to achieve the standard. The control measures apply to all significant emission source categories. The control measures consider the size of the source category, the availability of technologically feasible controls, and the cost-effectiveness of the controls. Control measures are phased in during plan implementation. Some controls achieve large reductions and others achieve relatively small reductions. As measures are implemented, some achieve less reduction than anticipated in the plan. These shortfalls are made up during periodic rate of progress plan reviews. This is similar to the ARB Scoping Plan that lays out the plan to reach an emission target in a future year. One small component of the plan is land use and development related emissions.

Concern was expressed over counting emission reductions in the ARB Scoping Plan for measures that are planned but have not completed the regulatory process. Air quality plans provide a strong precedent for including measures that are planned in attainment demonstrations. The plan commitments must achieve the reductions predicted or be replaced with additional measures that address any shortfalls. This is the same process envisioned for the ARB Scoping Plan. Furthermore, ARB has already adopted regulations that apply to the largest emission source sectors- mobile sources and electricity. This demonstrates the state's commitment to implement the Scoping Plan.

The ARB Scoping Plan does not assign an emission reduction target for local governments; however, the ARB recommended that local governments provide reductions to match the State's reduction target. The Tulare County CAP target approach follows this recommendation.

Timing of CAP Adoption and Implementation Measures

Several commenters requested a date certain for adoption of the CAP. The Draft CAP may require revision to address comments received during the review process. The County will proceed as rapidly as possible considering the time and effort that will be required to bring the General Plan 2030 Update to completion as a first priority. At this time we anticipate that the CAP will be considered during the same public hearing as the General Plan Amendment, and if satisfactory could be adopted the same day by subsequent action if not once the GPA is in place. Once the General Plan 2030 Update is in place, staff will be available to complete the CAP and immediately implement one of the measures identified in the Goals and Policies Report. Implementation measures identified as part of the General Plan 2003 Update provided multiple year implementation timeframes, 2010 to 2015 in some cases. This is necessary to account for uncertainty in the timing of completion of the General Plan 2030 Update, staff availability, and the speed of the economic recovery.

A commenter requested that the CAP implementation measure be revised to require update of the CAP on an annual basis. The annual general plan reporting process discussed under Government Code 65400 provides the County Board of Supervisors and the public with information needed to identify development trends that affect implementation and to show progress on implementing programs and measures described in the CAP. The County can revise individual implementation measures to increase their effectiveness without revising the CAP, assuming that consistency with the General Plan 2030 Update is maintained. For example, if water conservation goals are not being achieved by regulations and programs adopted to implement the General Plan 2030 Update and related CAP, the County could develop additional programs or enhance current programs consistent with the intent of the General Plan 2030 Update and CAP policies. A five year timeframe target for updating the CAP will allow sufficient changes in regulation and technology to occur to warrant the time and expense required for an update.

A commenter indicated that the CAP would require its own environmental impact report if adopted at a later date. This statement is incorrect. CEQA Guidelines Section 15153 allows the County to use or tier from an existing EIR if the projects are essentially the same in terms of environmental impact. The CAP strategies are consistent with the policies and implementation measures of the General Plan 2030 Update as assessed in the RDEIR and would be expected to have essentially the same impacts.

Mitigation Measures for Greenhouse Gas Emissions

The commenter listed a number of mitigation measures that they argue should be adopted by the County either as General Plan 2030 Update mitigation measures or as CAP strategies. Several of the measures propose performance standards. For example, one suggestion exceeds Title 24 energy efficiency standards by 35 percent and requires at least 25 percent of homes in residential

projects to install photovoltaic (PV) solar systems. Other measures could require contribution to off-site mitigation projects or payment of fees to be used for off-site projects.

The CAP does contain an overall performance standard that allows flexibility to address project specific differences. The CAP standard of performance for new development projects is achieving an average of at least 6 percent reduction in greenhouse gas emissions beyond those reductions required by regulation. Emission reductions from new development at this level will allow the County to demonstrate consistency with the State targets. The Draft Greenhouse Gas Reduction Measures prepared by the SJVAPCD and presented in Appendix C of the Draft CAP provide a source of measures to consider for individual projects proposed in the County. In addition, the SJVAPCD is developing Best Performance Standards (BPS) for development projects that the County can use to determine if measures included in individual projects will meet the target. The CAP monitoring program will track the benchmarks that demonstrate the degree of compliance with the General Plan 2030 Update and CAP policies achieved during the previous year. Measures such as changes in average development density, and jobs housing balance provide indicators of overall progress. Tracking of installation of solar and other energy conservation features will show the level of success in implementing these features. If, for example, the report identifies that participation in LEED programs is not occurring, the program could be enhanced with incentives or could consider whether mandatory standards are appropriate.

The General Plan 2030 Update relies on policies and implementation programs to mitigate significant impacts at the program level (see Master Response #4 above). Where policies may not mitigate the impact to less than significant, the County considered the impact to be significant and unavoidable. The measures listed by the commenters are more appropriate for project level mitigation that can consider the unique characteristics of individual projects and the feasibility of the measures in context or as an implementation program with its own development process and public review. The General Plan must remain flexible to account for the needs of specific development projects and their locations. As discussed under OPR's 2003 General Plan Guidelines, "given the long term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change." (Office of Planning and Research 2003 General Plan Guidelines, page 14.) The General Plan 2030 Update and Draft CAP support exceeding Title 24 requirements and encourages the installation of solar panels to generate electricity, but does not prescribe an amount. It is not practical to determine the impacts of these measures on the cost of housing and doing business in Tulare County without a detailed program development process. The County believes that any green building program or off-site mitigation or fee program should go through its own extensive program development process and public review. Adopting specific building performance standards without such a process and review is not appropriate and is beyond the scope of a program-level EIR. The Draft Climate Action Plan and General Plan 2030 Update include an implementation measure to develop a LEED and LEED ND program. The County would consider other point rating systems as part of its program development process.

Even technologies that have paybacks due to energy savings are not feasible in all situations. When a home buyer invests in solar he or she is in effect paying for their power upfront on a 30 year

mortgage. Even with subsidies, the rate per kilowatt-hour is currently higher than purchasing power from the electricity provider and the subsidies and tax credits are not free. The taxpayers of the State and nation are helping to pay for systems with bonds and deficit spending. Mandating projects to include solar will have the effect of raising the cost of the home or business. This causes shifting money that would have been spent on other goods and services to pay for energy production infrastructure. The County does not wish to force people to become energy producers, but it strongly encourages those with the economic capability and desire to invest in solar or other technologies that reduce greenhouse gases to do so. Furthermore, not every site may be suitable for solar, depending upon its location, as it may be shaded by the surrounding landscape, vegetation, or have other unique qualities that preclude installation. For example, it may not always be economically feasible to require affordable housing to fully offset their energy consumption. Similarly, it may not be possible to require 100% offset of energy use for new commercial development, which will depend upon the specific nature of the project and parcel. In other situations, a site may elect to use electricity from renewable sources offsite. For example, current retail electricity companies produce on average 18% of their electricity from renewable resources at offsite locations, as required by the California Renewable Portfolio (“RPS”) requirement.⁷ The enacting statutes were recently amended to require 33% of electricity generation from retail sales to be produced from renewable sources by 2020 (see Senate Bill X1 2 [2011]). Requiring solar on all new development would provide insufficient flexibility to account for the needs of specific projects at the time they are proposed and would be infeasible based upon policy considerations discussed in this paragraph. (See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957)

The commenter also suggests providing additional incentives for actions to reduce emissions. The State is not in a position to increase incentives and will more likely need to cut incentives to balance the budget. Federal incentives may continue, but there is no guarantee that they will be available in the future. The County is committed to continued pursuit of grants and incentive money for which it is qualified, but it would not be fiscally responsible to develop long term programs that count on continued funding and it considered this measure infeasible at this time based upon policy considerations.

A comment suggested that the County require new residential and commercial development to exceed Title 24 energy standards or to require LEED standards. Title 24 (California Building Code) includes the most stringent energy efficiency standards in homes and buildings in the nation. Title 24 is updated every few years and has been made more stringent with each version. Title 24 updates go through a lengthy public process where the feasibility of different energy efficiency technologies can be analyzed, debated, and considered. It creates a level playing field for all development in California to follow. The County has limited expertise in the feasibility of energy efficiency technology and believes it would not be appropriate to second guess the State agency responsible for that function. The commenter wants the County to prove that some level above Title 24 is infeasible to implement. The most current version of Title 24 became effective in January 2010 and offers little data regarding real world implementation issues with the mandated requirements. Arbitrarily setting an energy standard would constitute an experiment

⁷ See <http://www.cpuc.ca.gov/PUC/energy/Renewables/>

that is not without risks and unintended consequences. CEQA Guidelines does not require the County to conduct every test and perform all research. (CEQA Guidelines Section 15204(a).) Furthermore, it is reasonably foreseeable that individual homebuyers will voluntarily implement energy saving features into their homes that exceed current Title 24 Building Code requirements. A policy to require all new public buildings to exceed Title 24 energy efficiency requirements is not appropriate at the programmatic level and does not retain the flexibility needed to address the variety of project specific differences that will arise under the General Plan. The County supports the full spectrum of energy efficiency measures and understands that individual projects will conform to their own unique set of issues (including financial, technological) to ensure that the appropriate degree of energy efficiency design is incorporated into individual building construction.

The commenter proposes a program where existing homes would pay a fee on sale to pay for retrofit programs. This measure is not appropriate because the intent of the General Plan 2030 Update is to focus on future development in the County, rather than existing development. This measure also has the potential to create a “taking” issue and may be subject to the recently passed Proposition 26, which would define it as a tax subject to a vote of the people. Under CEQA, mitigation is not required to fix existing deficiencies. (See *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal. App. 4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”].) County also does not support this program in policy/principal. A large fraction of homes in Tulare County and throughout the State have negative equity. Adding to the burden of these underwater homeowners would increase foreclosures, create vacant, poorly maintained properties and urban blight and result in additional environmental impacts. Although energy retrofits are worthwhile projects that can have paybacks in future energy savings, the County believes that a mandatory retrofit on sale program or a fee program would be inappropriate, especially with the current economic climate. Such a suggestion is therefore considered infeasible for legal, social, economic, environmental, and policy reasons.

The commenter suggests that new projects should pay greenhouse gas mitigation fees or pay for retrofits to existing homes in the community or purchase carbon offsets. Such a mitigation fee program may be subject to Proposition 26 and require a vote of the people for implementation. In addition, no additional reductions beyond the measures included in the CAP are required to demonstrate consistency with AB 32 targets. Furthermore, there are still outstanding policy concerns regarding some carbon offsets and their approach and effectiveness.⁸⁹¹⁰¹¹¹²¹³¹⁴ From a

⁸ Mitchell, Dan. Article in The New York Times. May 5, 2007. How Clean Is Your Carbon Credit? Available at: <http://www.nytimes.com/2007/05/05/business/05online.html>

⁹ Revkin, Andrew Article in The New York Times. April 29, 2007. Carbon-neutral Is Hip, but Is It Green? Available at: <http://www.nytimes.com/2007/04/29/weekinreview/29revkin.html?ex=1335499200&en=d9e2407e4f1a20f0&ei=5124>

¹⁰ Davies, Nick. Article in The Guardian. June 16, 2007. The Inconvenient Truth about the Carbon Offset Industry. Available at: <http://www.guardian.co.uk/environment/2007/jun/16/climatechange.climatechange>

¹¹ Kaste, Martin. National Public Radio. November 28, 2006. ‘Carbon Offset’ Business Takes Root. Available at: <http://www.npr.org/templates/story/story.php?storyId=6548098>

¹² Monbiot, George. Published in the Guardian. October 18, 2006. Selling Indulgences. Available at: <http://www.monbiot.com/archives/2006/10/19/selling-indulgences/>

policy perspective, the County prefers to use verifiable emission reduction measures in which carbon reductions can be readily verified to reduce emission levels, such as those measures discussed in the RDEIR, General Plan, and Climate Action Plan, rather than carbon credit programs. Please also see Master Response #3 and #4 regarding the appropriate level of detail for the General Plan.

Furthermore, the County does not support the development of a mitigation fee program as a measure for inclusion in the General Plan 2030 Update. When housing prices were rising at 10-20 percent per year, the cost of such programs and other development fees were quickly covered by increasing land values and sales prices for builders and home equity for homeowners. This rapid escalation in prices has proven illusory. Now the burden of additional fees and difficulty for potential buyers to qualify for loans makes additional costs a real concern for the ability of the County to attract businesses and house its people. The County does not consider it a wise use of resources to divert staff to manage a new mitigation program or to transfer mitigation fees to a third party.

Commenters argued that the RDEIR did not adequately substantiate mitigation measures that were rejected. This is an issue that was addressed in a recent CEQA decision, “SCOPE [petitioner] does not cite any specific authority indicating that the city was required to set forth an analysis of each [climate change related] mitigation measure that it considered and rejected as infeasible... SCOPE is asking more than is legally required.” (*Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (July 26, 2011, 2nd App Dist. Case No. B224242) 2011 WL 2811520, pages 8 through 10, 106 Cal.App.4th 715.)

The commenter questioned the County’s statement that full mitigation of greenhouse gas emissions is financially infeasible. As described above, there are numerous grounds for infeasibility, including legal, economic, environmental, social, technological, and policy reasons. Furthermore, while it may be possible to provide more explicit grounds for economic infeasibility for an individual development project, providing this type of information on a Countywide basis is not feasible. There are numerous unknowns regarding the build out of the County over the next 20 years, and it is not possible to provide an economic study for every suggested policy revision and how it will apply to every parcel in the County. Feasibility will often depend upon individual projects and parcels. As noted under CEQA Guidelines Section 15204(a), “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. These factors, in particular the geographic scope of the project (4,840 square miles), weigh against providing more detailed feasibility studies. Furthermore the residents of new development in Tulare County will be subject to the burdens imposed by State energy, motor vehicle, and conservation programs that are now in effect or planned. The per capita emissions of new development will be lower than existing development because new

¹³ David Suzuki Foundation. Accessed October 25, 2010. The problems with carbon offsets from tree-planting. Available at: <http://www.davidsuzuki.org/issues/climate-change/science/the-problems-with-carbon-offsets-from-tree-planting/>

¹⁴ Granda, Patricia. Acción Ecológica. 2005. Carbon Sink Plantations in the Ecuadorian Andes. Available at: <http://www.wrm.org.uy/countries/Ecuador/face.pdf>

development will comply with new energy standards. In addition, future residents of new development projects will be free to purchase zero emission vehicles, and to install solar panels to offset their emissions.

Commenters indicate that the County should go beyond the 26.2 percent reduction considering the State's 2020 targets are considered interim targets and ultimately an 80 percent reduction is required by 2050. The reduction of 80 percent below 1990 levels by 2050 is contained within Executive Order S-3-05, which is not a mandatory requirement. Executive orders do not have the full force of law. Executive orders typically clarify or act to further a law put forth by the legislature. Through AB 32, the State chose a 2020 target in recognition that a strategy to achieve an 80 percent reduction relies on new technologies that have yet to be developed. Currently, the 2020 target provides the best option for use as a CAP target. Implementation of the General Plan and the CAP will provide reductions that continue beyond 2020. Future updates to both documents can respond to new opportunities or requirements to identify more stringent targets that parallel State targets. Furthermore, the proposed project does not stand alone for a regulatory perspective; specific projects will need to comply with Federal, State, and Local statutes and regulations. Build out of the County will be required to comply with any regulations to implement AB32, along with any legislative enactments updating the targets.

Master Response # 11: Discussion of Yokohl Ranch Project

Several commenters provided comments specific to the Yokohl Ranch project and its relationship to the General Plan 2030 Update. This master response has been developed to address the individual comments specific to this issue.

History of the Yokohl Ranch project

The Yokohl Ranch Company submitted a request to Tulare County in 2005 requesting entitlements for a phased planned community on 36,324 acres. A formal general plan amendment application was filed with the County by the applicant in 2007. The project includes the phased development (over 20-30 years) of the Yokohl Ranch master planned community. The project is divided into 3 subareas: The Valley, The Meadows and The Oaks. Approximately 30 percent (9,500 acres) of the ranch is proposed for development with approximately 70 percent (26,000 acres) of the property to remain as open space and ranchlands. The project, as currently proposed, would construct 10,000 residential units, including mixed use commercial areas; public/quasi-public areas; and infrastructure (e.g., roads, utilities, etc.) within the three subareas. Yokohl Ranch would include fire and police facilities, public schools and public parks, which will serve both local and county residents.

Current Status of the Yokohl Ranch project

The Yokohl Ranch Master Development Plan is being formulated by the Yokohl Ranch Company including an Area Development Plan for Phase 1 covering 7,430 acres and approximately 4,700

units, a Town Center, golf course and necessary infrastructure and financing. A Notice of Preparation was released in February 2008 to begin environmental studies required under CEQA.

How Yokohl Ranch is addressed in the RDEIR

The entitlements for the Yokohl Ranch Project are not included and will not be considered for approval as part of the general plan 2030 update project. The Yokohl Ranch Company has filed an individual general plan application (GPA 07-002) with the County that will be considered on a separate timing track independent of the general plan 2030 update project. The Yokohl Ranch project will be subject to a program and project level EIR which will be circulated in the future on a separate timing track independent the general plan 2030 update project. Similar to the various environmental resource topics addressed in the RDEIR, the project level EIR for the Yokohl Ranch project anticipates addressing similar topics as part of its environmental review.

The Board of Supervisors adopted a planned community zone ordinance in 2007 which provides regulatory procedures by which large land areas can be planned, zoned, developed, serviced, and administered as individually integrated communities. The general plan 2030 update includes policies to provide criteria for planned communities in Part I Planning Framework Chapter Section 5 (New Towns). The planned community area land use designation is included in Part I Land Use Chapter 4. This designation establishes areas suitable for comprehensive planning for long term community development on large tracts of land, typically under unified ownership or development control, and allows for master planning where a community plan typically does not currently exist. Planned communities have a balance of land uses that support economic growth and promote an exceptional quality of life. Planned communities accommodate mixed use developments that include residential; commercial; administrative; industrial; and other activity. Yokohl Ranch is a future project considered in the cumulative impacts analysis on pg 5-6 of the RDEIR and is considered to be consistent with CEQA. Density bonuses for residential units of 25% to 35% may be granted, according to California Government Code (Section 65915) to Mixed Use areas to encourage the development of affordable housing units, compact development in the implementation of development strategies that support the use of mass transit, reduction of air impacts, and implementation of measures that contribute to the reduction of global warming. Consistent with the guidance provided in the General Plan 2030 Update, Master Development Plans and Area Development Plans are required to assist in the consideration of Mixed Use development proposals. Such communities must ensure provision of open space, infrastructure and public services needed to support growth. Additionally, as indicated on pages 3-1 and 3-2 of the General Plan 2030 Update Goals and Policies Report, no planned community areas shall be established unless it includes a minimum of 200 continuous acres of land.

This treatment of the Yokohl Ranch project is consistent with CEQA (see *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1174 [Holding additional detail on second tier project, the EWA, was not required in the first tier EIR.]; see also *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729, 746 [“deferral of more detailed analysis to a project EIR is legitimate” even though some of those project level EIRs were certified concurrently with the

PMP first-tier EIR]). The Court in *Al Larson* also noted that this approach is consistent with allowing the Port to consider “a broad range of policy alternatives for the overall development of the port to permit the Board to consider alternative directions for the Port independent of particular projects” (*Id.* at 744).

The approach taken with Yokohl Ranch allows the decision makers to separately consider the impacts of Yokohl Ranch from those of the currently proposed General Plan in the RDEIR (including aesthetics, water supply, agricultural resources, biological resources, traffic, and air quality, etc.). Finally, it would be speculative to determine whether Yokohl Ranch as proposed or an alternative would be approved, approved with modifications, or denied.

What the next steps are for a possible Specific Plan and compliance with CEQA

The next steps in the Yokohl Ranch project would be to complete a Draft EIR including a Master Development Plan and Area Development Plan.

To facilitate a manageable long-term strategy, use of phased planning and tiered environmental review is proposed, beginning with generalized approvals, followed by more site-specific plan approvals as development phases near implementation. The CEQA document is anticipated to be a project level document for Phase 1 and program level for Phases 2 and 3 of the project. Specific plans, or the equivalent, would be prepared for each phase of the project including a finance plan and governance plan. Steps 1 and 2, as follows, would complete the General Plan amendment and rezoning. Steps 4 & 5 are subsequent steps towards entitlements that would occur after the general plan amendment and rezoning. Approval and certification of the EIR would be considered in conjunction with the general plan amendment and rezoning process. Please note that these steps describe a process, but do not indicate that the County is committed to approving the Yokohl Ranch project or any of the discretionary actions.

1. Amend the Tulare County General Plan and Foothill Growth Management Plan to designate Yokohl Ranch as Planned Community Area.

A Planned Community Area boundary and the type and distribution of land uses will be established in the General Plan’s Foothill Growth Management Plan for the 36,324-acre ranch property as the study area for the planning effort. This is comparable to enactment of a development corridor line as provided in the FGMP.

2. Rezone the property to Planned Community Zone.

The subject property would then be rezoned to Planned Community Zone to allow for a variety of land uses as established by a Master Development Plan and Area Development, under conditions outlined in the description of the Zone District.

3. Adopt a Master Development Plan for the site. This MDP would establish land use designations and define, in broad terms, the type and intensity of development permitted within each designation. Each MDP would contain smaller specific planning areas. The

MDP will contain information to demonstrate compliance with applicable general plan policies in Part 1 and the FGMP in order to designate areas for future development.

The MDP is the equivalent of a Master Plan or Community Plan to be prepared for the site. The MDP is the pre-planning stage where general use and development standards are set.

4. Adopt an Area Development Plan ADP which is similar to a Specific Plan for one or more of the specific planning areas in the MDP.