

Agenda Item Attachment G  
Item 1

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Minor Changes to Final EIR Text  
Version date: August 28, 2012

Final EIR Minor Changes Matrix

**Introduction:**

This “Final EIR Minor Changes Matrix” has been prepared for the convenience of the County decision makers and for use by County staff and the public. To the extent possible, this “Final EIR Minor Changes Matrix” identifies minor revisions and editorial changes identified by reviewers of the Final Environmental Impact Report (FEIR) for the proposed Tulare County General Plan 2030 Update. These changes clarify, amplify or make insignificant changes to the EIR. New text is indicated by underline and deletions are shown in ~~strikethrough~~. In some instances, some text from the revised FEIR/Response to Comments has not been included which is not being modified at this time; this however should not be interpreted to mean that the text has been deleted. Only text with an explicit strikethrough is considered deleted. None of the changes identified in this matrix constitutes significant new information or results in any new significant impacts.

The matrix lists the specific change, identifies the policy number (if applicable) addressed and provides preliminary staff recommendations. This matrix is intended to be a “working document” and therefore additional information, materials or recommendations may be added or modified by the County during the public hearing and decision making process for this project.

No.	Comment No	Policy/Imp.	Staff Recommendation	Planning Comm. Recommendation	Board Direction
1	Master Response #5	None	<p><b>The following addition is recommended on page 4-26 of the FEIR:</b></p> <p>...Table <del>4-3-5-1 through 5-7</del>, below, <u>is</u> <del>are</del> based on data developed for the County’s 2009 Housing Element. “Build-out” Tables <u>4-4 through 4-9</u> <del>5-2 through 5-7</del> mathematically project theoretical maximum build out in various ways. No adjustments are made in these tables for “fixed” constraints (such as setback, slope, terrain,</p>		

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			water availability, roads, wastewater, zoning, and other physical limitations) or constraints that can be remedied (infrastructure capacity and market availability of land parcels)...		
2	Master Response #6	None	<p><b>The following addition is recommended on page 4-31 of the FEIR:</b></p> <p>Consequently, SB610 lists several other 'projects' requiring a WSA and a General Plan is not on that list. <u>(See also <i>Citizens for Responsible Equitable Environmental Development v. City of Chino</i> (County of San Bernardino Superior Court Case No. CIVRS1008458) 8-12-2011 Minute Order ["The Court denies the writ as to the contention that the City failed to have a water supply assessment (WSA) done for the project under water code 10910 and included in the EIR since a proposed general plan is not the type of actual development project identified in water code 10912 triggering the WSA requirement."])</u> 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...”.</p>		
3	FEIR, Chapter 2, page 2-1		<p><b>The following revisions is recommended for FEIR, Chapter 2, page 2-1:</b></p> <p><u>The County has made minor revisions to the Staff recommended goals, policies, and implementation measures contained in the 2010 draft of the General Plan 2030 Update as outlined in the “As Modified” Draft of the General Plan included in the Board of Supervisors Staff Report for the General Plan 2030 Update proposed adoption on or about August 2012. In many instances these revisions have been made to incorporate the mitigation measures provided in the</u></p>		

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			<p><u>RDEIR/FEIR (“Required Additional Mitigating Policies and Implementation Measures”)</u>, to correct clerical errors, and in other instances the General Plan has been updated in response to comments. <del>The County has made minor revisions to the goals, policies, and implementation measures contained in the 2010 draft of the General Plan 2030 Update as outlined in the “General Plan 2030 Update Correctory Table” and the “Summary of Changes” matrix. These documents are herein incorporated by reference, and any references in the RDEIR to these goals and policies shall be read to refer to the revised goal/policy changes recommended by County staff in these documents (i.e. “Staff Recommended Changes” and “Staff Recommendation”)</del></p>		
4	RDEIR, Chapter 3.6, page 3.6-53		<p><b>The following revisions is recommended for RDEIR page 3.6-53:</b></p> <p>“Recent State legislation related to flood protection and risk management is described above under “Regulatory Setting”. <b><u>There are numerous polices in the proposed General Plan designed to reduce or avoid impacts associated with development in flood areas. However, some development may occur in such flood zones. An outright ban on development in a 100-year flood zone is considered infeasible for legal, environmental and policies reasons. Furthermore, the County will need to balance other environmental and policy considerations in determining whether to approve development. For example, an outright ban might result in a reduction in impacts associated with flood</u></b></p>		

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			<p><b><u>zones, but negatively impact other resource areas by forcing development into areas associated with fire or geologic hazards. There will also be instances where development in flood area can be performed safely. ( See County Code 7-27-1005 (“Methods of Reducing Flood Losses”)) Requirements in the California Building Code, Title 24, Part 2, Section 1612 also help to safely construct development in flood zones.</u></b> the County of Tulare already has a flood management ordinance (Ordinance Code of Tulare County, Part VII, Chapter 27) that has been approved by FEMA and that substantially complies with the new requirements, the County is able to use that information to comply with new Safety Element requirements (APA, page 12, 2008—). However, the new laws do require updating emergency response programs based upon new FEMA and DWR flood maps, flood data and flood management requirements. Until the County has implemented needed updates of its land use maps with current flood information, and met Safety Element provisions as now defined in Government Code 65302(g), flood-related impacts of the proposed project will be significant.”</p>		
5	I11-204		<p><b>The following revisions is recommended for the response to comment I11-204 on page 5-143:</b></p> <p>“...The commenter asks about the difference between feasible and consistent and reasonable mitigation. ‘Feasible’ mitigation means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors (Pub. Res. Code Section 21061.1; CEQA Guidelines Section</p>		

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			<p>15364). <del>The commenter did not reference the context or location of the terms consistent and reasonable mitigation therefore no further response on this question is possible.</del></p> <p>...The suggested mitigation measure is considered infeasible. <u>While the commenter cites unspecified “emission reduction programs above and beyond Rule 9510...” the commenter provides no information on how the General Plan could be modified at a programmatic policy level to incorporate these unspecified measures. The referenced programs appear to be for specific development proposals. While such mitigation measures may be appropriate for specific projects they are inappropriate for a General Plan. (See FEIR Master Response #3 and #4.) This however does not preclude these types of project specific mitigation measures for specific development proposals.</u></p> <p><u>Incorporation of these types of project specific measures is also considered infeasible for policy reasons because it would provide insufficient flexibility for the County. It will not always be possible to ensure air quality impacts are reduced to zero, as suggested in the comment. For example, it may not always be economically feasible to require affordable housing to fully offset their air quality impacts. Similarly, it may not be possible to require 100% offset air quality impact for new commercial development, which will depend upon the specific nature of the project and parcel. The suggested revision would provide insufficient flexibility to account for the needs of specific projects at the time they are proposed. Furthermore, the suggestion would not fully</u></p>		

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			<p><u>satisfy the objectives associated with a proposed project (i.e. would preclude development as discussed above, and would not “promote reinvestment”) and is “undesirable from a policy standpoint.” (California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4<sup>th</sup> 957).”</u></p>		
6	I11-206	None	<p><b>The following revision is recommended for the response to Comment I11-206 on page 5-145 of the FEIR:</b></p> <p>The various question/comments regarding <del>Policy AQ-1.5</del> policies AQ-2.2, AQ-4.2, AQ-4.3, and AQ-4.4 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #7 regarding implementation measures <u>and Master Response #3 and #4 regarding the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR.</u> <del>The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies.</del> While the SJVAPCD is directly responsible for implementing the referenced air quality measures, the County believes these air quality measures are important methods to address air quality issues worthy of documentation in the General Plan 2030 Update.</p>		
7	I11-209	None	<p><b>The following revision is recommended for the response to Comment I11-209 on page 5-145 of the FEIR:</b></p> <p>The various question/comments regarding Policy AQ-3.5 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #3, #4 and #7 regarding implementation, <u>the enforceability of</u></p>		

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			<p><u>general plan policies</u>, and <u>the appropriate level of detail for the program-level RDEIR</u>. <del>enforceability of the General Plan. The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies. See Response to I11-207.</del></p>		
8	I11-210	None	<p><b>The following revision is recommended for the response to Comment I11-210 on page 5-145 of the FEIR:</b></p> <p>The various question/comments regarding Air Quality Implementation Measure #12 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #3, #4 and #7 regarding implementation, <u>the enforceability of general plan policies</u>, and <u>the appropriate level of detail for the program-level RDEIR</u>. <del>of the General Plan and the level of detail. The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies.</del></p>		
9	I11-220	None	<p><b>The following revision is recommended for the response to Comment I11-220 on page 5-148 of the FEIR:</b></p> <p>The various question/comments regarding Energy Resources Goal ERM-4 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to the response to Master Response #3, <del>#4, and #7, and Comment I11-190 regarding the effectiveness of general plan policies.</del> <u>regarding implementation, the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR.</u></p>		

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10	I11-221	None	<p><b>The following revision is recommended for the response to Comment I11-221 on page 5-148 of the FEIR:</b></p> <p>The various question/comments regarding Land Use Implementation Measure #3 will be forwarded to County decision makers (see Master Response #1). The commenter is referred to Master Response #7 regarding implementation measures <u>and Master Response #3 and #4 regarding the enforceability of general plan policies, and the appropriate level of detail for the program-level RDEIR.</u> As noted in these Master Responses individual policies should not be reviewed in a vacuum. For example PFS Implementation #4 includes density bonuses and financial assistance to promote infill development. <del>The commenter is referred to the response to Comment I11-190 regarding the effectiveness of general plan policies.</del></p>		
11	I11-224	None	<p><b>The following revision is recommended for the response to Comment I11-224 on page 5-149 of the FEIR:</b></p> <p>The commenter's recommendations will be forwarded to County decision makers prior to their decision on the proposed project (see Master Response #1). Regarding the commenter's suggestion to revise policy language, please see Master Responses #3 and #4 regarding enforceable policy language and level of detail and programmatic nature of the RDEIR. Please see Master Response #7 regarding implementation measures. <del>Please see Response to Comment I11-190 regarding the effectiveness of general plan policies.</del> The commenter is also referred to the response prepared for Comment A7-12 and</p>		



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			<p>A7-13 regarding impact fees. The commenter is also referred to the response prepared for Comment A7-21 regarding transit impacts. Please note that, as discussed in the RDEIR, Impact 3.2-1 would remain significant and unavoidable because projected increases in traffic would be due mostly to growth within the cities that is not directly controlled by the plan; furthermore physical improvements to reduce this impact require cooperation and funding from a variety of other entities, such that the implementation of the improvements cannot be guaranteed.</p>		
12			<p><b>The following revision corrects a typographical error that occurs in references to Policy AG-1.6 throughout the Final EIR:</b>  AG-1.6 <u>Conservation</u> <del>Conversion</del> Easements</p>		