



Final Environmental Impact Report

General Plan, Transit-Oriented Development Plan, and Climate Action Plan

for the City of Tulare

SCH # 2012071064

April 11, 2014

TABLE OF CONTENTS

1. INTRODUCTION	1-1
2. REPORT SUMMARY.....	2-1
3. REVISIONS TO THE DRAFT EIR.....	3-1
4. LIST OF COMMENTERS.....	4-1
5. COMMENTS AND RESPONSES	5-1

CITY OF TULARE
DRAFT GENERAL PLAN, TOD PLAN, & CAP EIR
TABLE OF CONTENTS

List of Tables

Table 2-1 Summary of Impacts and Mitigation Measures 2-5

1 INTRODUCTION

This document provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed City of Tulare General Plan (General Plan Update), Draft Transit-Oriented Development Plan (Draft TOD Plan), and Climate Action Plan (CAP). The Draft EIR identified significant impacts associated with the proposed Project, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This document, together with the Draft EIR and all Appendices, will constitute the Final EIR if the City of Tulare Planning Commission certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

A. Environmental Review Process

The City of Tulare is the lead agency for this EIR.

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR. The Draft EIR was made available for public review on November 1, 2013. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. The 45-day public comment period ended on December 16, 2013. Copies of all written comments received on the Draft EIR are contained in this document. These comments and responses to these comments are laid out in Chapter 5, Comments and Responses, of this Final EIR.

B. Report Organization

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- ◆ **Chapter 2: Draft EIR Summary.** This chapter is a summary of the findings of the Draft and the Final EIR. It has been reprinted from the Draft EIR with necessary changes made in this Final EIR.
- ◆ **Chapter 3: Revisions to the Draft EIR.** This chapter presents specific changes to the Draft EIR.

- ◆ **Chapter 4: List of Commenters.** Names of organizations and individuals who commented on the Draft EIR are included in this chapter.
- ◆ **Chapter 5: Comments and Responses.** This chapter contains reproductions of the letters received from agencies and the public on the Draft EIR. The chapter also contains responses keyed to the comments which precede them.

2 REPORT SUMMARY

This chapter presents a summary of the findings of the Draft and Final EIRs. This chapter has been reprinted from the Draft EIR with necessary changes made in this Final EIR shown in double underline and ~~striketrough~~.

This summary presents an overview of the Draft General Plan, Draft Transit-Oriented Development Plan (Draft TOD Plan), and Climate Action Plan (CAP) and conclusions of the analysis contained in Chapter 4, Environmental Evaluation, of the Draft EIR. CEQA requires that this chapter summarize the following issues: 1) areas of controversy, 2) significant impacts, 3) unavoidable significant impacts, 4) implementation of mitigation measures, and 5) alternatives to the project.

A. Proposed Project Under Review

This ~~Draft-Final~~ EIR provides an assessment of the potential environmental impacts of implementing the Draft General Plan, Draft TOD Plan, and CAP. The Planning Center | DC&E prepared revisions to the General Plan from 2011 through 2013. The Draft General Plan is intended to serve as the principal policy document to guide future conservation and development in the City of Tulare. The Draft General Plan includes goals, policies, and implementing measures that have been designed to implement the City's and community's vision for Tulare. The policies and implementing measures would be used by the City to guide day-to-day decision-making so there would be continuing progress toward attainment of the Plan's goals. The Draft TOD Plan provides a long-term concept plan for designated key transit areas to encourage transit-friendly land uses and support all transportation modes, including pedestrians and bicycles. The CAP augments the objectives, goals, policies, and actions of the Draft General Plan related to the reduction of greenhouse gas (GHG) emissions. The Draft General Plan, Draft TOD Plan, and CAP are described in further detail in Chapter 3 of ~~this~~ the Draft EIR.

B. Areas of Controversy

The City issued an official Notice of Preparation on July 17, 2012 and held a scoping meeting on July 30, 2012. The official Notice of Preparation for this Program EIR was issued to the Governor's Office of Planning and Research, and forwarded to federal, State, and local agencies, and interested parties. The official scoping period for this EIR was between July 17, 2012 and August 20, 2012, during which

interested agencies and the public could submit comments about the proposed project. The comments received focused primarily on the following issues:

- ◆ Impacts related to farmland conversion and farmland mitigation policies;
- ◆ Impacts related to air pollution;
- ◆ Impacts related to stormwater infrastructure;
- ◆ Impacts to water supply;
- ◆ Consistency with Tulare County General Plan and Airport Land Use Plan;
- ◆ Impacts from increased noise sources;
- ◆ Impacts to cultural resources;
- ◆ Impacts on the State Highway System;
- ◆ Impacts to traffic.

All of these issues were addressed in the General Plan Update, TOD Plan, and CAP process. To the extent that these issues have environmental impacts, they are also addressed in this EIR.

C. Significant Impacts

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

Implementation of the General Plan Update, Draft TOD Plan, and CAP, in combination with long-term, region-wide growth and development, has the potential to generate environmental impacts in a number of areas. However, the General Plan Update, Draft TOD Plan, and CAP have been developed to be largely self-mitigating, and, as a result, there are few impacts that would occur solely on the basis of implementation of the proposed project.

Nonetheless, the implementation of the Draft General Plan, Draft TOD Plan, and CAP has the potential to generate 13 significant environmental impacts in a number of areas which are listed below:

- ◆ Agriculture
- ◆ Air Quality
- ◆ Greenhouse Gas Emissions

- ◆ Hydrology
- ◆ Noise

As shown in Table 2-1, approximately half of the impacts listed would be considered significant and unavoidable, with the exception of ~~the air quality and~~ biology impacts, ~~which that~~ can be mitigated to a less-than-significant level.

D. Mitigation Measures

This ~~Draft-Final~~ EIR suggests mitigation measures ~~that would to~~ reduce ~~most~~ impacts to less-than-significant levels. These mitigation measures are summarized in Table 2-1 at the end of this chapter. They will form the basis of a Mitigation Monitoring Program which will be published ~~in along with~~ the Final EIR and implemented in accordance with State law.

E. Unavoidable Significant Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 4 of the Draft EIR, and shown in Table 2-1, significant unavoidable impacts were identified in the areas of agriculture and forestry resources and hydrology and water quality.

F. Alternatives to the Project

This ~~Draft-Final~~ EIR analyzes alternatives to the Draft General Plan, Draft TOD Plan, and CAP. Three alternatives to the Draft General Plan, Draft TOD Plan, and CAP are considered and described in detail in Chapter 5 of the Draft EIR:

- ◆ No Project – 1993 General Plan
- ◆ Focused Growth Alternative
- ◆ Lower Intensity Alternative

G. Summary Table

Table 2-1 presents a summary of impacts and mitigation measures identified in this report. It is organized to correspond with the environmental issues discussed in Chapter 4 of the Draft EIR.

The table is arranged in four columns: 1) environmental impacts; 2) significance prior to mitigation; 3) mitigation measures; and 4) significance after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapter 4 of the Draft EIR.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
<i>Since there are no significant impacts related to aesthetics as a result of the Draft General Plan, Draft TOD Plan, and CAP, no mitigation measures are required.</i>			
AGRICULTURE AND FORESTRY RESOURCES			
AG-1: Although the Draft General Plan includes policies that would reduce and partially offset the conversion of farmland, it designates approximately 6,419 acres of farmlands of concern under CEQA for non-agricultural uses.	SU	No feasible mitigation measures are available.	
AG-2: The Draft General Plan and Draft TOD Plan would conflict with existing zoning by designating land currently zoned agriculture for non-agricultural uses.	SU	No feasible mitigation measures are available.	
AG-3: The Draft General Plan and Draft TOD Plan would conflict with Williamson Act contracts by designating land currently under contract for non-agricultural uses.	SU	No feasible mitigation measures are available.	
AIR QUALITY			
AQ-1: The Project would generate a substantial increase in criteria air pollutants that would exceed the SJVAPCD's significance thresholds. Because dispersion modeling is not applicable for a program EIR, projects with emissions that exceed these values are considered to have the potential to exceed the AAQS, resulting in a potentially significant impact with regard to consistency with SJVAPCD's air quality plans. Therefore, despite being consistent with the control measures in the air quality management plans, to be conservative, the Project is considered to be inconsistent with the SJVAPCD's air quality plans because emissions would exceed the regional significance thresholds. Mitigation Measures AQ-2(a) through AQ-2(d) would reduce emissions, to the extent financially and	SU	No feasible mitigation measures are available.	

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>technologically feasible. Goals and policies included in the General Plan Update would facilitate continued emissions reductions. However, due to the programmatic nature of the General Plan Update, no additional mitigating policies are available to reduce emissions to less than significant levels. Because the Project's emissions cannot be reduced to a less than significant level, the Project's impacts in this regard would be <i>significant and unavoidable</i>.</p>	S	<p><u>AQ-2a</u>: Each applicant for individual, site-specific developments under the General Plan shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations, including, without limitation, Indirect Source Rule 9510. The applicant shall document, its compliance with this mitigation measure.</p> <p><u>AQ-2b</u>: If, during subsequent project-level environmental review, construction-related criteria air pollutants are determined to have the potential to exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the City of Tulare Community Development Director shall require that applicants for new development projects incorporate mitigation measures as identified in the CEQA document prepared for the project to reduce air pollutant emissions during construction activities. Mitigation measures that may be identified during the environmental review include but are not limited to:</p> <ul style="list-style-type: none"> ◆ Using construction equipment as required by the United States Environmental Protection Agency rated as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site, which shall be available for City review upon request. ◆ Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards. ◆ Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible. ◆ Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g. 5-minute maximum). 	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2 <i>continued</i>		<ul style="list-style-type: none"> ◆ Preparation and implementation of a fugitive dust control plan that may include the following measures: <ul style="list-style-type: none"> • Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover (e.g. revegetated). • On-site unpaved roads and off-site unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant. • Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking. • Material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported off-site. • Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) • Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. • Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. • Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. • Limit traffic speeds on unpaved roads to 15 mph. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. • Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the project area. • Adhere to Regulation VIII's 20 percent opacity limitation, as applicable. 	

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2 <i>continued</i>		<p><u>AQ-2c:</u> If, during subsequent project-level environmental review, operational-related criteria air pollutants are determined to have the potential to exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the City of Tulare Community Development Director shall require that applicants for new development projects incorporate mitigation measures as identified in the CEQA document prepared for the project to reduce air pollutant emissions during operational activities. Mitigation measures that may be identified during the environmental review include but are not limited to:</p> <ul style="list-style-type: none"> ◆ Site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug in of the anticipated number of refrigerated trailers to reduce idling time and emissions. ◆ Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power (CHP) in appropriate applications to optimize renewable energy generation systems and avoid peak energy use. ◆ Site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 Section 2485). ◆ Site-specific development shall demonstrate an adequate number of electrical vehicle Level 2 charging stations are provided onsite. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the Building Division prior to issuance of a Certificate of Occupancy. ◆ Applicant-provided appliances shall be Energy Star appliances (dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star appliances shall be verified by the Building Division during plan check. ◆ Applicants for large development projects shall establish an employee trip commute reduction program (CTR), in conformance with the San Joaquin Valley Unified Air Pollution Control District Rule 9410. Large development projects are defined as businesses with 50 or more employees. The program shall identify South Valley Rideshare and/or Valley Rides commute programs, which provides information about commute options and connects commuters for carpooling, ridesharing and other activities. The CTR program shall identify alternative modes of transportation to the project site, including transit schedules, bike and pedestrian routes, and carpool/vanpool availability. Information regarding these 	

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2 <i>continued</i>		<p>programs shall be readily available to employees and clients and shall be posted in a highly visible location and/or made available online. The project applicant shall include the following incentives for commuters as part of the CTR program:</p> <ul style="list-style-type: none"> • Ride-matching assistance (e.g. subsidized public transit passes) • Preferential carpool parking • Flexible work schedules for carpools • Vanpool assistance or employer-provided vanpool/shuttle • Telecommute and/or flexible work hour programs • Car-sharing program (e.g. Zipcar) • Bicycle end-trip facilities, including bike parking, showers, and lockers <p>◆ End-of-trip facilities shall be shown on site plans and architectural plans submitted to the Community Development Director. The CTR program shall be prepared to the satisfaction of the Community Development Director prior to occupancy permits.</p> <p>◆ Applicants for future development projects located along existing and planned transit routes shall coordinate with the City of Tulare Transit Manager to ensure that bus pads and shelters are incorporated, as necessary.</p>	
		<p><u>AQ-2d:</u> Applicants for individual, site-specific developments shall consider establishing a Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District. Under this agreement, project proponents may enter into an agreement where funds are used to develop and implement emission reduction projects.</p>	
<p>AQ-3: Subsequent environmental review of future projects within the City of Tulare may identify that construction and operational phase emissions would exceed SJVAPCD's project-level significance thresholds. Compliance with Rule 9510 frequently reduces project specific operational emissions to less than significant levels. However, some construction activities and some development project (industrial or warehouse) have the potential to result in substantial onsite emissions, and additional mitigation may be required. Because dispersion modeling is not applicable for a program EIR, projects with emissions that exceed these values are considered to have the potential to exceed the California and National AAQS, resulting in a potentially significant impact. Mitigation Measures AQ-2(a) through AQ-2(d) and AQ-4a below would re-</p>	SU	No feasible mitigation measures are available.	

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>duce emissions, to the extent feasible. Goals and policies included in the General Plan Update would facilitate continued emissions reductions. However, due to the programmatic nature of the General Plan Update, no additional mitigating policies are available to reduce emissions to less than significant levels. Therefore, in accordance with the SJVAQMD methodology, the Project's localized (ambient air quality) impacts in this regard would be <i>significant and unavoidable</i>.</p>	S	<p><u>AQ-4a:</u> Applicants for industrial or warehousing land uses that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered transport refrigeration units (TRUs), and 2) are located within 1,000 feet of a sensitive land use (e.g. residential, schools, hospitals, nursing homes), as measured from the property line of the project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Tulare prior to future discretionary project approval.</p> <p>The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment and the San Joaquin Valley Air Pollution Control District (SJVAPCD). If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), the appropriate noncancer hazard index exceeds 1.0, or if the PM₁₀ or PM_{2.5} ambient air quality standard increment exceeds the Significant Impact Levels (SILs), the applicant will be required to identify and demonstrate that Best Available Control Technologies for Toxics (T-BACTs) are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. The SIL for PM₁₀ and PM_{2.5} are identified below:</p>	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation	
			Significant Impact Levels (SILs) ($\mu\text{g}/\text{m}^3$)	
			24-Hour	Annual
<i>AQ-4 continued</i>				
	PM ₁₀ Point Sources or Combined Point + Fugitive Source		5.0	1.0
	PM ₁₀ Fugitive Source		10.4	2.08
	PM _{2.5} Point Sources or Combined Point + Fugitive Source		1.2	0.3
	PM _{2.5} Fugitive Source		2.5	0.63
<p>T-BACTs may include but are not limited to:</p> <ul style="list-style-type: none"> ◆ Restricting idling on-site. ◆ Electrifying warehousing docks. ◆ Requiring use of newer equipment and/or vehicles. ◆ Restricting off-site truck travel through the creation of truck routes. <p>T-BACTs identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed Project.</p>				
<p><u>AQ-4b:</u> Applicants for sensitive land uses within 1,000 feet of a major sources of Toxic Air Contaminants (TACs) (e.g. warehouses, industrial, or roadways with traffic volumes over 50,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Tulare prior to future discretionary project approval.</p> <p>The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD). The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children age 0 to 9 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), the appropriate non-cancer hazard index exceeds the Significant Impact Levels (SILs), the applicant will be required to identify and demonstrate that mitigation measures are capable of</p>				

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation	
AQ-4 <i>continued</i>		reducing potential cancer and non-cancer risks to an acceptable level (i.e. below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. The SIL for PM ₁₀ and PM _{2.5} are identified below:		
		Significant Impact Levels (SILs) (µg/m ³)		
			24-Hour Annual	
	PM ₁₀ Point Sources or Combined Point + Fugitive Source	5.0	1.0	
	PM ₁₀ Fugitive Source	10.4	2.08	
	PM _{2.5} Point Sources or Combined Point + Fugitive Source	1.2	0.3	
	PM _{2.5} Fugitive Source	2.5	0.63	
		Measures to reduce risk may include but are not limited to:		
		<ul style="list-style-type: none"> ◆ Air intakes located away from high volume roadways and/or truck loading zones. ◆ Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized Maximum Efficiency Rating Value (MERV) filters. ◆ Heating, ventilation, and air conditioning systems for units that are installed with MERV filters shall maintain positive pressure within the building's filtered ventilation system to reduce infiltration of unfiltered outdoor air. 		
		Mitigation measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Community Development Director.		

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-5: Transfer stations, composting facilities, paint/coating operations, food manufacturing plants, and similar industrial facilities identified by SJVAPCD have the potential to generate substantial odors. Consequently, odors generated by these facilities may be <i>significant</i> .	S	AQ-5: If it is determined during project-level environmental review that a project has the potential to emit nuisance odors beyond the property line in compliance with the SJVAPCD's buffer distances, an Odor Management Plan shall be prepared and submitted by the project applicant prior to project approval to ensure compliance with SJVAPCD Rule 4102. The Odor Management Plan prepared for these facilities shall identify the Best Available Control Technologies for Toxics (T-BACTs) that will be utilized to reduce potential odors to acceptable levels, including appropriate enforcement mechanisms. T-BACTs may include but are not limited to scrubbers (e.g. air pollution control devices) at an industrial facility. T-BACTs identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.	LTS
BIOLOGICAL RESOURCES			
BIO-1: Implementation of the Draft General Plan, Draft TOD Plan, and the CAP could have a substantial adverse effect, either directly or through habitat modifications, on fish or wildlife species, including those officially designated species identified as an endangered, threatened, candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.	S	BIO-1: The loss of habitat within the EIR Study Area should be offset by the preservation of similar habitat at an off-site location. Off-site habitat preservation is normally implemented when native vegetation communities and natural habitats are destroyed by projects and actions, but in this case may be applied to the destruction of agricultural lands that provide foraging, breeding, and migratory stopover habitats for wildlife species. The goal of habitat preservation is to maintain areas that are occupied by the same suite of species present in the impact area; therefore, preservation of off-site lands that contain or may be converted to native grassland communities would be most appropriate. The mitigation ratio will be determined by the value of the habitat that is impacted compared to the value of that proposed for preservation. Ultimately the final ratio will be established through negotiations with the CDFW and USFWS during the project permitting process.	LTS
BIO-2: Implementation of projects under the Draft General Plan, Draft TOD Plan, and the CAP could interfere substantially with the movement of wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	S	BIO-2: Ground-disturbing and vegetation removal activities associated with construction of projects implemented under the Draft General Plan, Draft TOD Plan, or CAP shall be performed outside of the breeding season for birds, which is generally from February 1 through August 31. If these activities cannot be implemented outside of the breeding period, the project applicant shall retain a qualified biologist to perform pre-construction nest surveys to identify active nests within and adjacent to (up to 500 feet) the Study Area. Any active nests identified within and adjacent to the projects shall be avoided by construction activities to prevent failure of the nest(s). Mitigation Measure BIO-1 would also apply to this impact. Any off-site lands considered for acquisition to mitigate the loss of lands within the EIR Study Area that are used by migrating waterfowl and other bird species should contain habitat suitable for migratory stopovers for these species.	LTS
CULTURAL RESOURCES			

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<i>Since there are no significant impacts related to cultural resources as a result of the Draft General Plan, Draft TOD Plan, and CAP no mitigation measures are required.</i>			
GEOLOGY, SOILS, AND MINERAL RESOURCES			
<i>Since there are no significant impacts related to geology, soils, or mineral resources as a result of the Draft General Plan, Draft TOD Plan, and CAP no mitigation measures are required.</i>			
GREENHOUSE GAS EMISSIONS			
If the City does not adopt the CAP in its entirety, GHG emissions within the City and Urban Development Boundary would not achieve the SJVAPCD BAU target of 29.5 percent and would result in a substantial increase in GHG emissions from existing conditions. Implementation of the City's CAP would reduce GHG emissions to less than significant levels. However, in the absence of the City's CAP, GHG emissions from the General Plan could be <i>significant and unavoidable</i> .	SU	No feasible mitigation measures are available.	
GHG-2: If the City does not adopt the CAP in its entirety, GHG emissions within the City and Urban Development Boundary would not meet a 15 percent reduction from 2005 (current levels), consistent with the GHG reduction targets of AB 32. Implementation of the City's CAP would reduce GHG emissions to less than significant levels. However, in the absence of the City's CAP, consistency with plans adopted for the purpose of reducing GHG emissions towards the short-term target of AB 32 could be <i>significant and unavoidable</i> .	SU	No feasible mitigation measures are available.	

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>GHG-3: At this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under S-03-05. Because the City of Tulare cannot meet the long-term the GHG reduction goals without assistance from the state, even with the local measures identified, the City would not achieve the long-term GHG reduction target. While the City would not achieve the GHG reduction target, the City’s CAP would place the City on a path to reduce GHG emissions consistent with the state’s long-term goals. Although there is no GHG reduction plan prepared at this time for the long-term goal of Executive Order S-03-05, for the purpose of this EIR, consistency with plans adopted for the purpose of reducing GHG emissions towards the long-term goal of Executive Order S-03-05 is conservatively considered to be <i>significant and unavoidable</i>.</p>	SU	No feasible mitigation measures are available.	
HAZARDS AND HAZARDOUS MATERIALS			
<i>Since there are no significant impacts related to hazards and hazardous materials as a result of the Draft General Plan, Draft TOD Plan, and CAP, no mitigation measures are required.</i>			
HYDROLOGY AND WATER QUALITY			
<p>HYDRO-1: Although the Draft General Plan’s policies reduce risks associated with dam or levee failure, they do not eliminate risks to people and property.</p>	SU	No feasible mitigation measures are available.	
<p>CUM-HYDRO-1: The proposed project would contribute to development in dam and levee inundation areas, resulting in a significant cumulative impact.</p>	SU	No feasible mitigation measures are available.	
LAND USE			
<i>Since there are no significant impacts related to land use a result of the Draft General Plan, Draft TOD Plan, and CAP, no mitigation measures are required.</i>			

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE			
NOISE-1: Although the Draft General Plan includes numerous policies that would prevent or reduce substantial permanent increase to ambient noise levels in the Study Area, substantial permanent increases to noise levels would still occur as result of increases to both vehicular and railway traffic.	SU	No feasible mitigation measures are available.	
NOISE-2: Although the Draft General Plan includes numerous policies that would prevent or reduce substantial temporary or periodic increases to ambient noise levels in Study Area, substantial permanent increases to noise levels would still occur as result of increases to both vehicular and railway traffic.	SU	No feasible mitigation measures are available.	
POPULATION AND HOUSING			
<i>Since there are no significant impacts related to population and housing as a result of the Draft General Plan, Draft TOD Plan, and CAP, no mitigation measures are required.</i>			
PUBLIC SERVICES AND RECREATION			
<i>Since there are no significant impacts related to public services and recreation as a result of the Draft General Plan, Draft TOD Plan, and CAP, no mitigation measures are required.</i>			
TRAFFIC AND TRANSPORTATION			
<i>Since there are no significant impacts related to traffic and transportation as a result of the Draft General Plan, Draft TOD Plan, and CAP, no mitigation measures are required.</i>			
UTILITIES AND INFRASTRUCTURE			
<i>There are no significant impacts related to water supply as a result of implementation of the Draft General Plan, Draft TOD Plan, and CAP, thus, no mitigation measures are required.</i>			

4 LIST OF COMMENTERS

Comments on the Draft EIR were received from the following agencies and organizations. Letters are arranged by category; within each category, letters are arranged by date received, and then alphabetically. Each comment letter has been assigned a number, as indicated below.

A. Agencies

- A1 James Herota, Senior Environmental Scientist. Central Valley Flood Protection Board. November 15, 2013.
- A2 Cynthia Echavarria, Staff Analyst. Tulare County Local Agency Formation Commission. December 16, 2013.
- A3 Michael C. Spata, Associate Director; Hector Guerra, Chief Environmental Planner; and David Bryant, Special Projects. Tulare County Resource Management Agency. December 16, 2013.
- A4 David Warner, Director of Permit Services. San Joaquin Valley Air Pollution Control District. December 17, 2013.
- A5 Scott Morgan, Director. State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. December 20, 2013.

B. Organizations

- B1 Fred Lagomarsino, Managing Member, Lagomarsino Group. November 22, 2013.
- B2 Robert Keenan, President/CEO. Home Builders Association. December 13, 2013.

CITY OF TULARE
DRAFT GENERAL PLAN, TOD PLAN, & CAP EIR
LIST OF COMMENTERS

5 *COMMENTS AND RESPONSES*

This chapter includes a reproduction of, and responses to, each letter received during the public review period. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- ◆ Agencies
- ◆ Organizations

Letters are arranged by category; within each category, letters are arranged by date received, and then alphabetically. Each comment is labeled with a reference number in the margin. Letters received after the close of the comment period are listed at the end of their respective categories, in the order received.

COMMENT LETTER # A1

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



RECEIVED NOV 15 2013

November 12, 2013

Mr. Rob Hunt
City of Tulare
559 684 4217
411 East Kern Avenue
Tulare, California 93274

Subject: Tulare General Plan Revision, TOD Plan, and CAP
SCH Number: 2012071064
Document Type: Draft Environmental Impact Report

Dear Mr. Hunt:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located adjacent to, or within, the Elk Bayou, Kaweah River, Cottonwood Creek, Dry Creek, Inside Creek, Kings River, Outside Creek, Sand Creek, Tule River, San Joaquin River and Yokohl Creek which are under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A1-1

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

A1-2

Mr. Rob Hunt
November 12, 2013
Page 2 of 2

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway. The project should include mitigation measures to avoid decreasing floodway channel capacity.

A1-3

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

A1-4

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvpfb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

A1-5

If you have any questions, please contact me by phone at (916) 574-0651, or via e-mail at James.Herota@water.ca.gov.

Sincerely,



James Herota
Senior Environmental Scientist
Projects and Environmental Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

LETTER A1

James Herota, Senior Environmental Scientist. Central Valley Flood Protection Board. November 15, 2013.

Response A1-1

The comment describes the jurisdiction of the Central Valley Flood Protection Board (Board) and does not address the adequacy of the Draft EIR. No response is required.

Response A1-2

The comment lists the actions that would require a permit from the Board. While future actions taken as a result of proposed Project may require a permit from the Board, this comment does not address the adequacy of the Draft EIR. No response is required.

Response A1-3

The comment calls for the City to include mitigation measures to avoid decreasing floodway channel capacity. The General Plan would not have an effect on channel capacity, and therefore the mitigation measures requested by the commenter are not necessary. The City has existing regulations that serve to protect floodways including, Chapter 10.104, Floodplain Management, of the Municipal Code. Additionally, policies in the proposed General Plan – including Policy COS-P8.7, which calls for the City to minimize adverse impacts on environmental features including flood plains, and Policy COS-P1.2, which calls for the City to protect existing floodplains when considering new development – would be adequate to minimize potential impacts to floodplains associated with the proposed General Plan.

Response A1-4

This comments requests mitigation measures for channel/levee improvements and maintenance in order to prevent hydraulic impacts. The General Plan would not have an effect on channels/levees, and therefore the mitigation measures requested by the commenter are not necessary. As described in response to Comment A1-3, the City has existing regulation pertaining to potential hydraulic impacts, Chapter 10.104 of the Tulare Municipal Code and proposed General Plan Policies COS-P8.7 and COS-P1.2.

Response A1-5

The comment lists ways to get more information and contact relevant parties. The comment does not address the adequacy of the Draft EIR and therefore no response is required.



**TULARE COUNTY
LOCAL AGENCY FORMATION COMMISSION**

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:
*Cameron Hamilton, Chair
Steve Worthley, V. Chair
Juliet Allen
Rudy Mendoza
Allen Ishida*

ALTERNATES:
*Dennis A. Mederos
Janet Hinesly
Mike Ennis*

EXECUTIVE OFFICER:
Ben Giuliani

December 16, 2013

TO: Rob Hunt, Community Development Director
City of Tulare

SUBJECT: **Comments on the City of Tulare's Draft General Plan Update and
Draft Environmental Impact Report**

Thank you for presenting Tulare County Local Agency Formation Commission (LAFCO) with the opportunity to comment on the City of Tulare's Draft General Plan Update and Draft Environmental Impact Report. LAFCO will use both final documents in fulfilling its regulatory and planning responsibilities under the authority of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. These duties include, but are not limited to, approving annexations, sphere of influence updates, and special district formations, consolidations, or dissolutions.

A2-1

With respect to the Draft General Plan Update, LAFCO's primary consideration pertains to the Agricultural Preservation and Land Use Element. Notably, this section enumerates the goals and policies of the County with regard to future land uses in Tulare County. Particular focus is provided on new land use policies that could facilitate new or intensified urban uses requiring new or elevated public services in the unincorporated area. With these parameters in mind, LAFCO offers the following comments.

A2-2

One of LAFCO's goals is to protect and promote agriculture. The DEIR indicates that the City that no feasible mitigation measures are available. Tulare County LAFCO encourages the City to include mitigation measures which encourage the preservation of agricultural lands in order to lessen the impact of the loss of important farmland.

It is reasonable to assume that the implementation of the Draft General Plan Update will facilitate development projects that will require action from the Commission. Specific actions that could be prompted by the Draft General Plan Update include annexations, sphere of influence update, and revisiting regional service needs as part of the municipal service review process.

A2-3

Should you have any questions please contact me at the number listed above.

Sincerely,

Cynthia Echavarria
Staff Analyst
Tulare County LAFCO

LETTER A2

Cynthia Echavarria, Staff Analyst. Tulare County Local Agency Formation Commission. December 16, 2013.

Response A2-1

The comment describes the jurisdiction of the Tulare County Local Agency Formation Commission (LAFCO) and does not address the adequacy of the Draft EIR. No response is required.

Response A2-2

The comment encourages the City to include mitigation measures to preserve agricultural lands in order to lessen the impact of the loss of important farmland. The comment is noted. Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR considers mitigation to preserve agricultural lands. As described in Chapter 4.2, designating all existing agricultural land in the Study Area with an Open Space/Agriculture designation is considered to be infeasible due to the constraints on the continued long-term viability of large-scale agriculture. Constraints could include economic constraints due to increased environmental regulation, urban encroachment, production costs, and other constraints related to continued agricultural activity in a developing urban area. The retention of agricultural land use designations on land within the UDB will not, therefore, necessarily result in the continuation of agricultural uses. The Draft EIR also considers mitigation measures to replace agricultural resources, relocate prime farmland top soil, and establish new Williamson Act contracts, but similarly finds that these measures would be infeasible. For these reasons, the Draft EIR finds that impacts to agricultural resources would remain significant and unavoidable.

Response A2-3

The comment acknowledges that future actions allowed as a result of the proposed Project would require action to be taken on the part of LAFCO. The comment does not address the adequacy of the Draft EIR and therefore no response is required.



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277.
PHONE (559) 624-7000
FAX (559) 730-2653

Michael C Spata Planning
Britt L. Fussel Public Works
Roger Hunt Administration

RECEIVED DEC 16 2013

JAKE RAPER JR., AICP, DIRECTOR

December 16, 2013

Via Email, Fax and Hand Delivery

Mr. Rob Hunt
Community Development Director
City of Tulare
411 East Kern Avenue
Tulare, CA 93274

Re: County of Tulare Comments for City of Tulare's Draft Environmental Impact Report for General Plan Revision, Draft Transit Oriented Development, and Climate Action Plan

Thank you for the opportunity to provide comments to the City of Tulare's Draft Environmental Impact Report for the General Plan Revision, Draft Transit Oriented Development, and Climate Action Plan.

On behalf of the Tulare County Resource Management Agency, enclosed are detailed comments submitted by the undersigned with respect to this matter. Please note, however, that the county reserves the right to revise, amend or extend these comments as this environmental and land use planning process unfolds.

We also would like to participate in the city's public hearing process concerning the above-referenced matter; and as such, this is to request written notice to the undersigned regarding any and all public hearings associated with the above-referenced matter.

For further reference, please communicate with Michael C. Spata, Associate Director by phone at (559) 624-7000) or by email at MSpata@co.tulare.ca.us. Thank you for your professional courtesy and consideration.

Sincerely,

Michael C. Spata, Associate Director
Hector Guerra, Chief Environmental Planner
David Bryant, Special Projects

cc: Tulare County Board of Supervisors
Tulare County Administrative Officer
Tulare County Counsel
Resource Management Agency Director

A3-1

***Tulare County Resource Management Agency
Comments to City of Tulare’s Draft Environmental Impact Report for
General Plan Revision, Draft Transit Oriented Development, and
Climate Action Plan***

Draft EIR Comments

General

The County of Tulare (County) concurs that a Program Environmental Impact Report (EIR) for the City’s General Plan Revision (2035), Transit Oriented Development (TOD), and a Climate Action Plan (CAP) is appropriate and consistent with the State CEQA Guidelines Section 15168.

A3-2

Agricultural Preservation

The Draft EIR addresses loss of prime agricultural farmland. The protection/preservation of agricultural lands, as discussed in the Draft EIR, appears to be consistent with City of Tulare GP policies. These policies seem to protect, to the extent feasible, agriculturally viable/productive lands, require agricultural land uses designated for long-term protection (e.g., under Williamson Act contract) be buffered from urban land uses, discourage leapfrog development, and contain a “right-to-farm” ordinance.

Although the Draft EIR contains numerous agricultural conversion mitigation measures, the Draft EIR determines the loss of agricultural land as a significant impact.

A3-3

The Draft EIR also states that the GP and TOD would conflict with existing zoning for agricultural use or a Williamson Act Contract, and would result in a significant impact despite the inclusion of mitigation measures.

Regarding its determination in the CAP context, the Draft EIR determines that the CAP component would conflict with existing zoning for agricultural use or a Williamson Act Contract, and would result in a less-than-significant impact as a result of CAP mitigation measures that would promote the development of alternative energy facilities.

Air Quality

The Draft EIR provides a thorough discussion of air quality impacts. We agree that the City’s GP and CAP are consistent with adopted Air District attainment plans and would not conflict with attainment measures.

A3-4

The Draft EIR also conservatively concludes, and, we agree, that the project will result in significant or significantly unavoidable impacts to air resources with respect to criteria pollutants regulated by the Air District.

The Draft EIR also contains several mitigation measures that are Air District or California Air Resources Board (ARB) requirements when thresholds are exceeded and/or certain rules/regulations apply. However, these mitigation measures do not appear to qualify as CEQA mitigation measures.

Implementation of enhanced rules/regulations, as specified by the Air District appear to qualify as mitigation measures as they are “above and beyond” minimal control techniques, thereby resulting in “above and beyond” emission reduction requirements as specified by an applicable rule/regulation.

The County acknowledges that a program-level EIR, because of its broad-based nature, typically does not contain mitigation measures that would minimize, reduce or eliminate adverse impacts to a non-significant level.

Therefore, as more specific developments occur, the City of Tulare should consider policies, rules, standards, etc., that explicitly require a development project to mitigate beyond Air District minimums.

Potential impacts from toxic air contaminants, odor, or nuisance, to the public in general, and sensitive receptors in particular, need to be adequately addressed and specific mitigation measures will need to be implemented to minimize, reduce, or eliminate adverse impacts on any receptors.

Also, as urban development encroaches on existing agricultural uses (e.g., dairies), the city’s right-to-farm ordinance should be applied to protect existing agricultural uses from perceived or actual odor, dust, or other nuisance impacts on non-agricultural uses.

Regarding the CAP, the county observes that the mitigation measures contained in the Draft EIR appear to provide a reasonable approach to reducing greenhouse gas emissions despite the impact to this resource being significant and unavoidable.

**A3-4
cont.**

Hydrology and Water Quality

As noted in the Draft EIR, the Kaweah Groundwater Sub-basin -- which provides groundwater supply to the city -- is considered to be in a critical state of overdraft status as determined by the California Department of Water Resources.

The Draft EIR also indicates that all of the city’s water supply is provided by groundwater. However, as noted in the Draft EIR, the city has implemented numerous water conservation and best practices (as specified in the City’s 2010 Urban Water Management Plan), coupled with the city’s agreement with the Tulare Irrigation District to provide surface water for annually recharging approximately 34% of the City’s groundwater. This may provide a stable and adequate water supply through the Year 2035 planning horizon.

A3-5

Land Use and Planning

The city provides background and reference to other planning documents, namely, the Tulare County General Plan, Tulare County Comprehensive Airport Land Use Plan, Tulare County Association of Governments’ Blueprint, and Tulare County Local Agency Formation Commission. In this regard, it is noted that the city intends to adhere to the policies, regulations, guidelines, forecasts, etc., contained in these important planning documents in connection with the Draft EIR for the GP Revision, Draft TOD and CAP.

A3-6

Although the county does not anticipate identical land use patterns or planning policies to be adopted and implemented by the city, the county acknowledges and supports the efforts by the city to accommodate its planned growth in ways that “do not physically divide the established community”, “conflict with any applicable land use plan, policy, or regulation of a jurisdiction over the project...”, nor conflict with a “habitat conservation plan or natural community conservation plan,” as specified in the State CEQA Guidelines, Appendix G, Resources X, Lands Use and Planning a., b., and c.

Traffic

According to information provided in the Draft EIR, a less than significant impact would occur from implementation of the General Plan Update, TOD or CAP. The County of Tulare commends the City of Tulare for their cooperation and collaboration with its regional partners (e.g., the City of Visalia, County of Tulare, Tulare County Association of Governments, and Caltrans) in providing and planning for a traffic and transportation network (i.e., roads/streets, pedestrian, bicycle, and transit) that meets the travel demands of its citizens and regional travelers during the 2035 planning period.

A3-7

General Plan Policies

LU-P 2.6 Sphere of Influence. The City shall work with LAFCO to maintain a sphere of influence (SOI) line at Avenue 264 and including the Tagus Ranch area. The County of Tulare General Plan Planning Areas Figure 4-1 designates the Tagus area in the Visalia UAB.

The County supports the following recommendations contained on Page 91 in the Final Tulare MSR prepared by LAFCo: Conflicting Growth Policies. 7. LAFCO shall determine the SOI for the City of Tulare pursuant to State law and Tulare County LAFCO Policy C-5.

Tulare County LAFCo Policy C-5.2 states the following:

A3-8

Where differences exist between county and city adopted twenty-year boundaries, for the same community, the Commission shall determine which boundary most closely reflects the statutory requirements or intent of the Cortese-Knox-Hertzberg Act for the setting of Spheres of Influence.

Among other considerations, the Commission may determine which boundary is supported by the most recent or most complete analysis, including such documentation as may be required by the California Environmental Quality Act (CEQA). Should LAFCO determine that no existing

Planning Boundary complies with the statutory requirements or intent of the Cortese-Knox-Hertzberg Act, the Commission shall determine the twenty-year growth boundary independently of other agencies. In all cases of conflicting boundaries, the Commission shall attempt to reconcile the various boundaries and the Sphere of Influence before adoption.

8. The City of Tulare’s SOI Update should wait until after the completion of their General Plan Update. SOI amendments can occur following the adoption of this MSR update.

9. Due to the relationship of the City of Tulare’s and Visalia’s SOIs, the SOI updates for both of the cities should be completed contemporaneously.

10. The City and County have entered into a MOU to use their best efforts to adopt UDBs coterminous with the SOI.

The City of Tulare and County of Tulare entered into a Memorandum of Understanding (MOU) on December 13, 2012. As part of the Terms and Conditions Item #3 in the MOU, the following was agreed to regarding the 20-year UDB relationship with a LAFCO adopted SOI: “The County will cooperate with the City to establish a new 20-year UDB adopted by both the county and the City, which the parties will use their best efforts to make coterminous with the SOI set by LAFCO.” See MOU, page 2, paragraph 3.

LU-P 2.5 Urban Development Boundary. The City shall maintain an urban development boundary (UDB) that provides a 20-year land supply.

The Draft UDB encompasses approximately 33 square miles, while the existing SOI, as shown in Figure 3-2, is 32 square miles in size. The Draft UDB as proposed is approximately 640 acres larger than the existing SOI.

In general, the Draft UDB is proposed to be expanded beyond the existing SOI primarily to the North and South along SR 99 and in the East in the vicinity of East Tulare Villa. The Draft UDB is proposed to be retracted from the existing SOI primarily to the Southwest excluding Matheny Tract and to the Northeast along the Mooney Boulevard and Hillman Street corridors.

In January 2012, the City of Tulare was estimated to have a population of 60,627 and 19,141 housing units. TCAG’s draft regional projections predict future population growth. According to TCAG’s draft forecast, Tulare’s population is expected to grow from 59,278 in 2010 to 90,028 in 2035, an approximately 52 percent increase.

As stated in the Project Description, anticipated 2035 development under the Draft General Plan and Draft TOD Plan would be 100,970 residents and 31,383 dwelling units, an increase of over 41,000 residents and over 12,000 dwelling units. This new growth would be located both within the City limits and in the area that is currently outside the city limits, but within the UDB, which would be expected to be annexed into the city in the future.

A3-8
cont.

A3-9

The Draft General Plan, as proposed, would represent a higher total population growth and recent growth in population from 2010–2035 in comparison to TCAG projections. However, the Draft General Plan and Draft TOD Plan include policies and implementation measures to locate future growth to avoid or minimize negative impacts from growth.

Specifically, Policy LU-P2.2 calls for the city to create compact development patterns; Policy LU-P2.3 encourages infill development within existing urban areas; LU-P2.5 establishes that the City will maintain a 2-year UDB; LU-P2.9 requires the city to maintain a distinct urban edge; and LU-P2.7, LU-P2.10 and LU-P2.11 address cooperation in regional planning.

A3-9
cont.

The numerous policies under Goal LU-11 ensure that both new development and existing development is provided with adequate municipal services, including water, sewer, storm drainage, and solid waste services.

County supports LU-P2.5 consistent with the County of Tulare General Plan Policy PF-4.2 defining the UDB as a 20 year planning area.

LU-P 2.7 Cooperative Urban Centers. The city shall continue to work with Tulare County to avoid urban development decisions for lands within the city's UDB without consultation with and affirmation by the City of Tulare.

A3-10

County supports LU-P2.7 consistent with the County of Tulare General Plan Policy PF-4.7 to avoid isolating unincorporated areas.

LU-P 2.8 Regional Cooperation. The city shall maintain a cooperative relationship with other local governments (i.e., Tulare County and City of Visalia) to address regional issues and opportunities related to growth, transportation, infrastructure, greenhouse gas emissions reductions, and other planning issues.

A3-11

Special consideration for cooperation shall be applied when reviewing peripheral development proposals within or adjacent to the city's UDB, especially along the Mooney Boulevard corridor. This includes continued support of the Memorandum of Understanding (MOU) with the County of Tulare regarding development impact fees within the city and city UDB.

County supports LU-P2.8 consistent with the County of Tulare General Plan Section PF 4-A to manage development within unincorporated areas included in County Adopted City UDBs.

COS-P 3.1 Protect Interim Agricultural Activity. The city shall protect the viability of existing interim agricultural activity in the UDB to the extent possible.

A3-12

County supports LU-P2.7 consistent with the County of Tulare General Plan Policy AG-1.1 Primary Land Use to maintain agriculture as the primary land use in the valley region of the County.

COS-P 3.2 Agricultural Buffers. The City shall require that agricultural land uses designated for long-term protection (in a Williamson Act contract or under a conservation easement located outside the City’s UDB) shall be buffered from urban land uses through the use of techniques including, but not limited to, spatial separations (e.g. greenbelts, open space setbacks, etc.), transitions in density, soundwalls, fencing, and/or berming.

A3-13

To the extent that these policies are feasible (including legal and financial feasibility) and to the extent supported by a reasonable nexus, county acknowledges LU-P2.7 as relating to County of Tulare General Plan Policy AG-1.11 -- which addresses the consideration of agricultural buffers between agricultural and non-agricultural uses, as well as along the edges of UDBs and HDBs as feasible.

COS-P 3.9 Williamson Act Contracts. The City shall encourage the use of Williamson Act contracts on parcels located outside the UDB.

A3-14

To the extent that these policies are feasible (including legal and financial feasibility) and to the extent supported by a reasonable nexus, county acknowledges LU-P2.7 and County of Tulare General Plan Policy AG-1.9 regarding approval of individual applications for agricultural preserves located outside a UDB.

2035 General Plan Land Use Map Figure 2-2

Matheny Tract is the only Disadvantaged Community not included in the proposed UDB. The text on Page 2-10 of the GPU indicates that “the County of Tulare is currently working on a project, funded by a Proposition 84 planning grant, to connect the Matheny Tract to the City’s wastewater system.” The County supports the recommendation contained on Page 91 in the Final Tulare Municipal Service Review prepared by LAFCo: Disadvantaged Communities 6. The inclusion of the various unincorporated communities around Tulare in its SOI shall be reviewed in the next SOI update. This review should include the Matheny Tract.

A3-15

Circulation Diagram Figure 3-1

The Circulation Diagram designates Turner Drive as an Arterial Street. The Tulare County General Plan Circulation Diagram (Figure 13-1) designates Turner Drive as a Major Collector. Future right-of-way and street improvements should be coordinated between the city and county to provide for a seamless transition between urban and rural areas.

A3-16

Climate Action Plan (CAP)

The proposed CAP is a stand-alone document containing analysis and strategies to reduce Greenhouse Gases (GHG emissions in Tulare. The CAP identifies baseline GHG emissions and includes measures to help reduce future emissions that result from land use, transportation, energy, water, wastewater, and solid waste. The CAP establishes a GHG reduction target that is consistent with AB 32.

A3-17

The following proposed general plan policies support implementation of the CAP

AQ-P4.1 and COS-P7.15: Support Statewide Global Warming Solutions. The city shall monitor and support the efforts of CARB, under AB 32, to formulate mitigation strategies, if any, that may be implemented by local government, and further require the city to ultimately consider any such strategies once they become available.

If the City Council, after seeking public input on the subject, chooses to implement any such measures it considers to be feasible and desirable, the city's commitment may take the form of a new ordinance, resolution, or other type of policy document.

COS-P7.20: Greenhouse Gas Emissions Reduction. The city should reduce greenhouse gas emissions from City operations, as well as from private development in compliance with the California Global Warming Act of 2006 and any applicable State regulations.

COS-P7.18: Climate Action Plan. The city shall, consistent with other city programming and capital priorities and its fiscal constraints, implement and ensure compliance with the goals, policies, and actions of the Tulare Climate Action Plan.

COS-P7.19: Monitoring. On a semi-annual basis, the city shall monitor and report its progress on implementing the goals, policies, and actions of the Climate Action Plan to the City Council.

The CAP was prepared in 2011 and included a 2030 horizon year. The General Plan Update horizon year is 2035. The Draft EIR, however, adjusted the 2030 emissions inventory in the CAP for the increase in population, employment, and agricultural land in the city and Draft Urban Development Boundary in 2035.

Transit Oriented Development Plan

The Draft TOD Plan provides concepts for long-term planning for transit-friendly uses in specific areas of Tulare. The Draft TOD Plan contains a land use framework and designations, circulation improvements, design guidelines, infrastructure improvements for TOD Plan areas, as well as related implementation tools.

The Draft TOD Plan provides a long-term concept plan for designated key transit areas to encourage transit-friendly land uses and support all transportation modes, including pedestrians and bicycles.

The TOD Plan focuses on three areas of Tulare: the West Side, Downtown, and the area north of the Tulare College of the Sequoias (COS) campus. The Draft TOD Plan includes land use suggestions and policy guidelines to help encourage transit-supportive land use patterns.

COS North is located just outside of the existing city limits along the eastern boundary of Tulare and is bounded to the west by the Tulare city limits, Road 124, and South Oakmore Street, to the east by Road 130, to the north by Tulare Avenue, and to the south by East Bardsley Avenue.

**A3-17
cont.**

A3-18

This plan area is completely outside the existing city limits, but it is envisioned that this area would be incorporated within the city limits prior to development.

Although the city anticipates the annexation process for the COS Tulare campus to begin in 2012, land within the COS North Plan Area would only be annexed if the property owner initiates the process.

The Tulare County Local Agency Formation Commission (LAFCO) would need to approve the inclusion of the COS North study area within the City's Sphere of Influence (SOI).

**A3-18
cont.**

Tulare County General plan Update and Memorandum of Understanding

It is requested that as this process unfolds, city comply with the Memorandum of Understanding (dated December 13, 2012) formed between the county and city requiring compliance with various land use and fiscal policies, including, but not limited to, the policies contained in Chapter 2 – Planning Framework, of Tulare County's General Plan 2030 Update.

A3-19

Conclusion

On behalf of the Tulare County Resource Management Agency, thank you again for the opportunity to provide comments to the City of Tulare's Draft Environmental Impact Report for the General Plan Revision, Draft Transit Oriented Development, and Climate Action Plan

Please note, however, that Tulare County reserves the right to revise, amend or extend these comments as this environmental and land use planning process unfolds.

A3-20

We also would like to participate in the city's public hearing process concerning the above-referenced matter; and as such, this is to request written notice to the undersigned regarding any and all public hearings associated with the above-referenced matter.

LETTER A3

Michael C. Spata, Associate Director; Hector Guerra, Chief Environmental Planner; and David Bryant, Special Projects. Tulare County Resource Management Agency. December 16, 2013.

Response A3-1

The comment serves as an introduction to the comments that follow. The comment does not address the adequacy of the Draft EIR and therefore no response is required.

Response A3-2

The comment states that the County of Tulare agrees that a program EIR is appropriate for the proposed Project. The comment is noted.

Response A3-3

The comment summarizes the analysis of agricultural preservation in the Draft EIR. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-4

The County's comment that the City's General Plan and Climate Action Plan (CAP) are consistent with the San Joaquin Valley Air Pollution Control District's (SJVAPCD) attainment plan and attainment measures is noted.

The comment that the County agrees with the significance conclusions in the air quality section is noted.

Regarding the mitigation measures in the Draft EIR, mitigation measures in a General Plan EIR are inherently programmatic. The program-level mitigation measures in the Draft EIR are tailored to describe what the lead agency (i.e., City of Tulare staff) must require of future development projects, such as site-specific studies, performance standards that a project must achieve, and a menu of mitigation options that may be feasible on a project level if they exceed the performance standards. Consequently, for development projects subject to the California Environmental Quality Act (CEQA), the City of Tulare will be required to consider mitigation measures on a project-by-project basis to reduce significant air quality impacts of a project (e.g., construction operation, health risk, and odors). Nothing precludes a project from reducing emissions below SJVAPCD minimum standards. However, pursuant to CEQA, attaining these minimum standards would ensure less-than-significant impacts. It should be noted that compliance with Indirect

Source Rule 9510 typically requires a project to reduce emissions to levels that are even less than the CEQA thresholds in the SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). If projects generate emissions subject to Indirect Source Review and are unable to reduce emissions, these projects would be subject to fees that go toward regional air quality programs to mitigate regional air quality impacts of the San Joaquin Valley Air Basin.

Implementation of the City's right-to-farm ordinance is mandatory and will be applied to protect existing agricultural uses from perceived nuisances.

The comment that the County observes that the mitigation measures in the EIR and CAP provide a reasonable approach to reducing greenhouse gas (GHG) emissions is noted.

Response A3-5

The comment summarizes the Draft EIR discussion of the Kaweah Groundwater Sub-basin and water conservation and best management practices. The comment does not address the adequacy of the Draft EIR; therefore, no response is necessary.

Response A3-6

The comment acknowledges the County Resource Management Agency's support of the conformity of the proposed Plan with existing planning documents as well as the proposed project's less than significant impacts found with respect to the Land Use and Planning section of Appendix G of the CEQA guidelines. The comment does not address the adequacy of the Draft EIR; therefore, no response is necessary.

Response A3-7

The comment notes that less-than-significant impacts were found with respect to traffic and commends the City's collaboration with regional partners to reach this achievement. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-8

This comment excerpts text from the City of Tulare Municipal Service Report (MSR)¹ prepared by Tulare County LAFCO regarding city growth boundaries. The

¹ City of Tulare, 2013, Municipal Service Review Update, page 91.

comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-9

The comment describes growth management policies in the proposed Plan. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-10

The comment provides support for Policy LU-P 2.7 of the proposed Plan and notes the consistency between this policy and Tulare County General Plan Policy PF-4.7. The comment does not address the adequacy of the Draft EIR; therefore, no response is necessary.

Response A3-11

The comment provides support for Policy LU-P 2.8 of the proposed Plan and notes the consistency between this policy and Tulare County General Plan Section PF-4A. The comment does not address the adequacy of the Draft EIR; therefore, no response is necessary.

Response A3-12

The comment provides support for Policy COS-P 3.1 of the proposed Plan and notes the consistency between this policy and Tulare County General Plan Section AG-1.1. The comment does not address the adequacy of the Draft EIR; therefore, no response is necessary.

Response A3-13

With respect to Policy COS-P 3.2, the comment acknowledges Policy LU-P 2.7 contained in the proposed Plan and Tulare County General Plan Policy AG-1.11. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-14

With respect to Policy COS-P 3.9, the comment acknowledges Policy LU-P 2.7 contained in the proposed Plan and Tulare County General Plan Policy AG-1.9. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-15

This comment states that the County supports the recommendation in the City of Tulare MSR that the Metheny Tract be reviewed for possible inclusion in the City's SOI at the time of the next SOI update. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-16

This comment points out that the classifications for Turner Drive in the proposed General Plan and the Tulare County General Plan differ. Additionally, the commenter suggests coordination between the City and County to improve the transition between urban and rural areas. The comment does not address the adequacy of the Draft EIR. Moreover, the proposed General Plan contains Policy LU-P2.8, Regional Cooperation, which calls for the City to maintain a cooperative relationship with other local governments, including the County. Additionally, the City has entered into a Memorandum of Understanding (MOU) with the County that outlines ways in which the City will coordinate with the County to manage development.

Response A3-17

The comment that the CAP establishes a GHG reduction target that is consistent with AB 32, that policies within the General Plan support the CAP, and that the EIR adjusted the 2030 inventory of the CAP to account for growth identified in the General Plan through 2035 is noted.

Response A3-18

The comment describes the structure and content of the Transit-Oriented Development (TOD) plan as well as some of the probable future outcomes of the Plan. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-19

This comment requests that the City of Tulare comply with the 2012 Memorandum of Understanding between the City and the County of Tulare. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A3-20

The comment serves as a closing remark. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



December 16, 2013

Rob Hunt
City of Tulare
Community Development
411 E. Kern Ave.
Tulare, CA 93274

RECEIVED DEC 17 2013

Project: City of Tulare General Plan, Transit-Oriented Development Plan, and Climate Action Plan (SCH#2012071064)

District Reference No: 20130943

Dear Mr. Hunt:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the General Plan and the Environmental Impact Report (EIR) for the City of Tulare General Plan, Transit-Oriented Development Plan, and Climate Action Plan and offers the following comments:

A4-1

1. Pursuant to AB 170 (Reyes), the General Plan is required to include either an optional Air Quality Element or incorporate emission reducing goals and policies into each of the other seven (7) required elements (Land Use; Circulation; Housing; Conservation; Open-Space; Noise; and Safety). The Air Quality Element and EIR include the following discussions: (1) a description of local air quality conditions, attainment status, and state and federal air quality plans; (2) a summary of local, district, state, and federal policies, programs, and regulations to improve air quality; (3) a comprehensive set of goals, policies, and objectives to improve air quality; and (4) feasible implementation measures designed to achieve these goals. As the General Plan and General Plan EIR have been combined to minimize redundancy, the documents appear to fulfill the requirements set forth in AB 170 (Reyes).

A4-2

2. Nearly all development projects within the San Joaquin Valley Air Basin, from general plans to individual development projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air

A4-3

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 861-392-5500 FAX: 861-392-5585

quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs and motor vehicle emissions are the largest source of air pollution. The General Plan identifies many policies and programs the City will use to assist businesses and homeowners in reducing air emissions. The District greatly appreciates the City's efforts to make land use decisions that have proven benefit for air quality and to proactively inform developers of Air District rules and regulations.

A4-3
cont.

The General Plan contains policies requiring the City to coordinate with the District to promote better air quality conditions locally and regionally (Policies COS-P7.5, AQ-P1.1). The District appreciates the City's ongoing commitment to working with the District and appreciates the opportunity to aid the City in identifying and mitigating impacts on air quality.

a. *CEQA Process:* Policies COS-P7.3 and AQ-P1.5 require the City to fairly and consistently mitigate impacts on air quality identified during the CEQA review process and mitigation measures AQ-2b and AQ-2c require individual projects to incorporate mitigation measures identified in the CEQA document prepared for those projects. To aid the City in determining a project's potential impacts during the CEQA process, the District recommends that CEQA referral documents submitted to the District include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources. If emissions analyses are to be submitted with the CEQA referral, the District recommends the analyses be submitted in electronic format, including all input and output files. CEQA referral documents should be submitted to the District's CEQA Division at:

A4-4

- Hard copies: San Joaquin Valley APCD, Technical Services Dept. – CEQA & ISR Division, 1990 E. Gettysburg Avenue, Fresno, CA 93726; or
- Electronic copies: CEQA@valleyair.org.

b. *ISR Process:* Policies COS-P7.8 and AQ-P2.2 and mitigation measure AQ-2a require major developments to mitigate air quality impacts through compliance with District Rule 9510 (Indirect Source Review). To reduce City staff time responding to applicant inquiries and to aid project proponents in complying with Rule 9510 requirements the District recommends that all CEQA referrals include project proponent contact information. District receipt of the requested information will allow District staff to contact developers directly and assist them in understanding how to reduce project related impacts on air quality and how to complete the appropriate Air Impact Assessment (AIA) application process. The District

A4-5

also recommends that the City provide a copy of District comments to project proponents.

The City and project proponents can obtain more information regarding District Rule 9510 by:

- Visiting the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>;
- Contacting District ISR staff by phone at (559) 230-5900; or
- E-mailing inquiries to: ISR@valleyair.org.

c. *Health Risk Assessments:* Policies COS-P7.2 and AQ-P1.3 require the City to consider industrial or other developments that are likely to cause undesirable air pollution with regard to wind direction and circulation and Policy AQ-P1.4 requires a health risk assessment (HRA) for industrial or service commercial projects in which toxic air contaminant (TACs) may have an impact on nearby receptors. Mitigation measure AQ-4a requires industrial and warehouse land uses with 100 or more diesel truck trips per day or 40 or more trucks with transport refrigeration units and are located within 1,000 feet of a sensitive land use to submit an HRA to the City prior to future discretionary project approval. Mitigation measure AQ-4b requires projects placing sensitive land uses within 1,000 feet of TAC sources or roadways with greater than 50,000 vehicles per day to submit an HRA to the City. While mitigation measures AQ-4a and AQ-4b are effective measures in reducing potential risks from industrial and service commercial uses and major roadways, some non-industrial projects, such as shopping centers with loading docks adjacent to residential developments, may have adverse impacts on receptors. As such, the District recommends that all future projects, even those that would otherwise appear to be exempt from further CEQA review, be evaluated for potential adverse health impacts. The District further recommends that any HRA prepared be submitted in electronic format, including all input and output files, to the District for review.

District staff is available to assist the City with determining how to adequately assess potential risks for projects in all land uses. More information on TACs, conducting a prioritization, and HRA modeling can be obtained by:

- Contacting District Technical Services staff by phone at (559) 230-5900;
- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:
http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

A4-5
cont.

A4-6

If you have any questions or require further information, please contact Jessica Willis by phone at (559) 230-5818 or by e-mail at jessica.willis@valleyair.org.

Sincerely,

David Warner
Director of Permit Services



For: Arnaud Marjollet
Permit Services Manager

DW: jw

Cc: File

LETTER A4

David Warner, Director of Permit Services. San Joaquin Valley Air Pollution Control District. December 17, 2013.

Response A4-1

The comment serves as an introductory remark from the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD). The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A4-2

The comment explains that the proposed Plan and Draft EIR comply with Assembly Bill (AB) 170 (Reyes). The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A4-3

The comment notes the SJVAPCD's appreciation of the proposed Plan's efforts to create land use patterns that would benefit air quality in the region. Additionally, the comment notes appreciation for policies contained in the proposed Plan that call for the City to coordinate with the SJVAPCD. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A4-4

The comment notes that policies contained in the proposed Plan require individual projects to incorporate mitigation measures identified in the CEQA process for those developments. Additionally, the comment provides instructions for submitting documents to the SJVAPCD. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A4-5

The comment recommends measures to improve the effectiveness and ease of compliance with SJVAPCD Rule 9510 (Indirect Source Review). The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response A4-6

The comment recommends that future projects – even those otherwise exempt from CEQA review – be evaluated for potential adverse health impacts. The comment is noted. While the City does not require health impact assessments for all projects, future non-industrial projects, such as shopping centers with loading docks, while not subject to the SJVAPCD's permitting requirements, would be subject to CEQA review and would be required to evaluate their health risk in ac-

cordance with the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI).

Response A4-7

The comment serves as a closing remark. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

December 17, 2013

Rob Hunt
City of Tulare
411 East Kern Avenue
Tulare, CA 93274

Subject: Tulare General Plan Revision, TOD Plan, and CAP
SCH#: 2012071064

Dear Rob Hunt:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 16, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

A5-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012071064
Project Title Tulare General Plan Revision, TOD Plan, and CAP
Lead Agency Tulare, City of

Type EIR Draft EIR

Description The City of Tulare is revising a General Plan Update that was published in 2007 and underwent CEQA review in 2008. The revision is addressing Tulare County's Superior Court order requiring modifications to both the General Plan and the General Plan EIR.

a) TOD Plan
 In conjunction with the General Plan revision, the project includes preparation of a TOD Plan. TOD is a planning and urban design concept that calls for a mix of land uses centered on access to public transit.

b) General Plan Revisions
 Besides incorporating the TOD Plan, the General Plan revision will largely focus on court-identified modifications.

c) Climate Action Plan
 In addition to the analysis of the General Plan and TOD Plan, the EIR will analyze potential impacts associated with implementation of the Climate Action Plan, completed in April 2011.

Lead Agency Contact

Name Rob Hunt
Agency City of Tulare
Phone 559 684 4217 **Fax**
email
Address 411 East Kern Avenue
City Tulare **State** CA **Zip** 93274

Project Location

County Tulare
City Tulare
Region
Lat / Long 36° 12' 24" N / 119° 20' 33" W
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 99
Airports Mefford Field
Railways UPRR
Waterways Elk Bayou and various canals and ditches
Schools TCSD, TJUHSD, SUSD
Land Use Various

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

**A5-1
cont.**

**Document Details Report
State Clearinghouse Data Base**

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 6; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission; Public Utilities Commission; Central Valley Flood Protection Board

Date Received 11/01/2013 **Start of Review** 11/01/2013 **End of Review** 12/16/2013

**A5-1
cont.**

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



November 12, 2013

Mr. Rob Hunt
City of Tulare
559 684 4217
411 East Kern Avenue
Tulare, California 93274

Clear
12/16/13
P

RECEIVED

NOV 14 2013

STATE CLEARING HOUSE

Subject: Tulare General Plan Revision, TOD Plan, and CAP
SCH Number: 2012071064
Document Type: Draft Environmental Impact Report

Dear Mr. Hunt:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located adjacent to, or within, the Elk Bayou, Kaweah River, Cottonwood Creek, Dry Creek, Inside Creek, Kings River, Outside Creek, Sand Creek, Tule River, San Joaquin River and Yokohl Creek which are under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A5-2

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

Mr. Rob Hunt
November 12, 2013
Page 2 of 2

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway. The project should include mitigation measures to avoid decreasing floodway channel capacity.

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

If you have any questions, please contact me by phone at (916) 574-0651, or via e-mail at James.Herota@water.ca.gov.

Sincerely,



James Herota
Senior Environmental Scientist
Projects and Environmental Branch

cc: ✓ Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

A5-2
cont.

LETTER A5

Scott Morgan, Director. State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. December 20, 2013.

Response A5-1

The comment acknowledges that the City of Tulare has complied with the State Clearinghouse's review requirements for Draft EIRs. No further response is required.

Response A5-2

The comment is a reproduction of Letter #A1. Please see responses to Comments A1-1 through A1-5.

RECEIVED NOV 22 2013



November 21, 2013

Rob Hunt
Planning Director
City of Tulare
411 East Kern Avenue
Tulare, CA 93274

RE: General Plan Update – Comments to Map

Dear Rob,

Thanks for the opportunity to review the proposed General Plan map. It is clear a significant amount of work has gone into this effort...

On behalf of my family, I would offer the following comments to a specific sector of the plan – and the proposed land use designation. We own the 145 acre parcel at the southeast corner of Prosperity Ave and Morrison St. It is directly east of the KCOK master plan.

We note that the proposed designation on this parcel is Residential Estate – with a density of 2.1 to 3 units per acre and a minimum lot size of 12,500 square feet. We believe this designation should be modified to be more consistent with the density allowed in the adjacent KCOK neighborhood.

In addition to being consistent with the adjoining neighborhood, we also believe this density would be more in the spirit of the Valley Blueprint for growth – and the recommended density thresholds. Clearly, a significant effort has been made elsewhere in the revised General Plan to achieve this goal. If indeed we are committed to lessening the impacts of sprawl and the inherent costs to serve, then Low Density Residential would appear to be a more appropriate designation on our property. We would request that change from Residential Estate to Low Density Residential be applied.

While we understand the concept may be to ‘protect’ the neighborhood further south, the Residential Estate designation could begin on the property south of us, transitioning our property to Low Density Residential. This logical demarcation preserves the existing large lot homes environment while not compromising the importance of appropriate densities within urban boundaries in our Valley.

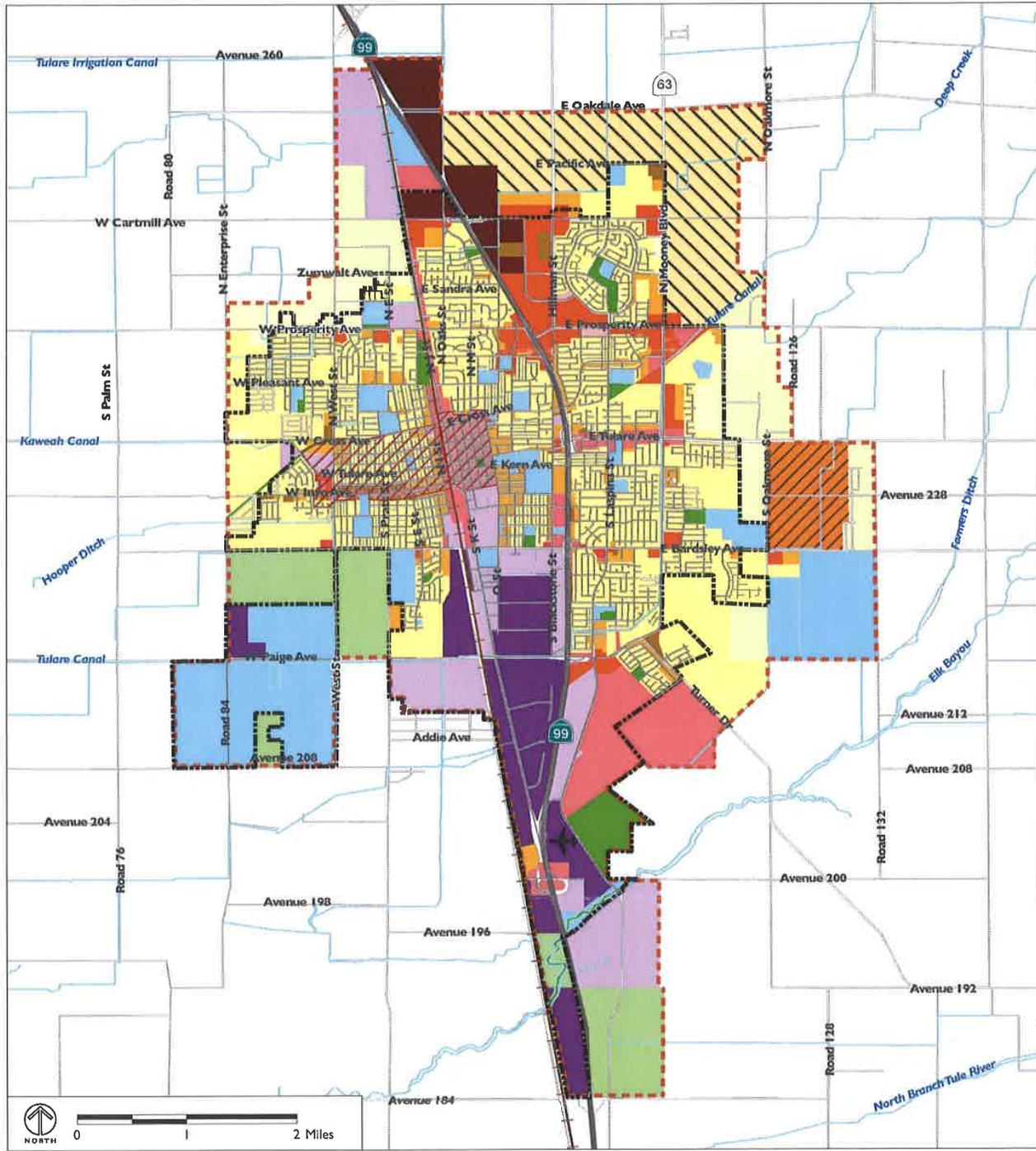
We appreciate your consideration of this request and look forward to your response. We also appreciate being updated on the plan and ask that you please keep us informed as the process continues.

Best personal regards,

A handwritten signature in black ink, appearing to read "Fred Lagomarsino", is written over a horizontal line.

Fred Lagomarsino
Managing Member

B1-1



B1-2

Source: City of Tulare, Tulare County, and The Planning Center | DC&E.

- | | | |
|-----------------------------------|---------------------------|------------------------|
| City Limit | Neighborhood Commercial | Heavy Industrial |
| 2035 Urban Development Boundary | Community Commercial | Public/Quasi-Public |
| Rural Residential 0-2 | Regional Commercial | Parks & Recreation |
| Residential Estate 2.1-3 | Service Commercial | Open Space/Agriculture |
| Low Density Residential 3.1-7 | Central Business District | Village* |
| Medium Density Residential 7.1-14 | Office Commercial | COS North TOD |
| High Density Residential 14.1-29 | Light Industrial | TOD Overlay |

*Village areas require a Specific Plan and a General Plan Amendment prior to development.

FIGURE 2-2
2035 GENERAL PLAN
LAND USE MAP

LETTER B1

Fred Lagomarsino, Managing Member, Lagomarsino Group. November 22, 2013.

Response B1-1

This comment requests a land use designation amendment of Low Density Residential (rather than Residential Estate) for the 145-acre parcel at the southeast corner of Prosperity Avenue and Morrison Street. The comment does not address the adequacy of the Draft EIR; therefore, no further response is necessary.

Response B1-2

The comment reproduces the land use map for the proposed Project. The comment serves as an attachment to Comment B1-1. Please see response to Comment B1-1.

**Home Builders Association
of Tulare/Kings Counties, Inc.**



P.O. Box 3930
Visalia CA 93278

Email: build@hbatkc.com

Phone: (559) 625-447
Fax: (559) 625-2690

December 13, 2013

Rob Hunt
Community Development Director
City of Tulare
411 E. Kern Ave.
Tulare, CA 93274

RE: HBA Comments Regarding the City of Tulare General Plan 2035 Policies COS-P3.12 & COS-P3.13

The HBA has always maintained the position that Mitigation for the Conversion of Farmland does nothing to mitigate the actual loss of actual farmland and is opposed to such mitigation based on the following:

1. Several appellate courts have concluded, in unpublished, decisions that once farmland is converted to an urban use it is lost and merely requiring purchasing farm acreage or the placement of an easement on other existing farmland somewhere else does not change the fact the land is lost. According to these courts conservation easements are not feasible CEQA mitigation.
2. Cities already have the control and are solely responsible for the conversion of farmland to urban uses through their land use authority, general plans, annexations, etc. Local governments ' general plans designate land uses, timelines for development and any annexations. The development community comes in after the fact and petitions to develop projects in accordance with general plans, projects which enhance the city, its tax base and its economy. The cities have already (through planning) determined which specific ag land will be converted to an urban use, i.e. schools, business, industry, housing, parks, etc.
3. The bi-annual reports from the California Department of Conservation, Division of Land Resource Protection show that Tulare County in 2000 had 880,604 acres of Important Farmland and in 2010 had 859,991 acres which equates to a 2.34 % rate of farmland conversion over 10 years, if Grazing Land was included the county still contains over 1.3 million acres of Ag Land.
4. Conversion of Ag Land within Tulare County and/or in the Tulare area is an unavoidable loss and there are overriding considerations under CEQA, such as the necessity of community growth and economic viability of the city and county.

SB 395 recognizes this need in Cal Gov Code Section 65080.01(2013) "Definitions: (b) "Farmland" means farmland that is outside all existing city spheres of influence or city limits as of January 1, 2008 and is one of the following: (1) Classified as Prime or Unique Farmland or a Farmland of Statewide Importance. (2) Farmland classified by a local agency in its general plan that meets or exceeds the standards for Prime or Unique Farmland or Farmland of Statewide Importance."

This would be the Sphere of Influence designated on the City's 1993 General Plan's Land Use map.

B2-1

B2-2

B2-3

B2-4

B2-5

5. In its October 17, 2013 decision in the *Sterling Park v. City of Palo Alto* case, the California Supreme Court saw the Inclusionary Zoning requirement as an exaction. Exactions are a broader class of conditions imposed on development approvals than just fees. In this case the city was requiring the developer to pay an in lieu fee or build 10 affordable units. Similarly, Ag Land Mitigation usually takes the form of the developer being forced to buy a conservation easement on someone else's property or pay a fee to a private or public entity, which then goes and accomplishes the same thing. The Court ruled that if a city wishes to impose exactions on development, it is required to demonstrate a nexus - at least a reasonable relationship between the amount of the fee or land conserved and the impact from development as required by the Mitigation Fee Act.
6. The California Department of Food and Agriculture crop reports for 2013 show the total value of agriculture and dairy product sales at \$43 Billion compared to 2010 when they were just \$37.5 Billion. Back in 2003 the sales were \$28 Billion. That is a \$15 Billion or a 54% increase in 10 years. As technology improves, so do farming practices. Crop yields have risen year after year and land that previously was not farmable is being turned into productive farmland.
7. There is no free market for agricultural easement. Adopting mitigation requirements would force developers to buy something that is not for sale. Agricultural land owners have no compelling reason to sell an easement on their land. Without a ready supply of sellers for the market, a compulsory easement purchasing plan turns into a compulsory farmland purchasing program. *Again, there is no free market for agricultural easements. Forcing a developer to buy farmland in order to remain a developer is bad policy.*

B2-6

B2-7

B2-8

The HBA believes that farmland mitigation does not recover or replace the land converted to an urban use through development. We are opposed to such a program. That land is gone, is an unavoidable loss and should be accepted as an overriding consideration under CEQA due to economic necessity.

When a project applicant comes before the city, the city has the authority to do real farmland conservation by denying the project. Land use authority is granted to local governments for the purpose of making intelligent and informed decisions about the best use of the land. If farming is more important than the project, the city should deny the application.

B2-9

For the above stated reasons the HBA strongly opposes the inclusion of policies COS-P3.12 Mitigation for Agricultural Land Conversion and COS-P3.13 Farmland Trust and Funding Sources in the City of Tulare General Plan 2035.

Sincerely,



Robert Keenan
President/CEO

Exhibits: California Department of Conservation Report 2000-2010
Cal Gov Code Section 65080.01
Tulare 1993 General Plan Land Use Map

TABLE A-41
TULARE COUNTY
2000-2002 Land Use Conversion

CALIFORNIA DEPARTMENT OF CONSERVATION
Division of Land Resource Protection

Farmland Mapping and Monitoring Program

PART I
County Summary and Change by Land Use Category

LAND USE CATEGORY	2000-02 ACREAGE CHANGES				TOTAL ACREAGE 2002	
	TOTAL ACREAGE INVENTORIED		ACRES GAINED (+)	TOTAL ACREAGE CHANGED		NET ACREAGE CHANGED
	2000 (1)	2002				
Prime Farmland	393,029	397,626	4,177	13,757	-5,403	
Farmland of Statewide Importance	351,715	347,294	6,185	16,791	-4,421	
Unique Farmland	11,723	11,449	884	2,042	-274	
Farmland of Local Importance	124,137	133,474	16,262	23,187	9,337	
IMPORTANT FARMLAND SUBTOTAL	880,604	879,843	27,508	55,777	-761	
Grazing Land	434,047	433,618	981	2,391	-429	
AGRICULTURAL LAND SUBTOTAL	1,314,651	1,313,461	28,489	58,168	-1,190	
Urban and Built-up Land	49,380	52,212	4,862	6,892	2,832	
Other Land	217,182	215,540	8,865	19,372	-1,642	
Water Area	4,656	4,656	0	0	0	
TOTAL AREA INVENTORIED	1,585,869	1,585,869	42,216	84,432	0	

PART II
Land Committed to Nonagricultural Use

LAND USE CATEGORY	TOTAL ACREAGE 2002
Prime Farmland	842
Farmland of Statewide Importance	105
Unique Farmland	16
Farmland of Local Importance	342
IMPORTANT FARMLAND SUBTOTAL	1,305
Grazing Land	88
AGRICULTURAL LAND SUBTOTAL	1,393
Urban and Built-up Land	0
Other Land	89
Water Area	0
TOTAL ACREAGE REPORTED	1,482

PART III Land Use Conversion from 2000 to 2002

LAND USE CATEGORY	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance		Subtotal Important Farmland	Grazing Land	Total Agricultural Land	Urban and Built-up Land	Other Land	Water Area	Total Converted To Another Use
				Importance	Importance							
Prime Farmland (2) (3)	15	14	43	5,042	5,099	12	5,111	2,207	2,262	0	9,580	
Farmland of Statewide Importance (2) (3)	26	6	48	5,792	5,855	14	5,869	763	3,974	0	10,606	
Unique Farmland	2,103	2,955	86	39	71	816	887	52	219	0	1,158	
Farmland of Local Importance (3) (4)	2,144	2,975	177	10,873	5,144	31	5,175	427	1,323	0	6,925	
IMPORTANT FARMLAND SUBTOTAL	20	9	450	296	776	873	17,042	3,449	7,778	0	28,269	
Grazing Land	2,164	2,984	627	11,169	16,944	873	17,817	3,531	8,331	0	1,410	
AGRICULTURAL LAND SUBTOTAL	698	426	37	292	1,453	43	1,496	-	534	0	2,030	
Urban and Built-up Land (5)	1,315	2,775	220	4,801	9,111	65	9,176	1,331	-	0	10,507	
Other Land (6)	0	0	0	0	0	0	0	0	0	0	0	
Water Area	4,177	6,185	884	16,262	27,508	981	28,489	4,962	8,865	0	42,216	
TOTAL ACREAGE CONVERTED												

(1) Due to the incorporation of digital soil survey data (SSURGO) during this update, acreages for farmland, grazing and other land categories may differ from those published in the 1998-2000 California Farmland Conversion Report.
 (2) Conversion to Farmland of Local Importance primarily due to land left idle for three update cycles and new confined livestock facilities.
 (3) Conversion to Other Land primarily due to identification of ranchettes and wetland restoration activities in the Tulare Basin.
 (4) Conversions to Prime Farmland and Farmland of Statewide Importance primarily due to the addition of newly irrigated farmland.
 (5) Conversion from Urban and Built-up Land primarily the result of the use of digital imagery to delineate more distinct urban boundaries.
 (6) Conversions from Other Land primarily due to newly irrigated agricultural land, nonirrigated grain and confined livestock facilities.

TABLE A-41
TULARE COUNTY

2002-2004 Land Use Conversion

CALIFORNIA DEPARTMENT OF CONSERVATION
Division of Land Resource Protection

Farmland Mapping and Monitoring Program

PART I
County Summary and Change by Land Use Category

LAND USE CATEGORY	TOTAL ACREAGE INVENTORIED		2002-04 ACREAGE CHANGES				NET ACREAGE CHANGED
	2002 (1)	2004	ACRES LOST (-)	ACRES GAINED (+)	TOTAL ACREAGE CHANGED		
	Prime Farmland	387,820	384,388	3,550	318	3,868	
Farmland of Statewide Importance	345,763	339,579	6,604	420	7,024	-6,184	
Unique Farmland	12,746	12,525	280	59	339	-221	
Farmland of Local Importance	126,815	137,436	993	11,614	12,607	10,821	
IMPORTANT FARMLAND SUBTOTAL	872,944	873,928	11,427	12,411	23,838	984	
Grazing Land	440,550	440,518	27	95	122	68	
AGRICULTURAL LAND SUBTOTAL	1,313,494	1,314,546	11,454	12,506	23,960	1,052	
Urban and Built-up Land	52,213	53,928	268	1,983	2,251	1,715	
Other Land	215,506	212,739	5,427	2,660	8,087	-2,767	
Water Area	4,656	4,656	0	0	0	0	
TOTAL AREA INVENTORIED	1,585,969	1,585,969	17,149	17,149	34,298	0	

PART II
Land Committed to Nonagricultural Use

LAND USE CATEGORY	TOTAL ACREAGE 2004
Prime Farmland	594
Farmland of Statewide Importance	80
Unique Farmland	10
Farmland of Local Importance	276
IMPORTANT FARMLAND SUBTOTAL	960
Grazing Land	112
AGRICULTURAL LAND SUBTOTAL	1,072
Urban and Built-up Land	0
Other Land	111
Water Area	0
TOTAL ACREAGE REPORTED	1,183

PART III Land Use Conversion from 2002 to 2004

LAND USE CATEGORY	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance		Subtotal Important Farmland	Grazing Land	Total Agricultural Land	Urban and Built-up Land	Other Land	Water Area	Total Converted To Another Use
				Farmland of Local Importance	Farmland of Statewide Importance							
Prime Farmland (2)	0	2	32	1,623	1,657	1,657	1	1,658	1,331	561	0	3,550
Farmland of Statewide Importance (2)(3)	2	0	8	4,797	4,807	4,807	0	4,807	123	1,674	0	6,604
Unique Farmland	0	0	0	1	1	1	94	95	9	176	0	280
Farmland of Local Importance	179	301	0	0	480	480	0	480	295	218	0	993
IMPORTANT FARMLAND SUBTOTAL	181	303	40	6,421	6,945	6,945	95	7,040	1,758	2,629	0	11,427
Grazing Land	0	0	12	0	12	12	0	12	1	14	0	27
AGRICULTURAL LAND SUBTOTAL	181	303	52	6,421	6,957	6,957	95	7,052	1,759	2,643	0	11,454
Urban and Built-up Land (4)	77	6	3	165	251	251	0	251	0	17	0	268
Other Land (5)	60	111	4	5,028	5,203	5,203	0	5,203	224	0	0	5,427
Water Area	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL ACREAGE CONVERTED	318	420	59	11,614	12,411	12,411	95	12,506	1,983	2,660	0	17,149

(1) Due to the incorporation of an updated digital soil survey data (SSURGO) during this update, acreages for farmland, grazing and other land use categories may differ from those published in the 2000-2002 California Farmland Conversion Report.
 (2) Conversion to Farmland of Local Importance due to land left idle for three update cycles, and conversions to confined livestock facilities.
 (3) Conversion to Other Land primarily due to the use of improved digital imagery to distinguish low-density housing (ranchettes) widely dispersed throughout the county, as well as land left idle for three or more update cycles not qualifying for Local designation.
 (4) Conversion from Urban and Built-up Land is the result of the use of improved digital imagery to delineate more distinct urban boundaries and delineation of a dairy at the site of a former water control facility.
 (5) Conversion to Farmland of Local Importance due to newly identified grazing uses on soil units qualifying for Prime Farmland and Farmland of Statewide Importance that are located within Pixley National Wildlife Refuge.

TABLE A-44
TULARE COUNTY
2004-2006 Land Use Conversion

CALIFORNIA DEPARTMENT OF CONSERVATION
Division of Land Resource Protection

Farmland Mapping and Monitoring Program

PART I
County Summary and Change by Land Use Category

LAND USE CATEGORY	TOTAL ACREAGE INVENTORIED		2004-06 ACREAGE CHANGES				NET ACREAGE CHANGED
	2004	2006	ACRES LOST (-)	ACRES GAINED (+)	TOTAL ACREAGE CHANGED		
Prime Farmland	384,388	379,762	5,907	1,281	7,188	-4,826	
Farmland of Statewide Importance	339,679	332,159	8,961	1,541	10,502	-7,420	
Unique Farmland	12,527	12,218	862	563	1,415	-309	
Farmland of Local Importance	137,436	143,826	3,026	9,416	12,442	6,390	
IMPORTANT FARMLAND SUBTOTAL	873,930	867,965	18,756	12,791	31,547	-5,965	
Grazing Land	440,820	440,135	1,100	615	1,715	-485	
AGRICULTURAL LAND SUBTOTAL	1,314,650	1,308,100	19,856	13,406	39,262	-6,450	
Urban and Built-up Land	53,927	55,887	362	2,322	2,684	1,960	
Other Land	212,740	217,230	1,826	6,316	8,142	4,490	
Water Area	4,656	4,656	0	0	0	0	
TOTAL AREA INVENTORIED	1,585,873	1,585,873	22,044	22,044	44,088	0	

PART II
Land Committed to Nonagricultural Use

LAND USE CATEGORY	TOTAL ACREAGE 2006
Prime Farmland	375
Farmland of Statewide Importance	79
Unique Farmland	11
Farmland of Local Importance	318
IMPORTANT FARMLAND SUBTOTAL	783
Grazing Land	102
AGRICULTURAL LAND SUBTOTAL	885
Urban and Built-up Land	0
Other Land	51
Water Area	0
TOTAL ACREAGE REPORTED	936

PART III Land Use Conversion from 2004 to 2006

LAND USE CATEGORY	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance	Subtotal Important Farmland	Grazing Land	Total Agricultural Land	Urban and Built-up Land	Other Land	Water Area	Total Converted To Another Use
Prime Farmland (1)(2)(3) to:	-	3	110	3,132	3,245	11	3,256	992	1,659	0	5,907
Farmland of Statewide Importance (2)(3) to:	5	-	31	5,845	5,881	6	5,887	131	2,943	0	8,961
Unique Farmland (4) to:	86	6	-	25	117	500	617	18	227	0	862
Farmland of Local Importance to:	813	941	36	-	1,790	38	1,828	358	840	0	3,026
IMPORTANT FARMLAND SUBTOTAL	904	950	177	9,002	11,033	555	11,588	1,499	5,669	0	18,756
Grazing Land to:	6	3	286	132	427	-	427	117	556	0	1,100
AGRICULTURAL LAND SUBTOTAL	910	953	463	9,134	11,450	555	12,015	1,616	6,225	0	19,856
Urban and Built-up Land (5) to:	78	62	0	95	235	36	271	-	91	0	362
Other Land to:	293	526	90	187	1,096	24	1,120	706	-	0	1,826
Water Area to:	0	0	0	0	0	0	0	0	0	-	0
TOTAL ACREAGE CONVERTED	1,281	1,541	553	9,416	12,791	615	13,406	2,322	6,316	0	22,044

- (1) Conversion to Unique Farmland primarily due to the expansion of a potted plant nursery on the Exeter quad.
- (2) Conversion to Farmland of Local Importance due to land left idle for three update cycles, land used for dryland grain production, and new and expanded dairies.
- (3) Conversion to Other Land primarily due to the use of improved digital imagery to distinguish low-density housing throughout the county, and the addition of wetland reserve areas on the Alpaugh quad.
- (4) Conversion to Prime Farmland primarily due to the determination of irrigation status of two plots of previously nonirrigated farmland on the Paige and Tulare quads.
- (5) Conversion from Urban and Built-up Land is primarily the result of the use of improved digital imagery to delineate more distinct urban boundaries.

TABLE A-44
TULARE COUNTY
2006-2008 Land Use Conversion

CALIFORNIA DEPARTMENT OF CONSERVATION
Division of Land Resource Protection

Farmland Mapping and Monitoring Program

PART I
County Summary and Change by Land Use Category

LAND USE CATEGORY	TOTAL ACREAGE INVENTORIED		2008-08 ACREAGE CHANGES				NET ACREAGE CHANGED
	2006	2008	ACRES LOST (-)	ACRES GAINED (+)	TOTAL ACREAGE CHANGED		
Prime Farmland	379,760	375,119	6,899	1,258	7,157	-4,641	
Farmland of Statewide Importance	332,158	327,204	9,324	4,370	13,694	-4,954	
Unique Farmland	12,218	11,920	750	452	1,202	-298	
Farmland of Local Importance	143,826	150,194	5,049	11,417	16,466	6,368	
IMPORTANT FARMLAND SUBTOTAL	867,962	864,437	21,022	17,487	38,519	-3,525	
Grazing Land	440,135	439,861	1,203	919	2,122	-284	
AGRICULTURAL LAND SUBTOTAL	1,308,097	1,304,288	22,225	18,416	40,641	-3,809	
Urban and Built-up Land	55,886	57,948	276	2,338	2,614	2,062	
Other Land	217,228	218,975	3,188	4,935	8,123	1,747	
Water Area	4,656	4,656	0	0	0	0	
TOTAL AREA INVENTORIED	1,595,867	1,595,867	25,689	25,689	51,378	0	

PART II
Land Committed to Nonagricultural Use

LAND USE CATEGORY	TOTAL ACREAGE 2006
Prime Farmland	290
Farmland of Statewide Importance	38
Unique Farmland	1
Farmland of Local Importance	352
IMPORTANT FARMLAND SUBTOTAL	681
Grazing Land	97
AGRICULTURAL LAND SUBTOTAL	778
Urban and Built-up Land	0
Other Land	0
Water Area	0
TOTAL ACREAGE REPORTED	778

PART III Land Use Conversion from 2006 to 2008

LAND USE CATEGORY	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance	Subtotal Important Farmland	Grazing Land	Total Agricultural Land	Urban and Built-up Land	Other Land	Water Area	Total Converted To Another Use
Prime Farmland (1)(2)	to: 4	2	107	119	232	-	232	38	933	0	1,203
Farmland of Statewide Importance (1)(2)(3) to: 28	28	2,623	385	11,171	14,988	521	15,509	1,933	4,783	0	22,225
Unique Farmland (1) to: 145	145	98	-	26	269	385	654	11	85	0	750
Farmland of Local Importance (3)(4) to: 632	632	2,434	23	-	3,089	131	3,220	267	1,562	0	5,049
IMPORTANT FARMLAND SUBTOTAL	805	2,621	278	11,052	14,756	521	15,277	1,895	3,860	0	21,022
Grazing Land to: 809	809	2,623	385	11,171	14,988	521	15,509	1,933	4,783	0	22,225
AGRICULTURAL LAND SUBTOTAL	809	2,623	385	11,171	14,988	521	15,509	1,933	4,783	0	22,225
Urban and Built-up Land (5) to: 60	60	33	9	22	124	0	124	-	152	0	276
Other Land (3) to: 389	389	1,714	58	224	2,385	398	2,783	405	-	0	3,188
Water Area to: 0	0	0	0	0	0	0	0	0	0	-	0
TOTAL ACREAGE CONVERTED	1,258	4,370	452	11,417	17,497	919	18,416	2,338	4,935	0	25,689

(1) Conversions between irrigated agricultural categories primarily due to either new potted plant nurseries or the conversion of potted plant nurseries to irrigated cropland.
 (2) Conversion to Farmland of Local Importance due to land left idle or used for dryland grain production for three or more update cycles and delineation of confined animal agriculture facilities.
 (3) Conversion to Farmland of Statewide Importance is due to newly irrigated farmland, primarily in the northwestern and southern parts of the county.
 (4) Conversion to Other Land primarily due to the addition of low density housing and wetland expansion on the Hacienda Ranch NE quad.
 (5) Conversion from Urban and Built-up Land primarily the result of the use of detailed digital imagery to delineate more distinct urban boundaries.

TABLE A-44
TULARE COUNTY
2008-2010 Land Use Conversion

CALIFORNIA DEPARTMENT OF CONSERVATION
Division of Land Resource Protection

Farmland Mapping and Monitoring Program

PART I
County Summary and Change by Land Use Category

LAND USE CATEGORY	TOTAL ACREAGE INVENTORIED		2008-10 ACREAGE CHANGES				NET ACREAGE CHANGED
	2008	2010	ACRES LOST (-)	ACRES GAINED (+)	TOTAL ACREAGE CHANGED	TOTAL ACREAGE CHANGED	
Prime Farmland	375,119	370,249	6,071	1,201	7,272	-4,870	
Farmland of Statewide Importance	327,204	323,599	6,606	3,001	9,607	-3,605	
Unique Farmland	11,919	11,593	545	219	764	-326	
Farmland of Local Importance	150,193	154,550	4,280	8,637	12,917	4,357	
IMPORTANT FARMLAND SUBTOTAL	864,435	859,981	17,502	13,058	30,560	-4,444	
Grazing Land	439,851	440,042	246	437	683	191	
AGRICULTURAL LAND SUBTOTAL	1,304,286	1,300,033	17,748	13,495	31,243	-4,253	
Urban and Built-up Land	57,947	59,944	93	2,090	2,183	1,997	
Other Land	218,980	221,236	1,144	3,400	4,544	2,256	
Water Area	4,656	4,656	0	0	0	0	
TOTAL AREA INVENTORIED	1,585,969	1,585,969	18,985	18,985	37,970	0	

PART II
Land Committed to Nonagricultural Use

LAND USE CATEGORY	TOTAL ACREAGE 2010
Prime Farmland	159
Farmland of Statewide Importance	29
Unique Farmland	1
Farmland of Local Importance	304
IMPORTANT FARMLAND SUBTOTAL	493
Grazing Land	97
AGRICULTURAL LAND SUBTOTAL	590
Urban and Built-up Land	0
Other Land	167
Water Area	0
TOTAL ACREAGE REPORTED	747

PART III Land Use Conversion from 2008 to 2010

LAND USE CATEGORY	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance			Grazing Land	Agricultural Land	Urban and Built-up Land	Other Land	Water Area	Total Converted To Another Use
				Farmland of Statewide Importance	Unique Farmland	Subtotal						
Prime Farmland (1)(2)	0	4	19	3,146	3,169	4	3,173	1,450	1,448	0	6,071	
Farmland of Statewide Importance (1)(2)	4	0	14	5,217	5,235	0	5,235	196	1,175	0	6,606	
Unique Farmland	7	1	0	166	174	236	410	7	128	0	545	
Farmland of Local Importance (3)	836	2,479	46	0	3,361	129	3,490	325	465	0	4,280	
IMPORTANT FARMLAND SUBTOTAL	847	2,484	79	8,529	11,939	369	12,308	1,978	3,216	0	17,502	
Grazing Land	0	0	90	29	119	0	119	2	125	0	246	
AGRICULTURAL LAND SUBTOTAL	847	2,484	169	8,558	12,058	369	12,427	1,980	3,341	0	17,748	
Urban and Built-up Land (4)	12	7	0	15	34	0	34	0	59	0	93	
Other Land	342	510	50	64	966	68	1,034	110	0	0	1,144	
Water Area	0	0	0	0	0	0	0	0	0	0	0	
TOTAL ACREAGE CONVERTED	1,201	3,001	219	8,637	13,058	437	13,495	2,090	3,400	0	18,985	

(1) Conversions to Farmland of Local Importance due to land left idle for three or more update cycles and the expansion of Confined Livestock facilities.
 (2) Conversions to Other Land primarily due to the addition of wetlands near Angiola, low-density housing and land graded for development.
 (3) Conversion to irrigated farmland categories largely due to the addition of irrigated crops and orchards, scattered throughout the county.
 (4) Conversion from Urban and Built-up Land is primarily due to lack of sufficient infrastructure and the use of detailed digital imagery to delineate more distinct urban boundaries.

§ 65080.01. Definitions

The following definitions apply to terms used in Section 65080:

(a) "Resource areas" include (1) all publicly owned parks and open space; (2) open space or habitat areas protected by natural community conservation plans, habitat conservation plans, and other adopted natural resource protection plans; (3) habitat for species identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies or protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act; (4) lands subject to conservation or agricultural easements for conservation or agricultural purposes by local governments, special districts, or nonprofit 501(c)(3) organizations, areas of the state designated by the State Mining and Geology Board as areas of statewide or regional significance pursuant to [Section 2790 of the Public Resources Code](#), and lands under Williamson Act contracts; (5) areas designated for open-space or agricultural uses in adopted open-space elements or agricultural elements of the local general plan or by local ordinance; (6) areas containing biological resources as described in Appendix G of the CEQA Guidelines that may be significantly affected by the sustainable communities strategy or the alternative planning strategy; and (7) an area subject to flooding where a development project would not, at the time of development in the judgment of the agency, meet the requirements of the National Flood Insurance Program or where the area is subject to more protective provisions of state law or local ordinance.

(b) "Farmland" means farmland that is **outside all existing city spheres of influence or city limits as of January 1, 2008**, and is one of the following:

(1) Classified as **prime or unique** farmland or farmland of **statewide importance**.

(2) Farmland classified by a local agency in its general plan that meets or exceeds the standards for prime or unique farmland or farmland of statewide importance.

(c) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

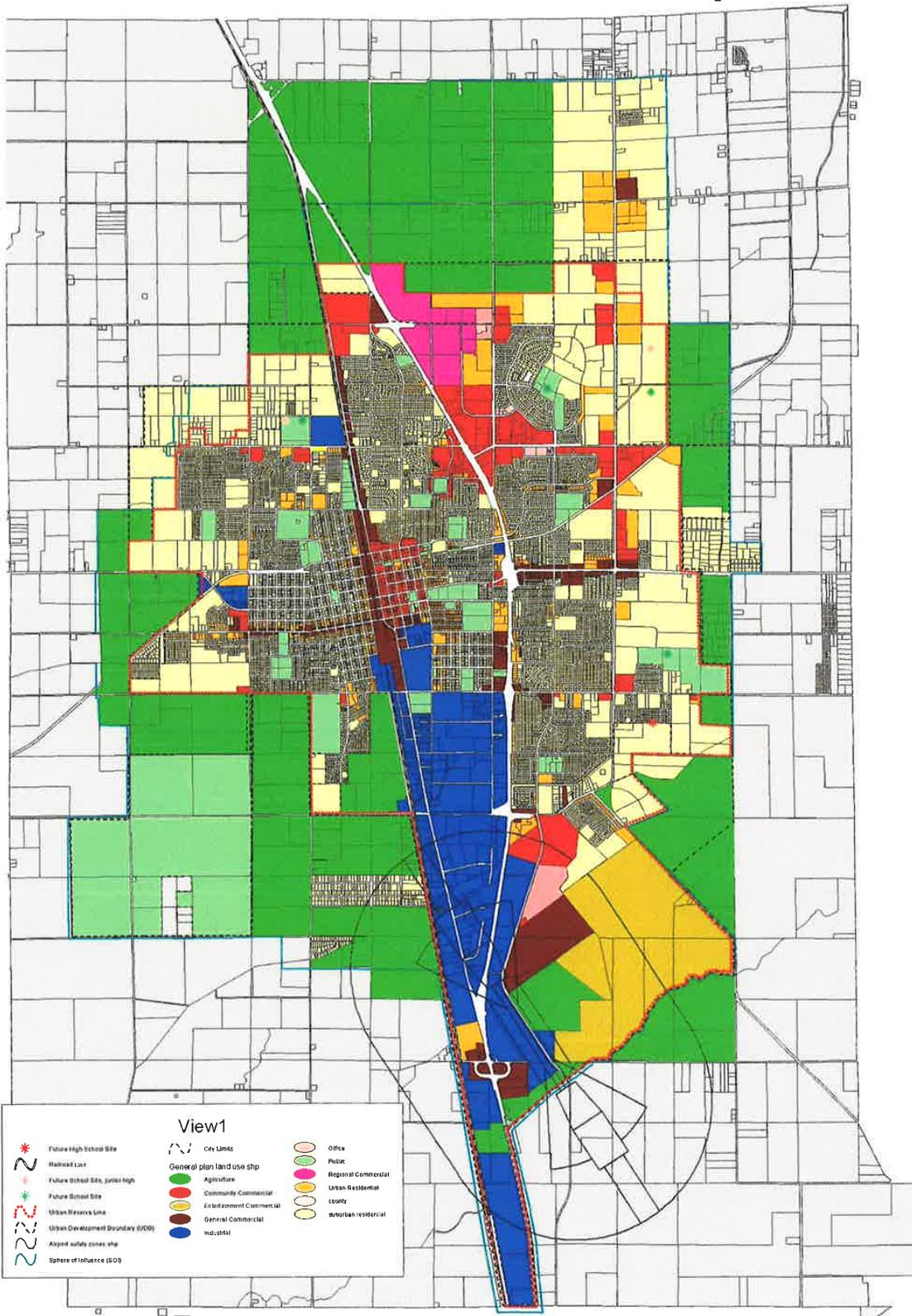
(d) "Consistent" shall have the same meaning as that term is used in Section 134 of Title 23 of the United States Code.

(e) "Internally consistent" means that the contents of the elements of the regional transportation plan must be consistent with each other.

Added [Stats 2008 ch 728 § 5 \(SB 375\)](#), effective January 1, 2009.

B2-11

1993 General Plan land use map



View1

	Future High School Site		City Limits		Office
	Railroad Corridor		General plan land use map		Public
	Future School Site, junior high		Agriculture		Regional Commercial
	Future School Site		Community Commercial		Urban Residential
	Urban Reserve Line		Entertainment Commercial		Suburban Residential
	Urban Development Boundary (UDB)		General Commercial		
	Alameda safety zones map		Industrial		
	Sphere of Influence (SOI)				

JUNE 2009

2000 0 2000 Feet



B2-12

LETTER B2

Robert Keenan, President/CEO. Home Builders Association. December 13, 2013.

Response B2-1

In a published decision, *Masonite Corporation v. County of Mendocino* (July 25, 2013) 215 Cal.App.4th 230, the Court of Appeal, First Appellate District held as follows: “We conclude that [agricultural conservation easements] may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use, even though an [agricultural conservation easement] does not replace the onsite resources. Our conclusion is reinforced by the CEQA Guidelines, case law on offsite mitigation for loss of biological resources, case law on [agricultural conservation easements]s, prevailing practice, and the public policy of this state.”

The Draft EIR acknowledges that the farmland within the City’s SOI that would be converted to urban uses would be lost, and concludes that, despite mitigation, the impact to agricultural land would be significant and unavoidable. Although the proposed mitigation would not completely mitigate the impact, it is still a feasible approach to lessen the magnitude of the impact.

Response B2-2

Although the City has the authority to designate land for urban development, the City takes no action to convert the land, and land can remain in agricultural uses for many years despite having an urban designation. Developers seeking to develop land in accordance with a General Plan would be aware that the General Plan requires mitigation for the development of certain types of agricultural land.

Response B2-3

Although a significant amount of Important Farmland remains in Tulare County, the amount of farmland of concern that would potentially be converted (a total of 6,419 acres or 62.6 percent of the total amount of farmland of concern in the Study Area in 2010) under the designations in the Draft General Plan would constitute a significant impact at the citywide scale.

Response B2-4

It will be the decision of the Tulare City Council to weigh the impact of the conversion of farmland and the benefits of community growth and make a Statement of Overriding Considerations.

Response B2-5

The comment incorrectly refers to Senate Bill (SB) 375 as “SB 395.” The section of Government Code cited by the commenter pertains to the creation of Regional Transportation Plans and Sustainable Communities Strategies. It is not the same list of farmland categories that the city is required to analyze under Appendix G of the CEQA Guidelines, which the Draft EIR appropriately considers.

Response B2-6

Determining the amount of the fee and establishing a nexus between the amount of the fee and the impact from development will be an important step in creating the Agricultural Mitigation Ordinance called for in General Plan Policy COS-P3.12.

Response B2-7

The comment is noted. The comment does not address the adequacy of the Draft EIR. Therefore, no response is required.

Response B2-8

This statement disagrees with the policy of agricultural mitigation requirements. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response B2-9

The comment serves as a summary of the comments above. Please see responses to Comments B2-1 through B2-8, above. The comment expresses opposition to proposed General Plan Policies COS-P3.12 and COS-P3.13. The comment does not address the adequacy of the Draft EIR; therefore, no response is required.

Response B2-10

The comment contains information from the California Department of Conservation, Division of Land Resource Protection regarding land use and land use conversions, with respect to agriculture in Tulare County. The comment serves as an attachment to Comment B2-3. Please see response to Comment B2-3.

Response B2-11

The comment contains the text of California Government Code section 65080.01, with some portions of part (b) and (b)(1) highlighted. The comment serves as an attachment to Comment B2-5. Please see response to Comment B2-5.

Response B2-12

The comment contains the 1993 General Plan Land Use Map. The comment serves as an attachment to Comment B2-5. Please see response to Comment B2-5.