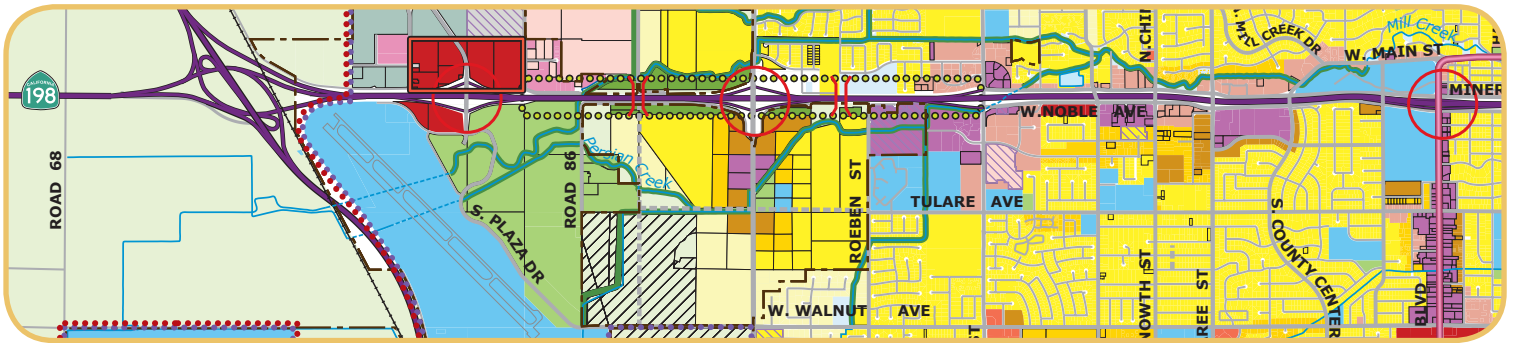


# Visalia

## General Plan Update



### Final Environmental Impact Report SCH NO. 2010041078

PREPARED FOR THE CITY OF VISALIA BY:

**DYETT & BHATIA**  
Urban and Regional Planners

OCTOBER 2014



# Visalia

## General Plan Update

### Final Environmental Impact Report SCH NO. 2010041078

OCTOBER 2014

PREPARED BY:

**DYETT & BHATIA**

Urban and Regional Planners

IN ASSOCIATION WITH

ICF International

Provost & Pritchard Consulting Group

Onmi-Means, Transportation Planners and Engineers

FOR THE CITY OF VISALIA







# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1-1</b>
	Purpose.....	1-1
	Organization .....	1-2
	Process.....	1-2
<b>2</b>	<b>Comments on the Draft EIR .....</b>	<b>2-1</b>
	Summary of April 29, 2014 Public Meeting Comments .....	2-103
<b>3</b>	<b>Response to Comments on the Draft EIR .....</b>	<b>3-1</b>
	Agencies.....	3-1
	Physical Setting.....	3-3
	Organizations/Individuals .....	3-14
	Public Hearing Comments.....	3-26
<b>4</b>	<b>Revisions to the Draft EIR .....</b>	<b>4-1</b>
	Executive summary .....	4-1
	Chapter 2: Project Description.....	4-12
	Chapter 3.1: Land use .....	4-12
	Chapter 3.2: Transportation.....	4-18
	Chapter 3.3: Air Quality .....	4-18
	Chapter 3.5 Agriculture and Soils .....	4-20
	Chapter 3.6: Hydrology, Flooding and Water Quality .....	4-23
	Physical Setting.....	4-23
	Chapter 3.9: Public Services, Facilities, and Utilities .....	4-25
	Chapter 3.12 Cultural Resources .....	4-25
	Chapter 3.13 Visual Resources .....	4-25
	Chapter 6: BiBLioGraphy .....	4-26
	<b>Appendix A: Revisions to the Draft General Plan.....</b>	<b>A-1</b>
	<b>Appendix B: Reporter’s Transcript of Audio Recording, April 29, 2014 .....</b>	<b>B-1</b>

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# I Introduction

This Program Final Environmental Impact Report (EIR) has been prepared by the City of Visalia (City) in accordance with the California Environmental Quality Act (CEQA). The City is the lead agency responsible for ensuring that the proposed Visalia General Plan and Climate Action Plan comply with CEQA.

## PURPOSE

The Final EIR includes the Draft EIR and this document, which includes Comments on and Responses to Comments on the Draft EIR, and minor corrections and clarifications to the Draft EIR. It is intended to disclose to City decision makers, responsible agencies, organizations, and the general public, the potential impacts of implementing the proposed General Plan and draft Climate Action Plan (collectively referred to as the “General Plan,” or “proposed Project”). This program level analysis addresses potential impacts of activities associated with implementation of the General Plan, which are described in Chapter 2: Project Description, of the Draft EIR.

The primary purpose of the Final EIR is to revise and refine the environmental analysis in the Draft EIR, published March 31, 2014, in response to comments received during the 45-day public review period. The review period for the Draft EIR (State Clearinghouse No. 2010041078) was from Monday, March 31 to Wednesday May 14, 2014. This document, combined with the Draft EIR, constitutes the Final EIR on the project. This Final EIR amends and incorporates by reference the Draft EIR. The Draft EIR, along with the Visalia General Plan and Climate Action Plan are available as separately bound documents from the City of Visalia Community Development Department, Planning Division, 315 East Acequia Avenue, Visalia, California 93291, between 8:00am and 5:00pm (except Saturdays and Sundays). The documents are also available for review at the Visalia Branch of the Tulare County Library, 200 West Oak Avenue, Visalia, California, 93291, and at City Hall, 707 W. Acequia Avenue, Visalia, California 93291.

These documents are also available at the General Plan Update webpage at the following link: <http://www.visaliageneralplanupdate.com>. The Climate Action Plan is available in electronic format at the City of Visalia webpage at the following link: <http://www.ci.visalia.ca.us>.

The Draft EIR contains some impacts that are significant and unavoidable despite extensive mitigating policies, specifically impacts to transportation, air quality, agriculture, noise and hydrology and flooding. Irretrievable commitments of non-renewable resources associated with the Project are identified in the Draft EIR for the resource topics of air quality, water consumption, energy sources, farmland consumption, and construction-related impacts. Other potentially significant impacts can be avoided or reduced to levels that are less than significant through implementation of the policies identified in the Draft EIR.

## **ORGANIZATION**

This document contains the following components:

- **Chapter 2** lists all of the agencies and individuals that submitted written comments on the Draft EIR, reproduces all comments, and provides a unique number for each EIR comment in the page margin.
- **Chapter 3** provides numbered responses to comments, in order according to the comments in Chapter 2.
- **Chapter 4** lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR.
- **Appendix A** lists revisions to the Draft General Plan.
- **Appendix B** is a reporter's transcript of the audio recording of the April 29, 2014 public meeting.

## **PROCESS**

Upon publication of the Final EIR, the City Council will hold a public hearing to certify the EIR and to consider adoption of the proposed General Plan and Climate Action Plan. The City Council will determine the adequacy of the Final EIR, and, if determined adequate, will certify the document as compliant with CEQA. For impacts identified in the EIR that cannot be reduced to a level that is less than significant, the City must make findings and prepare a Statement of Overriding Considerations for approval of the Project if specific social, economic, or other factors justify the proposed Project's unavoidable adverse environmental effects.

If the City decides to approve the proposed Project for which the Final EIR has been prepared, it will issue a Notice of Determination.

Copies of the Final EIR have been provided to agencies and other parties that commented on the Draft EIR or have requested the Final EIR.

The Final EIR is also available at the City of Visalia Community Development Department, Planning Division, 315 East Acequia Avenue, Visalia, California 93291, between 8:00am and 5:00pm (except Saturdays and Sundays), and online at <http://www.visaliageneralplanupdate.com/>.

## 2 Comments on the Draft EIR

This chapter contains copies of the comment letters and oral comments received on the Draft EIR of the proposed General Plan. A total of 13 comments were received during the 45-day comment period. Additionally, oral comments were heard at a public open house on the Draft EIR, on Tuesday, April 29<sup>th</sup>, 2014, which are summarized in **Table 2-2** and transcribed in **Appendix B**.

Each letter is identified by a designator (e.g., “Letter A1”). Specific comments within each letter are identified by a designator in the page margin that reflects the sequence of the specific comment within the correspondence (e.g. “A1-1” for the first comment in Letter A1). Responses to each comment are provided in Chapter 3 of this document.

Responses focus on comments that pertain to the adequacy of analysis in the Draft EIR or to other aspects pertinent to the potential effects of the proposed General Plan on the environment pursuant to CEQA. Comments that address topics beyond the purview of the Draft EIR or CEQA are noted as such for the public record. Where comments are on the merits of the proposed General Plan and/or the Climate Action Plan rather than on the Draft EIR, this is noted in the response. Where appropriate, the information and/or revisions suggested in these comment letters have been incorporated into the Final EIR. These revisions are included in Chapter 4 of this document.

**Table 2-1: Comments Received on the Visalia General Plan Update Draft EIR**

Letter #	Date	Agency/Organization	Commenter
<i>Public Agencies (Federal, State Regional, Local) (A)</i>			
A1	April 11, 2014	California Public Utilities Commission	Ken Chiang, Utilities Engineer
A2	April 14, 2014	Kaweah Delta Water Conservation District	Larry Dotson, Senior Engineer
A3	April 23, 2014	Native American Heritage Commission	Dave Singleton, Program Analyst
A4	May 13, 2014	California Water Service Company	Ting He
A5	May 13, 2014	Tulare County Resource Management Agency	Michael C. Spata, Associate Director
A6	May 14, 2014	San Joaquin Air Pollution Control District	Mark Montelongo
<i>Organizations/Individuals (B)</i>			
B1	May 9, 2014		Pamela Lopez
B2	May 14, 2014	Wanger Jones Helsley PC	John P. Kinsey
B3	May 14, 2014		Michelle Pimentel
B4	May 14, 2014		Richard L. Harriman
B5	May 14, 2014	American Farmland Trust	Daniel O'Connell, San Joaquin Valley Program Manager

Chapter Two: Comments on the Draft EIR

**Table 2-1: Comments Received on the Visalia General Plan Update Draft EIR**

<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>
<i>Oral Testimony (C)</i>			
CI	April 29, 2014	Public Meeting	Various

## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013  
(213) 576-7083



April 9, 2014

Brandon Smith  
City of Visalia  
315 E. Acequia Avenue  
Visalia, California 93291

Dear Brandon:

SUBJECT: SCH 2010041078 Visalia General Plan Update - DEIR

A1-1

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft *Environmental Impact Report (DEIR)* for the proposed City of Visalia (City) General Plan Update project.

The project area includes active railroad tracks. RCES recommends that the City add language to the General Plan Update so that any future development adjacent to or near the railroad right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, [ykc@cpuc.ca.gov](mailto:ykc@cpuc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Chiang".

Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
Safety and Enforcement Division

C: State Clearinghouse

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**From:** Larry Dotson [<mailto:ldotson@kdwcd.com>]  
**Sent:** Monday, April 14, 2014 9:12 AM  
**To:** Brandon Smith  
**Cc:** Kim Loeb  
**Subject:** Draft EIR for COV-General Plan Update

Brandon;

**A2-1** | Attached for the City's consideration is the District's comments to the Draft EIR for the City's General Plan Update.

Overall, the District is encouraged with the proactive direction the City is taking in the management of the groundwater supply/resource available within the planning area as presented in the "General Plan Update".

**A2-2** | The District acknowledges that water supply to the City is provided by Cal-Water and the General Plan reflects this by referencing/relying on Cal-Water's planning documents. We believe this is inadequate for use in the General Plan because the rationale used by the provider is that they can meet the City's future demands because there will be a sufficient amount of groundwater in storage available.

**A2-3** | The District would like to urge the City to take a "Safe Yield" or long-term water balance approach to their planning for water supply. I noticed that there was not any discussion or reference to the "Groundwater Modeling" study previously accomplished between the City and KDWCD. It would seem appropriate to recognize the efforts made by the City to address the long-term reliability of this critical resource when planning for the future.

**A2-4** |

Respectfully,

Larry Dotson, Sr. Engr.  
(559) 747-5601



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## 3.6 Hydrology, Flooding, and Water Quality

This section presents the environmental setting and impact analysis of hydrology, flooding, and water quality in the Visalia Planning Area, including consistency with applicable local, State, and federal plans, policies, and regulations. Visalia’s groundwater, surface water drainage system, and potential for flooding are described.

### Environmental Setting

#### PHYSICAL SETTING

##### Climate

The north Pacific high-pressure system dominates the region’s large-scale meteorology and produces northerly winds along the entire west coast of the United States during most of the year. The California Irrigation Management Information System (CIMIS) measures meteorological data including temperature and precipitation and has multiple monitoring stations throughout California. CIMIS historically monitored in Visalia, but for the sake of a more recent record, the Fresno State (CIMIS No. 80) location contains more recent data from 1988 to 2010. **Table 3.6-1** shows the average and maximum monthly precipitation and the minimum, average and maximum air temperature at CIMIS No. 80. The daily data count was included for both precipitation data and air temperature data. The reason there are so few data counts in summer months for precipitation is due to precipitation rarely occurring during summer months over the 22 year time period. In addition, the reason there are many counts higher than the amount of days in a month is because the table is presenting all the Januarys and Februarys from 1988 to 2010.

A2-5

**Table 3.6-1: Monthly Precipitation and Air Temperature at Fresno State (CIMIS No. 80), October**

Month	Precipitation (Inches)		Maximum	Air Temperature (°F)			Maximum
	Count	Average		Minimum	Average	Maximum	
January	263	0.21	1.79	31	46	74	
February	224	0.20	1.55	612	23	50	80
March	161	0.26	2.52	632	28	55	88
April	95	0.19	0.99	622	32	60	99
May	60	0.20	1.06	651	32	68	103
June	16	0.25	1.24	623	32	75	106



**Groundwater Hydrology**

The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer.<sup>1</sup> Groundwater in Tulare County is present in valley deposits of alluvium that are several thousand feet thick and occurs in both confined and unconfined conditions.<sup>2</sup> Packwood Creek, like other surface water bodies in the area, is intimately tied to the regional groundwater system. It functions as an influent or "losing" stream during the winter when stream flow feeds the groundwater and an effluent or "gaining" stream during the summer when the groundwater feeds the stream.

A2-8

The depth to groundwater varies significantly throughout the valley floor area of Tulare County. In the area around Visalia, depth to groundwater varies from approximately 100 feet below ground surface along the western portion of the city to approximately 100 feet below ground surface to the east, as measured in spring 2010.<sup>3</sup> Groundwater levels in the Kaweah Delta have declined since the 1940s, from approximately 30 feet below ground surface in 2010.<sup>4</sup>

4/14/14, 8:43:26 AM  
 highlight  
 All the creeks and ditches within the planning area are "losing" streams. Groundwater does not act as a supply to any of the conveyances at any time during the year.

**Flooding**

Visalia experienced major floods in 1951, 1955, 1956 and 1969. The waterways described in the hydrology section above have historically been used for flood control, storm water conveyance, riparian and recreational uses. In addition, the city maintains parks and detention ponds that serve to detain storm water runoff when significant storm events occur. Table 3.6-4 describes the FEMA floodplain designation (zones) definitions.

**Table 3.6-4: FEMA Floodplain Designations (Zones)**

Zone	Description
<b>Moderate to Low Risk Areas</b>	
B and X (Shaded)	Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. B Zones are also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile.
C and X (Unshaded)	Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level. Zone C may have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. Zone X is the area determined to be outside the 500-year flood and protected by levee from 100-year flood.

<sup>1</sup> Department of Water Resources (DWR). 2003. California's Groundwater Update, Bulletin 118.

<sup>2</sup> Ibid.

<sup>3</sup> DWR. 2010. Statewide Groundwater Level Data, 5-22.11 Kaweah, Depth to Water. .

<sup>4</sup> Kaweah Delta Water Conservation District. 2009. Groundwater Management Plan, 2009 Annual Report.

**Table 3.6-4: FEMA Floodplain Designations (Zones)**

High Risk Areas	
A	Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.
AE	The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of AI-A30 Zones.
AI-30	These are known as numbered A Zones (e.g., A7 or A14). This is the base floodplain where the FIRM shows a BFE (old format).
AH	Areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.
AO	River or stream flood hazard areas and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zones.

FEMA updated the Flood Insurance Rate Map (FIRM) panels of the City of Visalia in 2009 due to the construction of many infrastructure improvements to capture and convey storm water within the city. The previously dated FIRM panels (1994/1998) had identified much larger areas of the city as prone to the 100-year flood. The more recent FIRM panels, as shown in Figure 3.6-1, show significantly more areas in the city as protected by the 100-year event. Figure 3.6-1 delineates the multiple flood zones for the Planning Area and X02, defined as areas of moderate to low risk of flooding. The creeks and drainages are within Zone A and Zone AE, which are not protected by the 100-year event.

A2-9

Review of the "Inundation Area" does not seem consistent with studies performed by the USACE with the "Lake Kaweah Enlargement Project".

The California Emergency Management Agency (Cal EMA) is responsible for the California Dam Safety Program, which was established by Government Code 86509.5 in 1971 following the near failure of the Lower San Fernando Dam during the Sylmar Earthquake. The Dam Safety Program provides assistance and guidance to local jurisdictions on emergency planning for dam failure events, collects and reviews dam failure inundation maps, and evaluates waivers from inundation mapping. Cal EMA provided data for Terminus Dam Inundation area and is presented in Figure 3.6-2. As shown in Figure 3.6-2, virtually the entire Planning Area would be inundated if Terminus Dam were to fail. Some of the Planning Area west of Highway 99 would not be affected by such an event.<sup>5</sup>

<sup>5</sup> California Emergency Management Agency (Cal EMA). 2012. Terminus Dam Inundation. Available: <http://www.calema.ca.gov/hazardmitigation/pages/dam-inundation-program.aspx>. Accessed: 11/12/2012.

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## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100  
 West Sacramento, CA 95691  
 (916) 373-3715  
 Fax (916) 373-5471  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
 Ds\_nahc@pacbell.net



April 23, 2014

Mr. Brandon Smith, AICP

**City of Visalia Community Development Department**

**Planning Division**

315 East Acequia Avenue  
 Visalia, CA 93291

Sent by FAX to: 559-713-4814

No. of Pages: 3

RE: Native American Consultation pursuant to California Government Code Sections 6540.2, 65092, 65351, 65352.3., 65352.4, 65562.5 et seq. for "**General Plan 2030 Update Project (includes Open Space, Public Facilities, ,transportation elements); also a draft Environmental Impact Report (DEIR) SCH#2010041078;**" located in the City of Visalia; Tulare County; California

Dear Mr. Smith:

A3-1

Government Code Sections 65351, 65352.3, 65562.5, *et seq.* incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after January 1, 2005. California Native American tribes are identified on a list maintained by the Native American Heritage Commission (NAHC).

In the 1985 Appellate Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites. Note that the NAHC does NOT APPROVE General or Specific Plan; rather, it provides a list of tribal governments with which local jurisdictions must consult concerning any proposed impact to cultural resources as a result of the proposed action.

A3-2

The NAHC did not conduct a Sacred Lands file search of the City. As part of the tribal consultation process, the NAHC recommends that local governments and project developers contact the tribal governments, on the attached list, in order to determine if

A3-2

any cultural places might be impacted by the proposed action and Mitigation & Monitoring Plan, as appropriate. Also, the absence of specific site information in the sacred lands file does not preclude their existence. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

A3-3

Attached is a consultation list of tribal governments with traditional lands or cultural places located in the vicinity the Project Area (APE). The tribal entities on the list are for your guidance for **government-to-government consultation** purposes.

A Native American tribe or individual may be the only source of the presence of traditional cultural places. For that reason, a list of Native American Contacts is enclosed as they may have knowledge of cultural resources and about potential impact, if any, of the proposed project.

If you have any questions, please contact me at (916) 373-3715.

Best regards,

  
Dave Singleton  
Program Analyst

Attachment



x **Native American Tribal Government Consultation**  
Tulare County, California  
April 23, 2014

A3-3

Santa Rosa Rancheria  
Rueben Barrios Sr., Chairperson  
P.O. Box 8  
Lemoore , CA 93245 Tache  
Tachi  
Yokut  
(559) 924-1278

Tule River Indian Tribe  
Neil Peyron, Chairperson  
P.O. Box 589 Yokuts  
Porterville , CA 93258  
chairman@tulerivertribe-nsn.  
(559) 781-4271

Wuksache Indian Tribe/Eshom Valley Band  
Kenneth Woodrow, Chairperson  
1179 Rock Haven Ct. Foothill Yokuts  
Salinas , CA 93906 Mono  
kwood8934@aol.com Wuksache  
831-443-9702

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3. and 65362.4. et seq.

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**From:** He, Ting [<mailto:THe@calwater.com>]

**Sent:** Tuesday, May 13, 2014 3:25 PM

**To:** Brandon Smith

**Cc:** Bailey, Scott A.; Duncan, Darin; Salzano, Tom; Bolzowski, Michael R.; Jenkins, Ken

**Subject:** Cal Water Comments on Draft Environmental Impact Report (EIR) for the Draft Visalia General Plan Update

A4-1

Mr. Smith,

Cal Water has received the notice of completion of Draft EIR for the Draft Visalia General Plan Update and has reviewed the General Plan. Our comments are as follows:

Overall the Visalia General Plan is well written and provides a good framework for the City of Visalia objectives for the citizens and businesses to grow and thrive to the year 2030 and beyond.

A4-2

Cal Water, as water system owner and operator, has developed a Water Supply and Facility Master Plan for the water system of Visalia to identify the improvements required to meet the water supply needs of the City and immediately surrounding county areas. As part of this plan, an Integrated Water Supply Plan concluded that a preliminary sustainable pumping rate estimate for Visalia is 23,500 AFY. Using this value and the approximate surface area of the Cal Water's service area for Visalia (22,700 acres) provides a withdrawn rate of 1.04 AFY/acre (Acre-feet per year/acre of land).

A4-3

It is recommended that the General Plan states that all future developments should have a water usage that is equivalent to a sustainable withdraw rate. In order to accomplish this, additional groundwater recharge and open space areas may need to be made available. The General Plan mentions that land will be set aside for open spaces and recharge basins, but does not mention the specific locations. The

A4-4

General Plan also mentions the "Stormwater Master Plan and the Groundwater Recharge Plan". It would be beneficial for Cal Water to view this report and to have this report included in the General Plan. In additional, a review of the previous version of the "Stormwater Master Plan" should be done to assess the status of the projects outlined.

A4-5

The current per capita usage for the Visalia District is 208 gpcd with the SBx7-7 goal of 194 gpcd by 2020. These values are typical for a dry hot region climate of the San Joaquin Valley. However, just meeting this SBx7-7 goal will not maintain the sustainable pumping rate due to the increase in demand from new growth that the City is experiencing. Cal Water supports the Water Conservation Objectives PSCU-O-14 to PSCU-O-15 and Policies PSCU-P-44 to PSCU-P-52 as listed the General Plan. Cal Water is fully dedicated to work with the City to meet these

A4-6

goals and to further reduce the per capita demand. In addition, Cal Water requests that the Water Conservation Objective PSCU-O-15 be expanded to include

A4-6

additional details and to list specific actions that will preserve the groundwater resources for the City of Visalia.

Thank you for the opportunity to comment on the Visalia General Plan. Please feel free to contact me for any questions.

Ting He

California Water Service Company

(408) 367-8323

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# RESOURCE MANAGEMENT AGENCY

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

Michael C. Spata      Planning  
Mike Bond              Public Works  
Roger Hunt              Administration

JAKE RAPER JR., AICP, DIRECTOR

MICHAEL C. SPATA, ASSOCIATE DIRECTOR

May 13, 2014

Brandon Smith, Senior Planner  
City of Visalia Planning Division  
315 East Acequia Avenue  
Visalia, CA 93291  
[bsmith@ci.visalia.ca.us](mailto:bsmith@ci.visalia.ca.us)

A5-1

**Re: City of Visalia's Draft General Plan Update and Draft Environmental Impact Report**

Dear Mr. Smith:

Enclosed are comments submitted by the Tulare County Resource Management Agency to the City of Visalia's Draft General Plan Update (DGPU) (including Draft Climate Action Plan) and Draft Environmental Impact Report (DEIR).

Please provide written responses to these comments, as well as written notice of any public hearings associated with consideration of the DGPU and DEIR.

Thank you for your courtesy and consideration.

Sincerely,

Michael C. Spata  
Associate Director

Enclosures

cc: Tulare County Board of Supervisors  
Tulare County Administrative Officer  
Tulare County Counsel

**TULARE COUNTY'S COMMENTS  
CITY OF VISALIA VISALIA'S DRAFT GENERAL PLAN UPDATE  
AND DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT  
(May 2014)**

Tulare County appreciates the opportunity to provide comments to the City of Visalia's proposed General Plan Update (GPU) and Draft Program Environmental Impact Report (Draft EIR); and as such, the County requests that responses be provided to the following comments:

- A5-2 | **1. (Economic Development Strategy) (5th bullet p. 2-12)**  
Providing utility connection incentive reductions is contrary to Policy LU-P-1 which promotes minimal public investment, thereby suggesting that there may be a funding gap in needed public infrastructure.
- A5-3 | **2. Policy LU-P-1 (Economic Development Strategy) (p. 2-13)**  
The requirement for minimal public investment is inconsistent with the 50% and 33% Transportation Impact Fee reductions listed in the Infill Incentive Program Priority 1 and 2 as listed on page 2-37.
- A5-4 | **3. Density/Intensity Standards: Land Use Classification (Table 2-3, p. 2-19)**  
The Land Use Diagram (Figure 2-2) identifies a "Reserve" Land Use Classification which is not identified in this table.
- A5-5 | **4. Public Land Use Designation Description (p. 2-22)**  
The "Reserve" Land Use Classification is not identified in Table 2-3 as a land use designation.
- A5-6 | **5. Land Use Classifications (p. 2-24)**  
The Land Use Diagram identifies a "Reserve" Land Use Classification which is not identified in the land use classifications identified this table.
- A5-7 | **6. LU-P-26 (Urban Boundaries / Growth Management) (p. 2-31)**  
What is the "Referral Agreement" stated in this policy? The term "Visalia Urban Area Boundary" was superseded in the County's General Plan Update (2030) by the term "County Adopted City Urban Area Boundary."  
  
The following statement is a more accurate reflection of the Memorandum of Understanding (MOU) between the Visalia and County: "The County will work with the City to manage urban development within the County Adopted City Urban Development

- A5-7 | Boundary (CACUDB) and the County Adopted City Urban Area Boundary (CACUAB) (City Planning Area) for the City as provided through work programs as described in the County General Plan 2030 Update City Planning Framework policies set in Part 1 Chapter 2 Section 2.4." Please address.
- A5-8 | **7. Policy LU-P-27 (Urban Boundaries / Growth Management) (p. 2-31)**  
 There is no reference to a city and county cooperative process here. The Memorandum of Understanding (MOU) between the City and County provides that the County will work with the City to manage urban development within the and the County Adopted City Urban Area Boundary (City Planning Area) for the City as provided through work programs as described in the County General Plan 2030 Update City Planning Framework policies set in Part 1 Chapter 2 Section 2.4. Please address.
- A5-9 | **8. Policy P-28 (Rural Buffers / Edge Conditions) (p. 2-32)**  
 The term "City Urban Area Boundary" is not indicated on the Land Use or Urban Boundaries Diagram Figures 2-2 or 2-3.
- A5-10 | **9. Policy P-31 (Rural Buffers / Edge Conditions) (p. 2-32)**  
 The policy appears to be contradictory. How can permanent agricultural land preservation be promoted around the airport environs when industrial development is allowed around the airport? This policy also appears to conflict with the land use diagram in Figure 2-2 which designates the area around the airport as public / institutional as opposed to industrial or conservation.
- A5-11 | **10. Policy LU-P-34 (Rural Buffers / Edge Conditions) (p. 2-33)**  
 What "growth boundaries" are being referenced here, UDB Tier I, Tier II, UGB or the Planning Area?
- A5-12 | **11. Policy LU-P-37 (Adoption of Specific Standards for Scenic Entryways (Gateways) (p. 2-33)**  
 This policy is contrary to Policy LU-P-15 which indicates ... "update or repeal the West Visalia Specific Plan to eliminate unnecessary restrictions and streamline the review and approval process. Since development plans and agreements for this area are in place and the updated General Plan and zoning will apply to all new development, a specific plan may no longer be needed." Please address.
- A5-13 | **12. Visalia's Infill Incentive Program Priority 1 (p. 2-37)**  
 This refers to transportation impact fee reductions appearing to be contrary to Policy LU-P-1 which promotes minimal public investment.

A5-14

**13. Visalia's Infill Incentive Program Priority 2 (p. 2-37)**

This refers to transportation impact fee reductions appearing to be contrary to Policy LU-P-1 which promotes minimal public investment.

A5-15

**14. Objective LU-O-19 (Residential Neighborhoods) (p. 2-43)**

This would provide for a citywide average gross density of .3 dwelling units per acre for new residential development. This density is typical of traditional business as usual low density residential development. The most important feature of TCAG's 2010 Regional Blueprint preferred growth scenario is a 25 percent increase in density for future residential development.

Essentially, TCAG determined that to preserve farmland, improve air quality, and make the most out of costly existing infrastructure, building more on less land is key. As such, Objective LU-O-19 is contrary to LU-P-34 which promotes prevention of urban development on agricultural land and OSC-O-2 to work with the County and other organizations to protect prime farmland and farmland of statewide importance outside the City's Urban Development Boundary for agricultural production, and to preserve areas for groundwater recharge.

A5-16

**15. Regional Coordination Policies (p. 4-48)**

The Memorandum of Understanding (MOU) between the City and County in Section F indicates that the parties desire to work together to develop mutually beneficial and coordinated fiscal and land use planning practices. There is no reference in the GPU to the MOU or the cooperative policies located in Tulare County's General Plan Update (2030) Planning Framework Element Section 4-A in City Policies T-P-75 through T-P-79. Please address.

A5-17

**16. Policy OSC-P-1 (Open Space Resources) (p. 6-3)**

The term "City Urban Area Boundary" is not indicated on the Land Use or Urban Boundaries Diagram Figures 2-2 or 2-3.

A5-18

**17. Policy AQ-P-16 (Climate Change and Greenhouse Gases) (p. 7-15)**

On page 16 of the Draft City Climate Action Plan (CAP), the City CAP provides that in addition to adopting the CAP, it is highly encouraged that the City establish a system for monitoring the implementation of the selected new measures and adjust the plan as opportunities arise. A "monitoring system" is not included in this policy. Please address.

A5-19

**18. Policy S-P-12 (Flood Hazards) (p. 8-8)**

This policy does not specifically address the impact of buildings that have been newly mapped into high-risk flood zones (i.e., labeled with "A" or "V" on the flood maps)



A5-19 | stemming from a map revision on or after October 1, 2008 and before January 1, 2011. In addition, this policy does not include any programs to upgrade or mitigate flood control structures to meet FEMA standards and reduce or eliminate the flood risk for those properties. Please address.

A5-20 | **19. Policy S-P-14 (Flood Hazards) (p. 8-8)**

This policy fails to specifically address the impact of buildings that have been newly mapped into high-risk flood zones (i.e., labeled with “A” or “V” on the flood maps) stemming from a map revision on or after October 1, 2008 and before January 1, 2011. In addition, this policy does not include any programs to upgrade or mitigate flood control structures to meet FEMA standards and reduce or eliminate the flood risk for those properties. Please address.

A5-21 | **20. Commercial Development Policies (pp. 2.-47 – 2.50)**

In connection with commercial development policies, Visalia’s General Plan responds to a general community desire to maintain and strengthen Downtown (with its unique shopping character) and Mooney Boulevard, as well as providing flexibility for new regional retail sites elsewhere in the longer term. This approach, according to the city, also allows the city to respond to the market, capitalizing on opportunities in a proactive way.

In addition, Policy LU-P-62 promotes Regional Commercial areas at a limited number of highly visible freeway accessible locations as shown on the Land Use Diagram which, among other things, designates certain highway corridor area as “Reserve.”

Moreover, LU-P-65 advocates that Visalia shall continue to require a master-planning process for community and regional commercial development to ensure compatibility with surrounding residential areas, an attractive appearance from major roadways, and pedestrian accessibility and safety.

Against this background, it has been concluded that in keeping with the 2012 Visalia Regional Commercial Land Use Report, it is projected that there is a need for 1.9 million acre feet of regional retail building space, while only 1.3 million square feet of commercial space is planned within Visalia’s Sphere of Influence, leaving approximately 600 thousand square feet of commercial space to be provided elsewhere in Tulare County. Accordingly, it is necessary and prudent to continue with a long-term planning and development process designed to support commercial growth in Visalia and possibly elsewhere in Tulare County.

A5-22 | **21. Implementation (p. 9-1)**

↓ The Memorandum of Understanding (MOU) between the City and County, particularly in Section F, indicates that the parties desire to work together to develop mutually beneficial and coordinated fiscal and land use planning practices. There is no reference to the MOU

A5-22 | or the many cooperative policies in Tulare County’s General Plan Update (2030) Planning Framework Element, Section 4-A. Please address.

A5-23 | **22. General Plan Land Use Diagram (GPLUD) (Figure 2.3-1, p. 2-10)**

The GPLUD shows the Planning Area Boundary of the City of Visalia including the unincorporated area of Goshen. The unincorporated community of Goshen is outside of the Sphere of Influence on Road 76. The legend shows Goshen as a light grey color, which matches the “Reserve” designation; however, the area to the east of Highway 99 and to the north and south of Ave. 280 is a similar but a warmer gray color.

Given the definition of Urban Reserve on page 2-13, as “post 2030” development “near the south end of the Airport”, this designation is not as clear as it can be. Moreover, it appears that most of the traffic studies do not cover areas outside of Sphere of Influence and within the Planning Area Boundary.

Please clarify how the community of Goshen is defined in the land use diagram and the traffic impacts to this community.

A5-24 | **23. General Plan Buildout Population Projections (p. 2-16.)**

The Projected General Plan Buildout (2030) for Visalia is 210,000. The projected TCAG 2014 Draft RTP (2030) population is 181,000 and increases to 218,924 in 2040.

Please clarify whether the City of Visalia considered in the Draft EIR these regional numbers when considering their Forecast and inputs into their Projections.

In addition did the City use the TCAG 2040 traffic model traffic analysis for their cumulative analysis?

A5-25 | **24. Highway Capacity Manual (2000) vs. (2010) (p. 3.2-2)**

The Highway Capacity Manual (2000) has been updated to the 2010 version. Although we see it referenced in the CEQA Appendices regarding the Synchro 7 model outputs, why was the HCM 2010 version not used throughout the Draft EIR?

A5-26 | **25. Planned Improvements the County (p. 3.2-3)**

Figure 3.2-1 shows the Buildout Circulation Network to include improvements within the County through and around the Community of Goshen and along Avenue 280, including improvements to the Avenue 280 and State Route 99 interchange.

Additional roadways that were to be improved include Avenues 280, 288, 292, as well as Road 156 east of Visalia’s new Tier 3 Urban Development Boundary. These improvements include improvements to Ferguson Avenue west of the Development Boundary, and Road 76 from Riggen to Goshen Avenue.

A5-26 | Against this background, it is uncertain regarding whether these improvements are listed in the Visalia Capital Improvement Program, or if these improvements are suggested as future County or TCAG projects. Please clarify.

A5-27 | **26. Highway 99 Improvements in Goshen (pp. 5-7)**

There is no discussion of Caltrans development of the Highway 99 / Betty Drive Interchange, or the removal of access from Avenue 304 onto State Route 99, which is at a LOS (2010) of C with 49,000 AADT.

Without knowing the projected impacts to the roadway segments on Riggins Avenue or Goshen Ave through Visalia or Goshen, or listing it as an improvement to the planned circulation system, the modeling for the impacts of the Preferred Alternative analysis for the General Plan Buildout's Traffic Impact Analysis appears to be incomplete.

A5-28 | **27. Climate Action Plan (p. 8)**

The Climate Action Plan refers to the California Air Resources Board's (CARB's) 2008 Scoping Plan. The updated draft CARB Scoping Plan was released in October 2013 and had variations on the 2020 limit increasing it by 1% or increasing to 431 MMTCO<sub>2</sub>E in the 2020 Business As Usual (BAU) scenario.

Since the Visalia Climate Action Plan was released on December 2013, that increase needs to be reflected in Visalia's 2030 BAU scenario, in the reduction measures, or as an increase of 1%. This will help to address the existing emission reduction measures as depicted on page 12 and are reflective of the CARB's 2008 Scoping Plan.

A5-29 | **28. Air Quality (pp. 3.31 – 3.3-34)**

The Draft EIR provides a discussion of air quality impacts. As such, the Draft EIR concludes that the project will result in significant and/or significant 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 requirements of the Air District or California Air Resources Board (CARB), particularly with respect to when thresholds are exceeded or certain rules/regulations apply. However, such purported mitigation does not qualify as mitigation measures under CEQA.

Implementation of *enhanced* rules/regulations, as specified by the Air District, appear to qualify as mitigation 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.

A5-29 | Nevertheless, 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.

A5-30 | The Air Quality section of the Draft EIR identifies four policies that are designed to “help directly reduce sensitive receptor exposure...”; however, the policies do not provide a quantitative or qualitative goal, threshold, percentage, or other measurement to gauge the effectiveness of a policy in reducing impacts on sensitive receptors in general, or the general public in particular.

A5-31 | The Draft EIR provides a table used in the Valley Air District’s GAMAQI document regarding odor sources (see Table 4-2, p. 27). It should be noted that the sources listed on Table 4-2 are not all-inclusive and merely represent a sample of facilities or uses known to produce odors.

For example “other factors/determinants” used to evaluate odor impacts as provided in the GAMAQI include: (1) “When evaluating whether a development proposal has the potential to result in localized impacts, Lead Agency staff need to consider the nature of the air pollutant emissions, the proximity between the emitting facility and sensitive receptors, the direction of prevailing winds, and local topography.”(GAMAQI, p. 20); and (2) “The occurrence and severity of odor impacts depends on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptor(s).” (GAMAQI, p. 50). Please address.

A5-32 | **29. Hydrology, Flooding and Water Quality (pp. 3.6.1 – 3.6.25)**

As noted in the Draft EIR, the Kaweah Groundwater Sub-basin which provides groundwater supply to the City is considered in a critical state of overdraft 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 ground water through the California Water Service Company (Cal Water).

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 (UWMP) and the 2006 Visalia Water Conservation Plan (VWCP).

The Draft EIR concludes that implementation of the UWMP and VWCP would provide a stable and adequate water supply through the Year 2030 planning horizon. From a quantitative perspective, how would this occur and what is the basis for this conclusion?

A5-33 | Additionally, the Draft EIR does not quantify the baseline level of water quality and the impact of development contemplated by Visalia’s GPU on water quality. Please address.

A5-34

**30. Concluding Comments (GPU and Draft EIR)**

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines generally require an EIR to be a full disclosure document. (See, e.g., Public Resources Code Section 21005 and 14 Cal. Code Regs. Section 15003, respectively.)

In doing so, both direct and cumulative impacts from important health-related areas -- such as water supply, water quality, air quality and greenhouse gases -- should be quantified, thereby making (i) the degree of severity of these environmental effects understandable to the public, (ii) the Draft EIR complete as an environmental disclosure document, and (iii) feasible mitigation measures available to reduce such health-related impacts to a level of insignificance.

A5-35

Please provide written responses to these comments, and provide written notice of any public hearings associated with the GPU and Draft EIR. Thank you again for the opportunity to provide comments to Visalia's proposed GPU and Draft EIR.

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# San Joaquin Valley Air Pollution Control District

A6

## Fax Transmittal

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Phone (559) 230-6000  
Fax (559) 230-6061

Date : May 15, 2014

To : Brandon Smith

Fax Number : 559-713-4814

From : Mark Montelongo

Number of pages (Includes cover sheet): 5

Description :

- |  |   |
|--|---|
| <input type="checkbox"/> Per Your Request        | <input type="checkbox"/> For Your Information |
| <input type="checkbox"/> Per Our Conversation    | <input type="checkbox"/> For Your Approval    |
| <input type="checkbox"/> Take Appropriate Action | <input type="checkbox"/> Review & Comment     |
| <input type="checkbox"/> Please Answer           | <input type="checkbox"/> Review & Return      |

Original transmittal will follow via mail

Remarks / Response :



May 14, 2014

Brandon Smith, Senior Planner  
City of Visalia  
Planning Division  
315 East Acequia Avenue  
Visalia, CA 93291

**Project: Notice of Availability/Notice of Completion – Draft Environmental Impact Report (DEIR) for the Draft Visalia General Plan Update**

**District CEQA Reference No: 20140192**

Dear Mr. Smith:

A6-1

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the subject project and offers the following comments:

1. The General Plan itself will not have an impact on air quality. However, future development within the City will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:

A6-2

- A. Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the District recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements. Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. If there are questions regarding health risk assessments, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org). Additional information on TACs can be found online by visiting the District's website at [http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

**Sayed Sadredin**  
Executive Director/Air Pollution Control Officer

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A6-3

B. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

A6-4

C. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

A6-5

D. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

A6-6

2. As presented in the Draft Environmental Impact Report (DEIR), after implementation of all feasible mitigation to reduce project impacts, Impacts AQ 3.3-2 and AQ 3.3-3 would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for individual development projects that may exceed any of the District significance thresholds. As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels.

A6-6

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Strategies and Incentives Program (SI). The funds are disbursed by SI in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.

Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.

A6-7

3. Referral documents for new development projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.

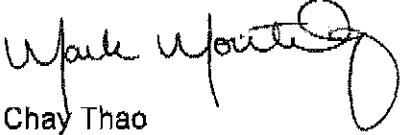
Draft Visalia General Plan Update  
District Reference No. 20140192

Page 4

If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



for: Chay Thao  
Program Manager

AM: mm

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May 8, 2014

Brandon Smith  
Senior Planner  
City of Visalia Planning Division  
315 East Acequia Ave.  
Visalia, CA 93291



**B1-1** | Dear Brandon,

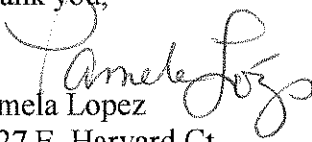
Thank you keeping us informed about the continuing work on the General Plan Update and the Draft EIR for the General Plan. I would like to submit the following comments for discussion at the upcoming hearing:

**B1-2** | The General Plan and the DEIR, include many references to promoting infill development within the city limits, and to an incentive program for this, as detailed in the General Plan Land Use Element, under section 2.8.

Since infill sites within the city and near infrastructure have higher land values compared to non-infill sites without these services, but still within the planning area, what types of programs will be put in place to discourage development sprawl into those areas where land is more economical?

**B1-3** | Also, do we have areas within the infill boundaries of the city that currently do not have infrastructure? If so, how will the City fund that infrastructure without the full impact fees normally provided by developers?

Thank you,

  
Pamela Lopez  
2627 E. Harvard Ct.  
Visalia, CA 93292

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May 14, 2014

**VIA EMAIL; FACSIMILE & UNITED STATES MAIL**

Brandon Smith, Senior Planner  
City of Visalia Planning Division  
315 East Acequia Avenue  
Visalia, California 93291

**Re: City of Visalia General Plan Update  
Comments on Draft Environmental Impact Report**

B2-1

Dear Mr. Smith:

My law firm represents Gerald Blankenship and the Blankenship Family Trust (collectively "Blankenship") in connection with the City of Visalia General Plan Update (the "GPU"), and the supporting Draft Environmental Impact Report (the "DEIR"). Blankenship has several concerns regarding both the GPU and the DEIR, which include numerous issues relating to a 64-acre property owned by the Blankenship Family Trust. The property is located at the southeast corner of the intersection of East Caldwell Avenue and South Santa Fe Street, Assessor's Parcel Nos. 126-100-010 and 126-100-011 (collectively the "Subject Property").

In short, consistent with the direction of the Visalia City Council on February 25, 2013, the Public/Institution ("P/I") land use designation currently proposed for the Subject Property should be removed and replaced with approximately 56-acres of Low Density Residential (which is not reflected in the GPU or the DEIR), and approximately 6-acres of Mixed Use Commercial (which is reflected in some portions of the GPU and DEIR, but not others). If the proposed P/I land use designation for the Subject Property remains – contrary to the prior direction of the City Council – the GPU and the DEIR must be substantially revised and augmented, because (1) that land use designation would result in horizontal inconsistencies within the GPU, and (2) the DEIR does not adequately disclose foreseeable environmental impacts that would result from any such land use designation.

B2-2

A. **The Visalia City Council Has Previously Directed that the P/I Land Use Designation *Should Be Removed From the Subject Property***

While the City was considering its proposed Southeast Area Plan (the “Proposed SEAP”), the City contemplated that the Subject Property would have low density residential and mixed commercial land use designations. The City, however, declined to move forward with the Proposed SEAP, and instead initiated work on the GPU.

Thereafter, in 2012, Blankenship learned that staff was proposing the designation of the Subject Property as a high school site in its upcoming GPU. This was a significant change from the land use designations contemplated under the Proposed SEAP. Specifically, in the new GPU, staff contemplated that the *entire* Subject Property would have a “school LU designation.” Staff advised that the location was supposedly “proximate only” (as the Subject Property has not been acquired by the School District), and that the GPU should be accompanied by an explanation that, if no school site was developed, the default land use would be Low Density Residential. (See Exhibit “A.”)

Because the GPU clearly identified the Subject Property as a school site, Blankenship objected to that designation, and requested that the P/I designation be removed. Blankenship also requested that the Subject Property be zoned to a “mix of Residential and Commercial.” (*Id.*)

Because the Planning Commission declined to recommend the removal of the P/I land use designation, Blankenship advocated to the City Council on February 25, 2013, that the City Council should *not* accept the Planning Commission’s recommendation that the Subject Property continue to have a P/I land use designation. Rather, Blankenship asserted that the City Council should direct staff to (1) *remove* the P/I designation, and (2) designate a portion of the Subject Property as mixed use commercial. The City Council agreed with the above requests,<sup>1</sup> and passed the following motion:

Motion by Vice Mayor and seconded by Councilmember Gubler to accept the Planning Commission’s recommendation with the exception of [1] the Blankenship property *and* [2] re-designate up to 6 acres for commercial mixed-use.

The motion passed 4-1. Collins NO.

(Exhibit “B” [emphasis and alterations added].) In other words, consistent with Blankenship’s presentation, the City Council on February 25, 2013, (1) declined to accept the Planning Commission’s recommendation that the entirety of the Subject Property have a P/I land use

<sup>1</sup> The only item on which the City Council did not accept Blankenship’s recommendation was on the *size* of the area designated commercial. While Blankenship recommended that 10-acres of the Subject Property should be designated “mixed use commercial,” one member of the City Council suggested a 6-acre area instead. This suggestion was acceptable to Blankenship.



B2-2

designation, *and* (2) ordered that 6-acres of the Subject Property should be have a commercial mixed-use land use (as opposed to the default, Low Density Residential). (See *id.*)

Neither the GPU nor the DEIR, however, reflects the City Council's direction. The GPU in some places suggests that the Subject Property has a 6-acre Commercial Mixed Use designation, (GPU at 2-18), while in other places designates the entire parcel as a school site. (GPU at 5-3, 5-19, 5-20.) Moreover, while the DEIR suggests that the Subject Property would contain a high school, there is no analysis of the Subject Property containing any such use.

In short, the City Council has previously ruled on this issue. The City Council has found that the P/I zoning designation should be removed as the Subject Property's land use designation. Until both the GPU and the DEIR are corrected, they stand in conflict with the prior motion of the City Council. Both staff and the Planning Commission lack the discretion to consider and/or recommend approval of a GPU that conflicts with the prior direction of the City Council. As such, the GPU should be modified to reflect that the Subject Property has a Low Density Residential land use designation, with a 6-acre Mixed Use Commercial component.

B2-3

**B. The Location of a School Site on the Subject Property Would Result In Horizontal Inconsistencies Within the GPU**

California's Planning and Zoning Law ("PZL") requires that all municipalities adopt a general plan. (Govt. Code, § 65300.) While charter cities are not subject to *some* of the PZL's consistency requirements, the Government Code expressly requires that a charter city's general plan to be *internally* consistent. (See Govt. Code, § 65300.5; see also GPU at 1-3.)

Moreover, a subsequent project that is *not consistent* with a charter city's general plan gives rise to a *presumption* that the project approval constitutes an abuse of discretion. (See, e.g., *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 414-15.) A "project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*Corona-Norco, supra*, 17 Cal.App.4th at 994.) While perfect conformity may not be required, "a project *must* be compatible with the objectives and policies of the general plan." (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 [emphasis added] [citing *Families Unafraid to Uphold Rural etc. County v. Board of Supers.* (1998) 62 Cal.App.4th 1332, 1336].) "A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear." (*Endangered Habitats, supra*, 131 Cal.App.4th at 782 [citing *Families Unafraid, supra*, 62 Cal.App.4th at 1341-42].) The DEIR itself recognizes that the GPU must result in vertical, as well as horizontal (internal) consistency. (See, e.g., GPU at 1-3; DEIR at 3.1-7 ["The General Plan Must Be Internally Consistent"].)

In this instance, the designation of the Subject Property as a school site in the GPU would result in numerous inconsistencies with the goals, objectives, and policies set forth in the GPU, in violation of, *inter alia*, Section 65300.5 of the Government Code. These internal inconsistencies include, but are not limited to:

B2-4

• **General Plan Policy T-P-49.** This policy requires the City “to promote [the] creation of school attendance areas *so as to minimize students’ crossings of major arterial streets and facilitate students’ safe travel to school on foot.*” (GPU at 4-41 [emphasis added].) Locating a school site on the Subject Property would frustrate this objective for many reasons:

- Caldwell Avenue is an *existing* arterial to the corner of Santa Fe Street. (See DEIR, Fig. 3.201.) In Years 11-25, *new arterials* on Santa Fe Street, West Caldwell Avenue, Ben Maddox Way, and West Visalia Parkway *will completely surround the Subject Property* and the adjacent property to the east. (See *id.*; see also GPU at 4-5.)
- The entirety of Caldwell Avenue within the City is listed as a Truck Route. (See DEIR 3.2-22, 3.2-23.) Nearby portions of Ben Maddox Way are also designated as Truck Routes. (See *id.* at 3.2-22.) Students crossing Caldwell Avenue and the relevant portions of Ben Maddox Way would be required to cross these Truck Routes.
- A BNSF Railroad Crossing adjacent to Santa Fe Street is located immediately parallel to and west of the Subject Property. (DEIR, Figure 3.2-4.) Students crossing Santa Fe Street to get to and from school would be required to traverse this at-grade crossing.

B2-5

• **General Plan Policy T-P-41.** This policy requires the development of “safe and convenient bicycle and pedestrian access to high activity land uses such as schools . . . .” (GPU at 4-40.) In the context of a school land use, this policy would be frustrated because the Subject Property is completely encircled by existing and planned arterials, (DEIR, Fig. 3.201); several adjacent streets are designated Truck Routes, (see DEIR 3.2-22, 3.2-23); and an at-grade BNSF Railroad Crossing adjacent to Santa Fe Street, which is located immediately west of the Subject Property. (DEIR, Figure 3.2-4.)

B2-6

• **General Plan Policy T-P-51.** This policy requires that the City locate “sidewalks, pedestrian paths, and appropriate crosswalks to facilitate access to all schools and other areas with significant pedestrian traffic. Whenever feasible, pedestrian paths shall be developed to allow for *unobstructed pedestrian flow from within a neighborhood.*” (GPU at 4-41 [emphasis added].) The location of a school site on the Subject Property would frustrate this objective. Only one parcel to the east of the Subject Property is designated residential. Thus, most students attending the high school would be required to traverse (1) one (or more) arterials to get to and from school, (2) an at-grade BNSF crossing, and (3) designated Truck Routes.

B2-7

• **The Circulation Element Is Deficient and Internally Inconsistent and Incomplete.** It is unclear why only 25 intersections and roadway segments were evaluated in the GPU. The selection criteria are not explained in the GPU, the DEIR, or any other readily accessible document. This is important because several intersections/segments that will be modified by the GPU were not studied. Likewise, several roadway segments and intersections in the pathway of new development were not studied. Due to the failure to address this

**B2-7** information, the GPU's Recirculation Element is not sufficiently comprehensive or long-range in focus to withstand scrutiny.

**B2-8**

- ***Inconsistent Land Use Designations for Subject Property.*** A portion of the Subject Property appears to have a Commercial Mixed Use designation on Page 2-18 of the GPU; however, the entirety of the Subject Property is designated as a high school site on Pages 5-3, 5-19, and 5-20 of the GPU. The GPU should be modified, such that the Commercial Mixed Use designation appears on both pages of the document.

**B2-9** As a result of the foregoing, the City may not adopt the GPU as drafted. Instead, the City must instead replace the P/I land use designation for the Subject Property with approximately 56-acres of Low Density Residential, and 6-acres of Commercial Mixed Use.

**B2-10** **C. The DEIR Does Not Analyze Foreseeable Environmental Impacts Associated With the Location of a School Site on the Subject Property**

The DEIR for the GPU is also inadequate under the California Environmental Quality Act, Pub. Resources Code, § 21000, *et seq.* ("CEQA") for each of the following reasons:

- Land Use Impacts/Internal Consistency Within GPU. The Land Use Impacts section of the DEIR is inadequate because it does not discuss, analyze or mitigate the effects that a school site would have on the Subject Property. Thus, we are confronted with inconsistencies within the proposed GPU, as explained above. (See generally *supra*, § B.) The DEIR does not address these inconsistencies. In addition, in light of these inconsistencies, the DEIR may not find the land use impacts are less than significant.

**B2-11**

- Failure to Evaluate Reasonably Foreseeable Impacts Resulting from Contemplated Land Use as School Site. Although Blankenship objects to the designation of the Subject Property as a school site – contrary to the Council's direction – the GPU nevertheless designates the Subject Property as having a P/I land use designation. In addition, the text of the GPU states that "[a]n additional high school is also planned in the southeast, at Santa Fe Avenue [*sic*] and Caldwell Avenue." (GPU at 5-19.) If the City moves forward with the GPU as drafted, the DEIR must analyze the reasonably foreseeable impacts of a school site at this location. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376 [impact of potential future action must be analyzed where "(1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."].) Because the DEIR does not include any such analysis, the DEIR (1) impermissibly fails to analyze reasonably foreseeable environmental impacts associated with locating a high school on the Subject Property, and (2) impermissibly attempts to piecemeal the environmental analysis. As a result, either (1) the P/I land use designation for the Subject Property should be replaced by Mixed Use Commercial and Low Density Residential, as previously directed, or (2) the DEIR must be overhauled to include an analysis of the location of a high school at the intersection at the Subject Property.

B2-12

• The DEIR Does Not Analyze Traffic Impacts Associated With the Designation of the Subject Property as a School Site. Although the Subject Property is designated as a high school site under the GPU, (see GPU at 5-19; DEIR, Figure 3.9-2), neither the traffic section of the DEIR or nor the Transportation Impact Analysis analyzes the impacts associated with placing a high school at such a location. Reasonably foreseeable impacts should be analyzed – if the designation is not removed – for the City to avoid impermissibly piecemealing or segmenting its environmental review. (See, e.g., *Santiago Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 830 [“Because of this omission, some important ramifications of the proposed project remained hidden from view at the time the project was being discussed and approved. This frustrates one of the core goals of CEQA.”].) The following is just one or many examples as to how the DEIR omits analysis of a school site at the Subject Property.

- The DEIR opines that the existing AADT for Caldwell Avenue between Ben Maddox Way and Pinkham Avenue is 13,500, with an LOS B. Although most of the land to the south and to the east of this segment is undeveloped, and the GPU contemplates significant growth in the vicinity, the DEIR only contemplates an increase to 18,300 AADT in 2030. (See DEIR at 3.2-5, 3.2-30.) While this increase may be adequate to account for commercial and residential uses on the Subject Property, this projected increase does not take into consideration the significant trip generation associated with the development of a high school land use on the Subject Property. For example, the City of Irvine recently analyzed a 2,600-student high school, and found that 4,446 daily trips would occur, with 1,092 a.m. peak hour trips. (Exhibit “C” [excerpts from Irvine Unified School District High School No. 5 Project, Traffic Impact Analysis Report].)<sup>2</sup> Nor does it discuss the impacts of those trips on adjacent streets and intersections.

B2-13

• Failure to Adequately Evaluate LOS for Caldwell/Santa Fe Intersection. The DEIR does not address expected decreases in level of service that would be expected to occur as a result of the development of a school site on the Subject Property as the result of: (1) at-grade rail crossing along Santa Fe Street, (2) the intersection of two planned arterials (Santa Fe and Caldwell), (3) the use of Caldwell as a Truck Route, and (4) school-age pedestrians crossing the intersection during a.m. peak hour.

B2-14

• Failure to Analyze Impacts of At-Grade Crossings on GPU. The DEIR and the Transportation Impact Study are silent on the effect the at-grade crossings for the BNSF rail line adjacent to Santa Fe Street and elsewhere would have on levels of service throughout the City. Indeed, the inputs used in the Transportation Impact Study do not appear to include analysis of the railroad lines and the at-grade crossings on the City’s roadway facilities. Because at-grade crossings directly reduce levels of service, these impacts must be addressed in both the technical documents and the DEIR.

<sup>2</sup> Available at [http://iusd.org/district\\_services/facilities\\_planning\\_and\\_construction/documents/App\\_F\\_TrafficStudy1.pdf](http://iusd.org/district_services/facilities_planning_and_construction/documents/App_F_TrafficStudy1.pdf)

B2-15

• Failure to Analyze Impacts of Truck Route Corridors. Although all of Caldwell Avenue is listed as a Truck Route, (see DEIR 3.2-22, 3.2-23), the Transportation Impact Study does not appear to address the impacts of the use of Caldwell Avenue as a Truck Route on levels of service or traffic safety. For example, there is no discussion or mention of the number of existing trucks using the Truck Route(s), or any analysis of how the use of Caldwell as a Truck Route will increase traffic volumes or level of service. Nor is there any differentiated analysis of any such impacts in the DEIR. There is likewise no discussion of the traffic safety impacts associated with the designation of such segments as Truck Routes. The same problem exists with Ben Maddox Way from Caldwell Avenue to the north. (See DEIR 3.2-22.)

B2-16

• Failure to Analyze Traffic Impacts for Several Relevant Segments/Intersections. It is unclear why only 25 intersections and roadway segments were analyzed in the Transportation Impact Study. The selection criteria are not explained in the DEIR. This is important because several intersections/segments that will be modified by the GPU were not studied. Likewise, several roadway segments and intersections in the pathway of new development were not studied. These roadway segments and intersections include the facilities in the vicinity of the proposed high school sites. The DEIR should analyze projected traffic volumes in all affected areas, and in particular the effects on the roadways and intersections that will be expanded as a result of new land use designations in the GPU.

B2-17

• Failure to Support Traffic-Related Conclusions With Substantial Evidence. In addition, for each of the above reasons, the finding that the GPU would not conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, emergency access, or otherwise substantially decrease the performance or safety of such facilities, is not supported by substantial evidence.

B2-18

• Inconsistency in School Enrollment Data. The enrollment data on page 5-17 of the GPU is substantially different than that analyzed in the EIR. The two documents should be reconciled.

B2-19

**D. The Approval of the GPU as Drafted Would Constitute a “Taking” Under the Constitution**

In addition to resulting in an impermissible internal inconsistency, and violating CEQA, the designation of the Subject Property as P/I would result in a loss of reasonable investment-backed expectations associated with the development, operation, and maintenance of the Subject Property as a walnut orchard. In essence, the City would be inversely condemning the Subject Property, for which Blankenship is entitled compensation under the takings clause. (See, e.g., *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1016.)

B2-20

**E. The Approval of the GPU as Drafted Would Constitute an Unlawful Restraint on Alienation**

The proposed designation also acts as an unlawful “restraint on alienation” by interfering with Blankenship’s ability to freely transfer the Subject Property to a party of his

**WANGER JONES HELSLEY PC**

May 14, 2014

Page 8

B2-20

choosing. The ability to transfer property is a fundamental attribute of property ownership. (See Civil Code, § 880.020, subd. (a)(1).) The designation of the Subject Property as P/I imposes a restraint that is void as against public policy and against traditional attributes of property ownership. Further, it in effect constructively delivers the Subject Property into the hands of another – *i.e.*, the school district – without purchase, condemnation, or consent of the landowner.

B2-21

**F. Conclusion**

Based on the foregoing, Blankenship respectfully requests that the GPU and the DEIR be revised to remove the P/I land use designation from the Subject Property, and replace the land use designation with approximately 56-acres of Low Density Residential, and approximately 6-acres of Commercial Mixed Used.

Respectfully submitted,

WANGER JONES HELSLEY PC



John P. Kinsey

Enclosures

## ATTACHMENT 1

## Planning Commission Transmittal to City Council

**To:** Mayor and City Council  
**From:** Planning Commission, by Community Development Department, Planning Division  
**Subject:** Review of Referrals from the General Plan Update Review Committee (GPURC) and Planning Commission Regarding Owner-Initiated Requests for Changes to the Preliminary Preferred Plan  
**Date:** January 22, 2013

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**PURPOSE**

The purpose of this Transmittal is to consider including or excluding 20 owner-initiated requests to modify either the Preliminary Preferred Plan map or the associated draft General Plan policies. The City Council's determinations on these individual requests will be reflected in the accepted draft General Plan as the City moves to the Environmental Impact Report (EIR) phase of the General Plan Update process.

**BACKGROUND AND SUMMARY**

The City's General Plan Update Review Committee (GPURC) was created to guide the General Plan Update process; a process that included preparing a Preliminary Preferred Plan that establishes land use designations and development boundaries designed to accommodate the next 20 years of the City's growth. The GPURC finished their work on the Preliminary Preferred Plan in February, 2012.

The Planning Commission, in a joint meeting with the City Council, reviewed the Preliminary Preferred Plan on March 20, 2012. The Planning Commission and City Council generally concurred with the GPURC's recommendations as represented by the Plan map and draft General Plan policies.

On July 26, 2012, and August 30, 2012, the GPURC conducted well attended public meetings on the focused Regional Commercial economic study that was commissioned by the City Council. Other actions taken by the GPURC included re-affirming the 2.6% annual growth rate assumption, reconsidering and affirming the growth boundary locations and associated policies, and reviewing and accepting the draft General Plan Elements.

The GPURC, subsequent to the final actions on the Preliminary Preferred Land Use Plan, continued to receive new correspondence and testimony from individuals requesting changes to their assigned land use designations and development boundaries. Given that the GPURC had completed their work on this topic, it opted to defer consideration on these individual requests to the Planning Commission and City Council.

On September 24, 2012, the Planning Commission reviewed each of these requests, including testimony from the requestors and from the general public. The Planning Commission members provided their individual comments on each of the requests, and in most cases the comments constituted an informal consensus of the Planning Commission, though no formal vote on any of the individual requests was taken.

**REQUEST SUMMARIES AND RECOMMENDED DISPOSITIONS**

The 20 requests that the Planning Commission reviewed were organized into three basic categories:

- ❖ Five requests (Items 11, 14, 18, 19, 20) that had either already been incorporated into the current version of the Plan, or for which staff recommended approval of the request as presented. These are denoted in the Table by green shading;
- ❖ Six requests (Items 1, 2, 4 & 8, 6, and 13) for which staff concurred with part of the request, or recommended some modification still consistent with the request. These are denoted in the Table by yellow shading;
- ❖ Nine requests (Items 3 & 16, 5, 7 & 9, 10, 12, 15, and 17) that staff recommended against as being contrary to the GPURC's overall direction for the Preliminary Preferred Plan. These are denoted in the Table by orange shading.

Ref.	Proponent	Request/Subject	Location
11	R. George	Current LU and Zoning designations change from CS (Service Commercial) to MDR.	N/E corner Shirk/Doe
Recommendation: No Action Required. MDR LU Designation already on Plan map.			
14	H. May	Include site in Tier 1 UDB	SW corner Mooney/Visalia Parkway
Recommendation: No Action Required. Site is already included in Tier 1 UDB.			
18	City	Proposed Land Use and current Zoning designations change to establish commercial corridor between Downtown Retail District and Oval Area.	Locust-Court Murray to Lincoln Oval
19	City	Proposed LU designation change from PI (Public Institution) to mix of ½ HDR and ½ MDR except for detention basin.	W. side of County Center, btwn. Cameron and Visalia Pkwys
Recommendations: Concur.			
20	City	Change LU designation of 220 acres of City-owned property from Agriculture to PI	North of WWTP
Recommendation: Concur			
1	N. Tamini	New Industrial/R&D LU designation should mirror former BRP LU Designation and Office uses should be allowed without "secondary" qualifier.	Plaza Dr. at North side of Hwy 198
<p><b>Planning Commission Comments:</b> Generally concurred with proponent, but preferred to defer to post-GPU.</p> <p><b>Original Staff Recommendation:</b> Concur include education, and limited highway commercial uses and master-planned campus-style setting as with current BRP LU designation. Defer specifics of allowable office uses to Zoning Ordinance update following adoption of the General Plan Update.</p>			
2	R. Zack	Proposed LU designation change from SFR (Single-family residential) to MDR (Medium Density Residential).	912-920 S. Locust



Ref.	Proponent	Request Subject	Location
<p><b>Planning Commission Comments:</b> Concurred with request and expansion to full block between Laurel and Tulare Avenues.</p> <p><b>Recommendation:</b> Concur. Expand to include entire block btwn. Laurel and Tulare.</p>			
4 & 8	G. Blankenship	School site designation and Land Use LU designation change from high School to mix of Residential and Commercial.	Southeast corner of Santa Fe/Caldwell
<p><b>Planning Commission Comments:</b> Concurred with GPURC solution with map margin note and default SFR LU designation, and with staff recommendations regarding Commercial, but directed follow-up confirmation on SEAP commercial implications. Plan does show mixed-use and commercial potential in context of overall Specific Plan.</p> <p><b>Original Staff Recommendation:</b> Concur in Part. For all school LU designations, reference by margin note that location is proximate only and default LU designation is LDR. Do not concur with Commercial LU designation.</p>			
6	R. Hill	Place property in Tier 1 UDB, change LU designation on site's NE corner from P (Park) to LDR	E. side Dinuba Hwy, So. Of St. Johns River
<p><b>Planning Commission Comments:</b> Concur area should be in Tier 1, and offset needs to be found in Tier 2. Minority alternate opinion that site should be absorbed into Tier 1 without Tier 2 offset.</p> <p><b>Original Staff Recommendation:</b> Concur with placing site in Tier 1 UDB as long as an equivalent amount of land at an alternate location is moved from Tier 1 to Tier 2. Do Not Concur with changing LU designation.</p>			
13	G. Collins	Establish office corridor theme. Re-designate from SFR to Office Conversion.	Locust-Court Streets, btwn Noble and Tulare Ave.
<p><b>Planning Commission Comments:</b> Concur with request and with additions of MDR LU designation (modified Item 2). Questions regarding affordable housing and Historic District implications. No adverse impacts to either.</p> <p><b>Original Staff Recommendation:</b> Concur. Portions of the two corridors may also be considered for MDR LU designation.</p>			
3 & 16	S. Peck	Further justifications for Regional Commercial designation and criteria for development	Hwy 99/Caldwell
<p><b>Planning Commission Comments:</b> Concur with staff recommendation.</p> <p><b>Original Staff Recommendation:</b> No Action required. Designation and supporting policies have been approved by GPURC.</p>			
5	S. Brandt	Change Tier 1 Urban Development Boundary (UDB) to include entire 112-acre site.	NE corner Demares St. and Pratt Ave.
<p><b>Planning Commission Comments:</b> Concur with staff recommendation.</p> <p><b>Original Staff Recommendation:</b> Do Not Concur. GP Policy LU-P-22 addresses this potentiality equitably for similar situations.</p>			

**Request #4 & #8**

Table Reference: Nos. 4 & 8  
Requestor: Gerald Blankenship  
Location: Southeast corner of Santa Fe/Caldwell Ave.)  
Reference Letter: Nos. 4 & 8

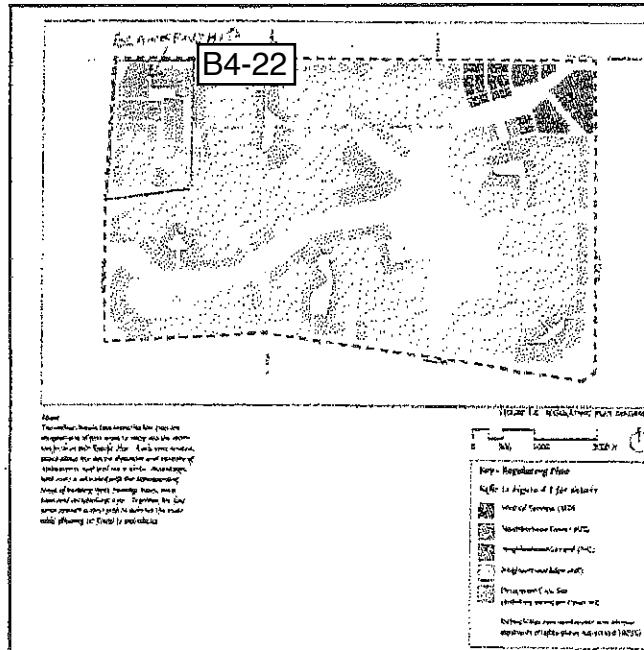
**Discussion:** The proponent objects to the School site designation for approximately 64 acres of orchard land at the southeast corner of Santa Fe St. and Caldwell Avenue. The proponent cites experience that school districts often purchase different properties than those designated at the time the school is needed in the vicinity. The proponent also proposes that the northern-most ten acres be designated as Commercial. The proponent cites the precedent of the Southeast Area Master Plan (SEAP) as justification for added Commercial land at the site.

**Analysis and Recommended Action:** The Planning Commission concurred with the GPURC's recommendation that the Plan map should retain designated school sites. This is important in demonstrating that the General Plan (Plan) map maintains a balance of new schools supporting new residential growth. However, there is also a practical reality that actual new school locations are often at a different site than the originally designated site. The GPURC approved a methodology to apply to all new school site locations, as follows:

- Retain the School site designation
- Include a margin note on the Plan map that recognizes that the actual school locations may vary from the sites identified on the Plan map.
- The default Land Use and Zoning designations for designated school sites shall be SFR (Single-family residential)

The Planning Commission did not concur with re-designating a portion of the site as Commercial, noting that the area already has sufficient existing Commercial Zoning (over 24 acres) within one-half mile of the site.

However, the Planning Commission directed that staff review the latest draft of the SEAP to determine the validity of the proponent's contention that



B2-22

Commercial is included on their portion of the SEAP area.

As shown on the SEAP Regulating Plan diagram, the north portion of the proponent's property has "Neighborhood Center" designation. The SEAP text describes this as allowing commercial uses similar to the Neighborhood Commercial Zoning Designation. However, it should be noted that the SEAP, which is still a draft land use plan, does not propose to re-designate land within the project area. Rather, it relies on the existing land use designations (SFR in the case of subject site) with the option to incorporate mixed uses and higher densities where projects are proposed to comply with the higher development standards of the SEAP.

Request #5 and Request # 17

**Table Reference:** No. 5 and No. 17

**Requestor:** No. 5 - Steve Brandt, No. 17 Stephen Peck

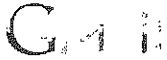
**Location:** No. 5 - Northeast corner of Demaree St. and Pratt Ave. No. 17 SE corner of Avenue 320 and N. Shirk Road

**Reference Letter:** No. 5 and No. 17

**Discussion:** These proposals were submitted independently of each other. However, they address almost identical situations wherein the proposed Tier 1 Urban Development Boundary (UDB) bisects the larger parcels or areas under single-party control. This is also true for approximately 17 other similar sites in the Planning Area. The proponents contend that separating their site's development timeline in two development tiers makes developing the entire site an impractical hardship because the future developer would be unable to extend infrastructure to the entire site in an efficient manner. Further, they would be unable to economically scale future construction phases.

**Analysis and Recommended Action:** The Planning Commission did not concur with the proponents. The Commission determined that the placement of the proposed Tier 1 UDB location has been correctly placed at the estimated 10-year midway point of the General Plan's 20-year buildout timeframe. They further determined that the Tier 1 UDB represents the correct estimated outward growth estimates (quantified by residential building permits issued that will occur to reach an estimated population of 178,000), and should be generally adhered to. Finally, the Planning Commission determined that Policy LU-P-22 provides the necessary flexibility to guide future City Councils in making Tier 1 boundary adjustments on a project by project basis:

LU-P-22 \*Allow for City Council approval of master plans, following Planning Commission review and recommendation, for sites under a single ownership or unified control, which may include developable land within both the Tier I Urban Develop-



Gerald Blankenship <geraldblankenship72@gmail.com>

B2-22

2/25/13 Meeting Item 3B

1 message

Michelle Nicholson <Cityclerk@ci.visalia.ca.us>  
To: "geraldblankenship72@gmail.com" <geraldblankenship72@gmail.com>

Wed, Apr 23, 2014 at 11:46 AM

Hello Mr. Blankenship,

Here is the minute from Item 3b that you requested this morning. Please let me know if you need anything further.

Michelle Nicholson

Paul Scheibel, Community Development, requested direction on individual Land Use/Boundary requests considered by the Planning Commission at the September 24, 2012 Work Session and the requests made at the January 22, 2013 Joint Workshop.

Gerald Blankenship, owner of Santa Fe and Caldwell Avenue property in opposition to the School site designation and requested the high school site designation be removed as the school district does not own the property. Mr. Blankenship also requested the corner be designated as commercial and the remainder of the property be designated single family residential (low density).

Josh McDonnell, Community Development, explained that any site identified as a potential school site is only a potential site and the GPURC affirmed the land use map should clearly note that all future school sites are conceptual in location only and subject to change and subject to the availability of the property.

Motion by Vice Mayor Nelsen and seconded by Councilmember Gubler to accept the Planning Commission recommendation with the exception of the Blankenship property and re-designate up to 6 acres for commercial mixed-use.

The motion passed 4-1. Collins NO.

Motion by Councilmember Gubler and seconded by Councilmember Link to reserve the Pacific Union homes issue for the upcoming meeting when the Council will discuss mixed commercial use on both sides of Dinuba Highway near the sports park.

The motion passed 4-0. Vice Mayor Nelsen Abstained.

Michelle E. Nicholson  
Chief Deputy City Clerk  
City of Visalia  
425 E. Oak Avenue, Ste. 301  
Visalia, CA 93291  
Telephone: 559-735-2000  
Fax: 559-735-2000  
City of Visalia, 1000 Main Avenue

B2-23

Irvine Unified School District  
High School No. 5 Project  
Traffic Impact Analysis Report

DRAFT

Prepared by:



September 2013

Revised

B2-23

## 5. Proposed Project

A description of the proposed stadium project and the expected volume, distribution, and frequency of project-generated trips are presented in this section.

### 5.1 PROJECT DESCRIPTION

The Irvine Unified School District plans to build a new high school facility on a 40.3-acre site on the southeast corner of Irvine Boulevard and the future "B" Street, east of Sand Canyon Avenue and Highway 133 and west of Alton Parkway. The project site is on a portion of the former Marine Corps Air Station El Toro (MCAS El Toro), in Planning Area 51, Orange County Great Park, of the City of Irvine General Plan.

The school is scheduled to open in the year 2016 with a capacity of 2,600 students. It will also include a performing arts center, a gymnasium, and a stadium with 2,940 seats. The stadium would serve as a venue for special events such as graduation ceremonies and sports activities, and is not expected to generate a significant number of trips on a daily basis throughout the year. The proposed stadium would likely host one varsity football game per week for about ten to twelve weeks per year.

### 5.2 TRIP GENERATION

The trip generation for the High School No. 5 project has been estimated using rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition. The trip generation rates and the forecast trip volumes for the High School land use category (ITE Code 530), are summarized in Table 5-1.

Table 5-1 - ITE Trip Generation for a High School Land Use (Code 530) with a Capacity of 2,600 Students

	Weekday	AM			PM		
		In	Out	Total	In	Out	Total
Rates	1.71	0.2856	0.1344	0.42	0.0611	0.0689	0.13
Trips	4,446	743	349	1,092	159	179	338

### 5.3 TRIP DISTRIBUTION

The project trip distribution for each analysis scenario has been developed based on the following assumptions:

- 5% of the project trips are generated by faculty and staff originating outside of the City of Irvine.
- 5% of the project trips are generated by faculty and staff originating within the City of Irvine but outside of the High School No. 5 attendance area boundary.
- The number of trips originating from each sub-area within the High School No. 5 attendance area boundary is proportional to the number of residential dwelling units located in that sub-area.

Based on a field inventory and information published online, there are approximately 10,242 existing residential housing units located within the High School No. 5 attendance area, plus an

Brandon Smith, Senior Planner  
City of Visalia Planning Division  
315 East Acequia Avenue  
Visalia, CA 93291



B3-1

Dear Brandon Smith,

I am writing with some concerns related to the Draft EIR report regarding transportation. I am a resident of the Stonebridge neighborhood, located to the west of the intersection of Lovers Lane and Walnut. Traffic at this intersection has been a major concern for some time, especially in relation to the proposed development at the northwest corner of Lovers Lane and Walnut.

B3-2

The basis for my concerns include:

- The Draft EIR Report states that a LOS of D (“approaches unstable or tolerable delays”), is the minimum acceptable LOS standard, yet the intersections of Walnut and Lovers, and Lovers Lane and Mineral King/198 have been rated ‘F’ (“Forced flow or excessive delays/congestion).

B3-3

- The traffic study cited for DEIR was done in 2008-2010; is this considered up to date?

B3-4

- The traffic study cited did not review traffic rates for Lovers Lane at all, nor did it rate Walnut Avenue east of Court Street. Future improvements were cited for Lovers/K and Lovers/Caldwell, but not Lovers/Walnut. In addition, Walnut Avenue from Cedar to Avenue 148 is slated for an increase of lanes in the future, which would impact the intersection of Lovers/Walnut.

B3-5

- Lovers Lane is indicated as a truck route.

B3-6

- Significant commercial development is expected in the Lovers Lane/Walnut Avenue area as well as the areas of Lovers Lane/Mineral King.

B3-7

- All of this development falls within infill designation, meaning developers will pay reduced fees. Therefore, intersection improvement is unlikely to come from these developers.

B3-8

As a resident of this area, my concern is that the City does not seem to be providing for improvements to the intersection at Lovers/Walnut within this General Plan even though it has been a concern for quite some time. It seems to me that a LOS level of D is a low expectation, but even so, intersections rated lower than D are not considered in this EIR update. The City plans to widen Walnut, according to the draft EIR documents, which would impact the intersection and yet the Lovers/Walnut intersection is not even listed under intersection improvement. I'd like to request that the City addresses the upgrade to that intersection in THIS General Plan.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Pimentel".

Michelle Pimentel  
2542 E Princeton Avenue  
Visalia, CA 93292

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**Law Offices of  
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Email: harrimanlaw1@sbcglobal.net**

May 14, 2014

**VIA EMAIL TRANSMISSION**

**[bsmith@ci.visalia.ca.us]**

Brandon Smith, Senior Planner  
City of Visalia Planning Department  
315 East Acequia Avenue  
Visalia, California 93291

Re: City of Visalia General Plan Update  
Draft Environmental Impact Report (DEIR)  
Comments re General Plan Update & DEIR

**B4-1**

Dear Mr. Smith:

Because of my long-term interest in land use planning and protection of environmental resources in the City of Visalia and the San Joaquin Valley, I have reviewed the proposed General Plan Update (GPU) dated March 14, 2014, the Draft Environmental Impact Report (DEIR) for the proposed GPU, and other public documents for this Project. Due to a number of significant internal inconsistencies and substantial omissions in these documents, I am submitting the following comments in the public interest for inclusion in the record of proceedings for this project.

**B4-2**

**1. “Infill Development” and “Compact and Concentric” Growth Policy  
Inconsistency with Shirk Road Corridor**

In DEIR Table ES-3, “**Summary of Significant Impacts and Proposed General Policies And Mitigation Measures that Reduce the Impact,**” at p. ES-10, Land Use Policy LU-P-19 states:

“Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan’s phased growth strategy.

*The General Plan Land Use Diagram establishes three growth Rings to accommodate estimated City population for the years 2020 and 2030. The Tire I Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The*

*Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Tier III Urban Growth Boundary (UGB) defines full buildout of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.”*

In the GPU Glossary and List of Acronyms, at p. G-7, the word “Infill” is defined as “The development of new housing or other buildings on scattered lots in a predominantly developed area or on new building parcels created by permitted lot splits.” Similarly, in the DEIR, Chapter Nine Glossary, at p. G-7, the term “Infill Development” is defined as “Development of vacant land (usually individual lots or left-over properties) within areas which are already largely developed.”

Also, GPU Section 2.5, **Key Plan Objectives**, at p. 2-20, “**Rural Buffers and Edges**, states as a key objective< “Minimize urban sprawl and leapfrog development by encouraging compact, concentric and contiguous growth.” Likewise, Section 2.5, at p. 2-20, “**Community Design**,” identifies another key objective as “Create an overall urban form centered on a vital downtown and a higher-density core, surrounded by viable residential neighborhoods with walkable, mixed-use neighborhood centers.”

In addition, GPU Section 2.5, **Key Plan Objectives**, at p. 2-20, “**Infill Development**,” incorporates this objective as: “Implement and periodically update an infill development incentive program to achieve the objectives of compact development established by this General Plan.”

Further, GPU Section 2.5, at p. 2-21, refers to “**Downtown and East Downtown**” and adopts the following key objective: “Support the continued development and vitality of Downtown (generally identified as the area north of Mineral King Ave., east of Conyer St., south of Murray Avenue, and west of Tipton St.) and the redevelopment and revitalization of East Downtown (generally identified as the area north of Mineral King Ave., east of Tipton St., south of Murray Ave., and west of Ben Maddox Way, as well as the stockyards).”

Neither the proposed GPU nor the DEIR includes a definition of “compact, concentric, and contiguous growth.” However, “Historical Growth” diagrams set forth in the GPU in Figure 1-3, at p. 1-8, demonstrate the compact urban form with concentric growth around a “higher density core.” When Figure 1-3 is contrasted with Figure 2-3 (“Proposed Development Footprint by Tier), at p. 2-27, the comparison of historical compact, concentric, and contiguous growth around an urban core is amply demonstrated. The substantial non-contiguous development east and west of the Shirk Road corridor, north and south of State Route 198, results in a substantial gap in development along west SR 198, which is particularly evident in the 2010 diagram in Figure 1-3, Figure 2-2, and Figure 2-3.

More important, the document identified as “*Proposed Preferred Plan Concept as Recommended by the General Plan Update Review Committee*” (March 1, 2012) includes

B4-2

Figures 6 (“Current and Proposed Growth Boundaries”), p. 23, and Figure 7 (“Proposed Development Footprint by Tier”), at p. 24 memorializes the preferred alternative recommended by the General Plan Update Review Committee (GPURC). Figure 7 demonstrates the “compact, concentric and contiguous growth alternative which is consistent with the proposed City Land Use Policy LU-P-19 set forth above, with infill development along the Shirk Road corridor that is closer to the downtown core than the proposed residential development in the northwest quadrant and is located east of the existing westernmost development north and south of SR 198. In effect, the development of the Shirk Road corridor north and south of SR 198 would correct the “leapfrog development” previously approved west of Shirk Road, along the Plaza Drive corridor north and south of SR 198, and would be consistent with GPU Policy LU-P-19.

Finally, GPU Section 1.2 “**GENERAL PLAN REQUIREMENTS,**” at p. 1-3 states:

“The General Plan Must Be Internally Consistent. This requirement means that the general plan must fully integrate its separate parts and relate them to each other without conflict. “Horizontal” consistency applies both to figures and diagrams as well as general plan text. It also applies to data and analysis as well as policies. All adopted portions of the general plan, whether required by State law or not, have equal legal weight. None may supersede another, so the general plan must resolve conflicts among the provisions of each element.”

Based on this requirement, the proposed GPU’s failure to prioritize and include the Shirk Road corridor north and south of SR 198 as “infill development” constitutes an internal and horizontal inconsistency in violation of Government Code sections 65300 and 65300.5, and should be revised and amended to designate the Shirk Road corridor north and south of SR 198 as infill development included in “Tier I,” as shown in Figure 7 referred above.

B4-3

**2. Inadequate Disclosure, Analysis, and Consideration of GPURC Proposed Preferred Plan Concept in Project Alternatives Section 4 of the DEIR**

As referred to above, the GPURC developed its Proposed Preferred Plan Concept (March 1, 2012) and recommended it to the Planning Commission and City Council. [DEIR, p. ES-2] However, despite many references to the public process described in the proposed GPU, at Section 1.4, pp. 1-9 and 1-10 and elsewhere in the GPU and DEIR, the March 1, 2012 Proposed Preferred Plan Concept is not available on the City’s website for the GPU project nor is it referred to or included in the DEIR Project Alternatives Section 4, p. 4-1 et seq. Although the GPURC functioned as the public’s representative in the GPU planning and environmental review process, had substantial contact with the public, and held many more focused public meetings, the DEIR omits the most environmentally superior alternative for compact, concentric, and contiguous community design with maximum infill development and proximity to the Downtown core of the City.

B4-3

By rejecting the Proposed Preferred Plan Concept recommended by the GPURC, which best complies with GPU Policy LU-P-19's compact, concentric, and contiguous development policy (hereinafter referred to as the "GPURC Alternative"). By failing to include this alternative in the Project Alternatives Analysis of the DEIR, the EIR preparer eliminated a reasonable alternative recommended by the public committee, with intimate knowledge of the community, appointed by the City Council to review, comment, and advise the Council, Staff, and Consultant.

B4-4

Even more important, the omission of the GPURC Alternative infected the DEIR's analysis of the significant adverse impacts to open space and agricultural land by omitting an alternative which avoids increasing the perimeter of development on the outer edge of the Urban Development Boundary (UDB), thereby greatly increasing the potential for premature development of prime agricultural land in the proposed Tier I area in the Northwest Quadrant and the other areas of the City **prior to the infill development** in the Shirk Road corridor. Therefore, the analysis of the significant adverse impacts to agricultural land is rendered defective and inadequate, as well. (See further discussion below.)

Further, the failure to disclose, analyze, and consider the GPURC Alternative in the Project Alternatives Section 4 of the DEIR results in two legal defects which cause the DEIR to be legally inadequate. First, it deprives the public of a meaningful opportunity to participate in the environmental review process, mandated by CEQA Guidelines section 15201, and, it omits a reasonable alternative which is consistent with GPU Policy LU-P-19, which would avoid the internal or horizontal inconsistency in the GPU, as set forth in Comment No. 1 above. In fact, this inconsistency is highlighted in the Project Alternatives Analysis, which cites the "Emerging Themes, at pp. 4-1 and 4-2, including the following:

"10. Compact, concentric growth with priority for infill sites."

In the context of the GPU and the DEIR, it is evident that the policies for prioritizing and implementing premature development in the Northwest Quadrant for economic reasons creates internally inconsistent land use policies that cannot be reconciled or correlated with the other land use policies mandating compact, concentric, and contiguous growth, based on the identification of the infill development and downtown core development principles and policies. Furthermore, the proposed premature development of residential uses in the Tier I section of the Northwest Quadrant has substantial negative implications from the "equal weight" principle set forth hereinabove:

"All adopted portions of the general plan, whether required by State law or not, have equal legal weight. None may supersede another, so the general plan must resolve conflicts among the provisions of each element."

B4-4

Finally, given the existing transportation infrastructure on SR 198 and the SR 198/Shirk Road highway interchange, along with the public services infrastructure already available in the Shirk Road corridor or close proximity to it, the GPURC Alternative is also the environmentally superior alternative because such infill development generates fewer growth-inducing impacts, including premature development in the Northwest Quadrant---which is more consistent with the statutory mandate of the Cortese-Knox-Herzberg Act, which the Tulare County Local Area Formation Commission (LAFCo) is required to consider when it reviews the proposed GPU and EIR for this project.

B4-5

### 3. Lack of a Timing Mechanism for Review of Future Applications for Development to Preserve Rights of Property Owners

In the Implementation sections of the GPU [Section 9, at pp. 9-1 to 9-7] and the DEIR [Section 2.7, pp. 2-27 to 2-30], the Growth Management addresses the “phasing” process and how it is to be implemented through the “tiering” mechanism. [See, also, GPU Sections 2.4, pp. 2-16 to 2-24, and 2.5, at pp. 2- to 2-30] However, nowhere in the GPU, the DEIR, or the Mitigation or Implementaion Measures is there a procedure for establishing a “queue” or priority for review of applications for annexation and/or other development entitlements by property owners who are currently eligible under the growth boundary standards of the **existing** General Plan. The omission of a “timing mechanism” in the proposed GPU creates uncertainty and potential issues regarding priority for property owners who are entitled to a “Tier I” land use designation under the existing General Plan, but are “down-graded” to a “Tier II” land use designation under the proposed GPU.

As mentioned above, after the GPU is approved and adopted and the EIR is certified, the City must still submit the GPU and EIR to the Tulare County LAFCo for its review and approval.

Following LAFCo’s review and approval, “[t]he City will bring both the Zoning Ordinance and the Zoning Map into conformance with the General Plan **within a reasonable period of time.**” (emphasis added) [GPU, Section 9, at p. 9-5, paragraph 2] The GPU notes that:

“During the transition period while new zoning is being developed, the City will use “General Plan Conformity Findings” to provide criteria for determining whether a proposed project is consistent with the General Plan. Factors that will be evaluated to make General Plan Conformity determinations include: site suitability for the proposed use, compatibility with adjacent uses, neighborhood economic vitality and the need for the proposed use; and the proposed density and intensity of development.” [GPU, Section 9, p. 9-5, para. 3]

In view of the fact that the GPU proposes to implement “balanced” and “concentric” growth in the designated quadrants of the City, along with the provision for master planned developments in Tier II to commence planning prior to the “trigger” mechanism defined by the maintenance of a 10-year supply of inventory of developed land, and the final adoption of the GPU following the review and the adoption of the Zoning Ordinance, it is probable that land owners who are currently eligible under the growth ring standards of the existing General Plan will be filing applications for annexation and/or other development entitlements **prior to the**

B4-5

final approval and adoption of the GPU and the completion of the implementation measures and mitigation measures of the GPU and the EIR, respectively.

Considering the foregoing facts, how does the City propose to address the timing and priority of its review and consideration of existing and new applications, in order to provide prompt and fair review of the applications submitted prior to the completion of the GPU adoption and implementation process? Also, this commentator was unable to locate a definition of the size of the parcel(s) to be master-planned that is required to initiate the planning process for current land owners who have been re-designated in “Tier II” of the GPU? Similarly, in the case of land owners located in the new “Tier I” designation in the Northwest Quadrant of the GPU, will these land owners be allowed to file applications for development entitlements prior to land owners not located in the Northwest Quadrant who are currently eligible to proceed with development applications under the existing General Plan growth management requirements, but have been re-designated in the new “Tier II” of the GPU?

Clearly, there exists a “timing” or “sequencing” issue that has not been addressed in the GPU or the DEIR which relates to potential regulatory taking issues regarding property re-designated in the new “Tier II” areas and the premature development of agricultural land regulated by the Cortese-Knox-Herzberg Act. This omission is material to the “phasing” portion of the Growth Management sections referred to above and is significant to the analysis of the adequacy of the DEIR for the reasons set forth herein.

These issues should be disclosed, analyzed, and addressed in both the GPU and the DEIR, which should both be modified and amended and re-circulated prior to the final hearing on the adoption of the GPU and the certification of the EIR.

Finally, since the proposed Infill Development Incentives Program has been deferred to later in the GPU implementation process, City Staff and its consultant should identify and describe the designated “infill development” areas in a revised and amended Land Use Element text and map, so that these areas are correlated with the other land uses identified and included in the Land Use Element. Also, given the numerous location of economic issues, including jobs housing balance, this commentator recommends that the revised and amended GPU include an “Economic Element, which integrates and correlates the relationship between the Land Use Element, Circulation Element, and the Open Space Element.”

B4-6

**4. Inadequate Disclosure, Analysis, and Consideration of Adverse Impacts to Agriculture and Mitigation Measures for Such Adverse Impacts**

Section 3.5-1 of the DEIR states:

“3.5-1

Buildout of the proposed General Plan would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (Significant and Unavoidable)

B4-6

This Commenter refers to and hereby incorporates the comments set forth hereinabove regarding the GPU and the DEIR omissions and inadequacy of the sections addressing the failure to designate infill development areas in the GPU Land Use Element and the failure to prioritize development of infill development on agricultural land which is not located on the outer edge of the City’s UDB, especially in the Northwest Quadrant, which includes prime agricultural land, as disclosed in the DEIR Section 3.5.

The Agricultural Resources Section 3.5 of the DEIR is legally inadequate for several reasons. First, the finding that the adverse impacts of proposed development are significant is correct and is supported by substantial credible evidence in the record. The finding that the significant adverse impacts are unavoidable is incorrect, due to the fact that the GPU can be revised and amended to include the identification and designation of infill development land in the Land Use Element text and map, including the Shirk Road corridor north and south of SR 198, which would avoid the premature development of prime agricultural land on the perimeter of the UDB, including the proposed Tier I residential development in the Northwest Quadrant and elsewhere on the perimeter of the City’s UDB.

Two statements in the Agricultural Resources Section 3.5 support the foregoing contention, as follow:

A. “Continued conversion of agricultural lands to urban uses and rural residential uses could have an impact on the County’s agricultural economic base. To protect farmland and open space, the Land Use Element in the General Plan establishes a fairly compact urban growth area, encouraging infill development and new growth adjacent to or near existing urban uses in order to minimize sprawl and unnecessary conversion of agricultural lands.” [DEIR, p. 3.5-5]

B. Mitigation Measure

“2.1.2

On a City-wide basis, maintain a compact urban form and encourage growth in infill areas to minimize loss of agricultural resources and extension of public services.”

The proposed GPU Land Use Element text and map need to be revised and amended to designate the infill development areas in the text and map and to prioritize their development prior to development on the perimeter or outer edge of the UDB.

B4-7

Second, the discussion of the lack of mitigation measures at DEIR, pp. 3.5-15 and -16 is legally inadequate because it fails to disclose, analyze, and consider the agricultural land conversion impact mitigation measures adopted and implemented in numerous other jurisdictions, such as the City of Davis (Davis Agricultural Land Trust and agricultural land off-sets on an acre for acre ratio; currently considering increasing to a 2:1 ratio); Butte County (Agricultural Mitigation Ordinance (“AMO”) required as a mitigation measure for conversion of agricultural land); Sonoma County Open Space Land Trust (ordinance adopted by initiative

**B4-7** providing for sales tax increment used to fund Land Trust); and other jurisdictions. This commentator objects to the mitigation analysis provided and contends that CEQA requires a good faith effort at full disclosure of reasonable and feasible mitigation measures and that such mitigation measures analysis should contain a survey by the City's consultants of other jurisdictions in the San Joaquin Valley, Sacramento Valley, and elsewhere in the State, so that there is a good faith analysis of other mitigation options adopted and implemented throughout the state.

**B4-8** Therefore, Section 3.5 should be revised and amended and the DEIR re-circulated to include an adequate disclosure, analysis, and discussion of the mitigation measures available and feasible for inclusion in a revised DEIR.

**B4-9** **Conclusion**

For the foregoing reasons, this commentator submits that the proposed GPU and DEIR for the Visalia General Plan Update must be revised, amended, and re-circulated before final adoption and certification and submission to the Tulare County Local Agency Formation Commission for final approval.

Respectfully submitted,

*/s/ Richard L. Harriman\**  
RICHARD L. HARRIMAN

\*Signature provided on hard copy transmitted via facsimile transmission.

cc: City Councilmembers  
Clients





California Office  
Box 73856 Davis, CA 95617  
530-231-5259

May 14, 2014

Brandon Smith  
Senior Planner  
City of Visalia Planning Division  
315 East Acequia Avenue  
Visalia, California 93291

**RE: Draft Environmental Impact Report for 2014 Regional Transportation Plan /  
Sustainable Communities Strategy**

**B5-1** | The San Joaquin Valley of California is the most productive agricultural region in the world. Six of our nation's top agricultural producing counties are located in the region, and among these, Tulare County ranks #2 in producing more than \$5 billion worth of agricultural goods annually. In addition to this production output, the processing, distribution and marketing of these goods has been estimated at an additional three times as much economic revenue.

**B5-2** | Given the Valley's unique economic productivity, natural resource wealth and agricultural capacity, American Farmland Trust is vested in the long-term viability of the region's producers and conservation of its farmland and resources. In 2013, we released our most recent research and policy analysis with *Saving Farmland, Growing Cities: A Framework for Implementing Effective Farmland Conservation Policies in the San Joaquin Valley*. In the report, we proposed six key objectives linked together within a framework to realize farmland conservation in the region:

- Avoid development of high quality farmland
- Minimize farmland loss with more efficient development
- Ensure stability of the urban edge
- Minimize rural residential development
- Mitigate the loss of farmland with conservation easements
- Encourage a favorable agricultural business climate

For each of these objectives, AFT went on to identify specific, measureable outcomes by which to evaluate success. This report is included in the email submission of this letter.

B5-3

Given the strategic significance of Tulare County, and Visalia’s central position in the county as its primary city and county seat, AFT recognizes the importance of Visalia’s General Plan Update (GPU) and its Draft Environmental Impact Report (EIR). We have commented a number of public meetings during the city’s GPU process and were assured that farmland conservation would be acknowledged and prioritized in the GPU and its EIR. In particular, we emphasized the importance of mitigating for the conversion of farmland under the California Environmental Quality Act (CEQA).

Farmland mitigation programs are regularly included in the General Plans of cities and counties throughout California. The standard farmland mitigation program requires that the development of productive farmland to non-agricultural uses on a permanent or long-term basis be mitigated. These programs generally set a minimum standard of farmland mitigation at a one-to-one, like-kind basis (i.e. for every acre of developed farmland an equal number of acres of farmland will be permanently protected through agricultural conservation easements), and that the acreage that is permanently protected through easement must be comparable to the converted lands in soil quality and water availability. An accredited, regional agricultural land trust, Sequoia Riverlands Trust, is based in Visalia and regularly utilizes mitigation funds to purchase agricultural conservation easements with willing farmers in Tulare County.

B5-4

Beyond conserving farmland as a vitally important resource and maintaining consistency with state law under CEQA, a farmland mitigation program will enhance, strengthen and emphasize the values and goals already expressed within Visalia’s General Plan Update. Farmland conservation policy and practice supports and reinforces the city’s intent to focus development within its downtown and along business corridors like Mooney Boulevard. By linking conservation with smart growth principles and infill development, economic development is intensified within the existing neighborhoods and commercial corridors which in turn relieve the pressure to develop farmland in inefficient ways. Perhaps most important from the city’s perspective, research has shown that these practices result in greatly increased property values – and subsequently tax revenue for both the city and county – garnered from high value, mixed-use and transit-oriented development. Efficient development also saves the city the costs of providing expensive services such as water infrastructure, street maintenance and law enforcement to dispersed developments.

B5-5

Farmland mitigation programs can be innovative and flexible. Yolo County, for example, has a farmland mitigation ordinance that requires agricultural conservation easements funded through their program be located within two miles of the development that is being mitigated in order to prioritize protection of lands close to urban areas as they are seen as more at risk of conversion. In Stanislaus County, a farmland mitigation program is part of the Agricultural Element of its General Plan. Both the City of Davis (Yolo County) and City of Hughson (Stanislaus County) have functional, straightforward farmland mitigation programs, which are attached as Exhibit A and B for your reference.

B5-6

Given these reasons, and the City of Visalia’s longstanding leadership in conservation and sound planning, AFT is concerned at the proposed scale of farmland conversion and lack of mitigation for that conversion in the Visalia General Plan Update and Draft Environmental Impact Report. The General Plan’s Full Draft EIR “CEQA Required Solutions” includes the following

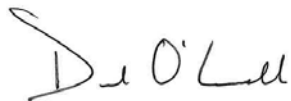
B5-6

comments on Agriculture: “Loss of agricultural land as a result of the proposed General Plan, including the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use is expected to occur over the next 20 years. Under the proposed Plan, it is expected that 14,265 acres of Important Farmland would be converted to urban uses within the Planning Area. The total amount of acres to be converted under the proposed Plan includes 12,490 acres of Prime Farmland, 44 acres of Unique Farmland, 399 acres of Farmland of Statewide Importance, and another 1,333 acres of Farmland of Local Importance. Prime Farmland currently accounts for 51 percent of the Planning Area, but will account for 86 percent of the total converted farmland, while all other categories would account for less than 10 percent each, meaning a disproportionately higher loss of Prime Farmland compared to any other type. Despite the significant impacts on farmland, the proposed Plan is being offered in order to provide for the expected growth in Visalia over the next 20 years. The conversion of farmland as a result of the proposed General Plan is essential for this projected growth expected to occur under the proposed Plan.” Yet, even with dramatic impacts on farmland acknowledged in the EIR, no farmland mitigation requirements or program is specified.

B5-7

American Farmland Trust requests that a farmland mitigation program consistent with the California Environmental Quality Act, and detailed with specified implementation measures and timeline, be included in the City of Visalia’s General Plan Update. We welcome the opportunity to assist the city with any aspects of its GPU related to farmland conservation policy and mitigation practice.

Sincerely,



Daniel O’Connell  
San Joaquin Valley Program Manager  
American Farmland Trust



## CITY OF HUGHSON FARMLAND PRESERVATION PROGRAM

B5-8

### **Purpose and Intent:**

The purposes of the Farmland Preservation Program (FPP) is to aid in slowing the loss of farmland resulting from urban development; and at the same time, require the permanent protection of farmland based on a 2:1 ratio to the amount of farmland converted from an agricultural use to a residential use. The FPP is designed to utilize agricultural conservation easements or other means granted in perpetuity as a means of minimizing the loss of farmland.

This program establishes standards for the acquisition and long-term oversight of agricultural conservation easements purchased in accordance with the FPP. It is purposely patterned after the Farmland Mitigation Program adopted by Stanislaus County for ease of future coordination between jurisdictions.

### **Applicability:**

These guidelines shall apply to development projects which will convert agricultural land over 1 acre in size to a residential land use. The acreage requiring preservation shall be the overall size of the legal parcel underlying a change in use from agricultural to a residential use.

### **Definitions:**

#### Agricultural Preservation Land:

Agricultural land encumbered by an agricultural conservation easement or other conservation mechanism acceptable to the City Council. "Agricultural land" is used synonymously with "farmland" in these guidelines.

#### Agriculture Conservation Easement:

An easement over agricultural land for the purpose of restricting its use to agriculture consistent with these guidelines. The interest granted pursuant to an agricultural conservation easement is an interest in land which is less than fee simple. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction).

#### Building Envelope:

An area delineated by the agricultural conservation easement within which existing structures may remain or future structures may be permitted to be built.

Development Interest:

The property owner, developer, proponent, and/or sponsor of a discretionary development project subject to these guidelines.

Land Trust:

A nonprofit public benefit 501(c)(3) corporation or other appropriate legal entity operating in Stanislaus County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the City Council.

Legal Parcel:

A portion of land separated from another parcel or portion of land in accordance with the Subdivision Map Act. A separate Assessor's Parcel Number alone shall not constitute a legal parcel.

**Methods of Farmland Preservation:** Farmland preservation at a 2:1 ratio shall be satisfied by using one or more of the following techniques:

- 1) Where the total land area subject to an application which would result in the conversion of agricultural land to a residential use, and is less than 20-acres in size, farmland preservation shall be satisfied by direct acquisition of an agricultural conservation easement or purchase of banked mitigation credits as set forth in these guidelines. Payment of an in-lieu mitigation fee may be authorized by the City Council only when the development interest can show a diligent effort to obtain an agricultural conservation easement or banked mitigation credits have been made without success. Facts the City Council may consider in making a decision regarding a request for payment of an in-lieu fee include, but are not limited to; a showing of multiple good faith offers to purchase an easement or banked mitigation credits having been declined by the seller(s).
- 2) Where the total land area subject to an application which would result in the conversion of agricultural land to a residential use, and is 20-acres or more in size, farmland preservation shall be satisfied by direct acquisition of a farmland conservation easement as allowed by these guidelines and the Land Trust's program. It shall be the development interest's sole responsibility to obtain the required easement.
- 3) Alternative Farmland Preservation Methods - Alternative methods may be authorized by the City Council provided the land will remain in agricultural use consistent with this program. Any request for consideration of an alternative Farmland Preservation Method shall be reviewed by the Planning Commission for consistency with this program prior to a decision by the City Council.

➤ **Direct Acquisition (In-Kind Acquisition):**

- 1) The City Council may approve the acquisition of any agricultural conservation easement intended to satisfy the requirements of these guidelines.
- 2) The location and characteristics of the agricultural preservation land shall comply with the provisions of these guidelines.
- 3) The development interest shall pay an administrative fee equal to cover the costs of administering, monitoring and enforcing the farmland conservation easement. The fee amount shall be determined by the Land Trust and approved by the City Council.
- 4) The Planning Commission shall review each agricultural conservation easement for consistency with these guidelines prior to approval by the City Council. The Commission shall make a formal recommendation to the City Council for consideration.

- **In - Lieu Fees:** The payment of an in-lieu fee shall be subject to the following provisions:
- 1) The in-lieu fee shall be determined case-by-case in consultation with the Land Trust and approved by the City Council. In no case shall the in-lieu fee be less than 35% of the average per acre price for five (5) comparable land sales in Stanislaus County.
  - 2) The in-lieu fee shall include the costs of managing the easement, including the cost of administering, monitoring and enforcing the farmland conservation easement, and a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring the easement. The costs shall be approved by the City Council based on information relating to the costs provided by the Land Trust.
  - 3) The Planning Commission shall review the final in-lieu fee proposal for consistency with this program prior to approval by the City Council. The Commission shall make a formal recommendation to the City Council for consideration.
  - 4) The City Council shall approve the final amount and other terms of the in-lieu fee.
  - 5) Projects that qualify to pay the in-lieu fee shall be subject to a 2.5% administration fee.

**Use of In-lieu Fees** - In-lieu fees shall be administered by the Land Trust in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the agricultural conservation easement or other instrument designed to conserve the agricultural value of the land for farmland preservation purposes and managing the land trust. The location and characteristics of agricultural preservation land shall comply with the provisions of these guidelines.

- **Agricultural Preservation Land Credit Banking:** preservation land credits may be banked and utilized in accordance with the following provisions:
- 1) **Purpose** - The purpose of establishing a method of banking preservation land credits is to equalize the imbalance between the acreage size of farmland suitable, and available, for purchase of farmland conservation easements and the amount of acreage required to meet a 2:1 ratio.
  - 2) **Process** - Any project requiring the acquisition of an agricultural conservation easement in accordance with this program may be approved by the City Council to bank conservation credits on the acreage in excess of the acreage required for the original project. The conservation credits shall be held by the individual/entity purchasing the agricultural conservation easement.
  - 3) **Credit Value** - Each acre in excess of the required acreage for farmland preservation may be utilized at a 2:1 ratio to satisfy the conservation requirements of another development.
  - 4) **Negotiations** - Negotiations to purchase agricultural preservation land credits shall not involve the City and shall be subject to free market values. The City shall make available a contact list of individuals/entities with banked credits on record. The sale of banked credits shall not alter the terms of the original farmland conservation easement which generated the credits.
  - 5) **Authorization** - The City Council shall accept purchased credits upon

receipt of a sales agreement, provided the credits have been banked within Stanislaus County.

- 6) **Records** - The City shall maintain a record of banked credits and purchased credits to insure the Farmland Preservation Program is maintained whole.

**Agricultural Preservation Lands - Locations and Characteristics:**

- 1) **Location** - Agricultural preservation land shall be: A) located in Stanislaus County; B) designated Agriculture by the Land Use Element of the Stanislaus County General Plan; C) zoned A-2 (General Agriculture); and D) located at least one-half mile outside a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence of a city.
- 2) **Allowable Uses** - Agricultural Mitigation land shall be in conformance with the Stanislaus County's A-2 zoning district. Any legal nonconforming use of the property shall be abandoned prior to execution of the agricultural conservation easement and shall not be allowed to reestablish except as authorized within a building envelope. The type of agricultural related activity allowed on preservation land shall be specified as part of the agricultural conservation easement and shall not be less restrictive than the A-2 zoning district.
- 3) **Parcel Size** - Agricultural mitigation land shall consist of legal parcel(s) of twenty (20) net acres or more in size. Parcels less than twenty (20) net acres in size shall only be considered if merged to meet the minimum size requirement prior to execution of the farmland conservation easement. Any building envelope allowed by the Land Trust shall not be counted towards the required parcel size.
- 4) **Soil Quality** - The agricultural preservation land shall be of equal or better soil quality than the agricultural land whose use is being changed to nonagricultural uses. Priority shall be given to lands designated as 'prime farmland', 'farmland of statewide importance' and 'unique farmland' by the California Department of Conservation's Farmland Mapping and Monitoring Program.
- 5) **Water Supply** - The agricultural preservation land shall have an adequate water supply sufficient to support the current agricultural use of the land. The water rights on the agricultural preservation land shall be protected in the farmland conservation easement.
- 6) **Previous Encumbrances** - Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural preservation land.

**Final Approval:**

Final approval of any project subject to this program shall be contingent upon the execution of any necessary legal instrument and/or payment of fees as specified by this program. Final approval shall be obtained prior to whichever of the following shall occur first: (1) the issuance of any building grading or encroachment permit(s) required for development; (2) recording of any parcel or final subdivision map; or (3) operation of the approved use.

**Legal Instruments for Encumbering Agricultural Preservation Land:**

**Requirement** - To qualify as an instrument encumbering the land for agricultural preservation: 1) all owners of the agricultural preservation land shall execute the

instrument; 2) the instrument shall be in recordable form and contain an accurate legal description of the agricultural preservation land; 3) the instrument shall prohibit any activity which impairs or diminishes the agricultural productivity of the agricultural preservation land; 4) the instrument shall protect the existing water rights and retain them with the agricultural preservation land; 5) the interest in the agricultural preservation land shall be held in trust by the Land Trust in perpetuity; 6) the Land Trust shall not sell, lease, or convey any interest in the agricultural preservation land except for fully compatible agricultural uses; and 7) if the Land Trust ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the City of Hughson to be retained until a qualified entity to serve as the Land Trust is located.

**Monitoring, Enforcing, and Reporting:**

- 1) **Monitoring and Enforcing** - The Land Trust shall monitor all lands and easements acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the conservation easement or agricultural preservation instruments.
- 2) **Reporting by the Land Trust** - Annually, beginning one year after the adoption of this program, the Land Trust shall provide to the Hughson City Manager an annual report delineating the activities undertaken pursuant to the requirements of this program and assessment of these activities. The report(s) shall describe the status of all lands and easements acquired in accordance with this program, including a summary of all enforcement actions.

**Stacking of Conservation Easements:**

Stacking of easements for both habitat conservation easements on top of an existing agricultural easement granted in accordance with these guidelines may be allowed if approved by the City Council provided the habitat needs of the species addressed by the conservation easement shall not restrict the active agricultural use of the land.

- The Planning Commission shall review all stacking proposals to insure the stacking will not be incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations. The recommendation of the Planning Commission shall be considered by the City Council.



Chapter 40A.03.03 Agricultural land mitigation requirements. Davis Municipal Code - City of Davis

City Manager's Office Home    Human Resources Home    Information Systems Home    Job Opportunities    Search    Home

Search Municipal Code    Municipal Code Main Index    Back to Chapter 40A

40A.03.030 Agricultural land mitigation requirements.

(a) Beginning on November 1, 1995, the city shall require agricultural mitigation by applicants for zoning changes or any other discretionary entitlement which will change the use of agricultural land to any nonagricultural zone or use.

(b) Agricultural mitigation shall be satisfied by:

(1) Granting a farmland conservation easement, a farmland deed restriction or other farmland conservation mechanism to or for the benefit of the city and/or a qualifying entity approved by the city. Mitigation shall only be required for that portion of the land which no longer will be designated agricultural land, including any portion of the land used for park and recreation purposes. One time as many acres of agricultural land shall be protected as was changed to a nonagricultural use in order to mitigate the loss of agricultural land; or

(2) In lieu of conserving land as provided above, agricultural mitigation may be satisfied by the payment of a fee based upon a one to one replacement for a farmland conservation easement or farmland deed restriction established by the city council by resolution or through an enforceable agreement with the developer. The in lieu fee option must be approved by the city council. The fee shall be equal to or greater than the value of a previous farmland conservation transaction in the planning area plus the estimated cost of legal, appraisal and other costs, including staff time, to acquire property for agricultural mitigation. The in lieu fee, paid to the city, shall be used for farmland mitigation purposes, with priority given to lands with prime agricultural soils and habitat value.

(c) The land included within the one hundred foot agricultural buffer required by section 40A.01.050(c) shall not be included in the calculation for the purposes of determining the amount of land that is required for mitigation.

(d) It is the intent of this program to work in a coordinated fashion with the habitat conservation objectives of the Yolo County habitat management program, and, therefore, farmland conservation easement areas may overlap partially or completely with habitat easement areas approved by the State Department of Fish and Game and/or the Yolo County habitat management program. Up to twenty percent of the farmland conservation easement area may be enhanced for wildlife habitat purposes as per the requirements of the State Department of Fish and Game and/or Yolo County habitat management program; appropriate maintenance, processing or other fees may be required by the habitat program in addition to the requirements set forth herein. (Ord. No. 1823, § 1 (part).)

Chapter 40A - - Jump to- -40A.03.010 - Purpose and findings.40A.03.020 - Definitions.40A.03.030 - Agricultural land mitigation requirements.40A.03.040 - Comparable soils and water supply.40A.03.050 - Eligible lands.40A.03.060 - Requirements of

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conservation program adviso...40A.03.080 - Annual report.

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# **Saving Farmland, Growing Cities**

**A Framework for Implementing  
Effective Farmland Conservation Policies  
in the San Joaquin Valley**



**American Farmland Trust** is a nonprofit organization established in 1980 to conserve the nation's agricultural resources. Its planners, policy experts and agricultural specialists work cooperatively with the farm community and government decision-makers to encourage better planning and land use policies – the kind that will minimize the loss of farmland and help maintain the economic viability of agriculture. For almost two decades, AFT has had a continuous presence in the San Joaquin Valley, which, because of its unique productivity and growth pressures, is our highest priority in California.

**Saving Farmland, Growing Cities** is the latest in a series of AFT updates on what is happening to Valley farmland as its cities grow. It outlines a new framework for land use policy choices that affect farmland and agriculture. It identifies six key challenges that must be addressed to conserve farmland and for each proposes specific, measurable outcomes by which to evaluate success. These performance measures provide a meaningful way to compare policy alternatives and to choose those that can minimize – if not entirely avoid – farmland loss while promoting sustainable community growth.

All land data are from the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). In this data, "other land" may include everything from farmland has been fallowed for several years (possibly in anticipation of its development) to large-lot rural residences, confined animal operations and irrigation canals. Only recently has FMMP begun to differentiate them. Thus, it is possible that the data underestimate the amount of agricultural land that has been urbanized.

This report was written by Serena Unger, AFT Senior Planner and Policy Consultant, and Edward Thompson, Jr., AFT California Director. The authors wish to acknowledge the contributions of our colleague Daniel O'Connell, AFT San Joaquin Valley Field Representative; Molly Penberth, director of the Farmland Mapping and Monitoring Program at the California Department of Conservation; Nate Roth at the Information Center for the Environment at UC Davis; Dave Davis for superb editing and design of the report; planners and officials from the San Joaquin Valley who reviewed data and drafts; and the financial support of AFT's members and special donors to our San Joaquin Valley campaign. Report printed by Capital Graphics, Inc., Sacramento, CA.







# Saving Farmland, Growing Cities

**A Framework for Implementing  
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January 2013 ■ **Authors** Serena Unger • Edward Thompson, Jr. ■ **Editing+Design** Dave Davis

# What's Inside

- Executive Summary: New Strategies for Conserving Farmland ..... 1
- Introduction: Planning for Sustainability ..... 2
- An Overview of Agriculture in the San Joaquin Valley ..... 4
  
- Objectives and Performance Measures
  
- Framework for Tracking Farmland Conservation Performance ..... 7
- 1 Avoid Development of Best Farmland ..... 9
- 2 Minimize Farmland Loss with More Efficient Urban Development ..... 11
- 3 Ensure Stability at the Urban Edge ..... 14
- 4 Avoid Rural Residential Development ..... 17
- 5 Mitigate Farmland Loss by Giving Landowners an Opportunity ..... 19  
to Protect their Property with Conservation Easements
- 6 Encourage a Favorable Agricultural Business Climate ..... 21
  
- Conclusion: Tracking Progress to Make Progress ..... 23
  
- Appendices
  
- 1 Summary Statistics for Farmland Conservation Performance Measures ..... 24
- 2 Land Planned and Needed for Urban Development in the Valley ..... 25



## Executive Summary: New Strategies for Conserving Farmland

**A**griculture is the economic mainstay of the San Joaquin Valley. No sector of the Valley's economy has a greater stake in how and where communities grow than agriculture. Every acre of farmland needlessly sacrificed for urban development weakens its foundation. But because most cities in the Valley are surrounded by farmland, and will have to grow to accommodate the region's burgeoning population, conserving this resource is a challenge.

American Farmland Trust has actively promoted farmland conservation in the San Joaquin Valley for nearly two decades. This report is the latest in a series of AFT updates on what is happening to Valley farmland as its cities grow. It outlines a new framework for land use policy choices that affect farmland and agriculture.

It also identifies six key challenges that must be addressed to conserve farmland and for each proposes specific,

measurable outcomes by which to evaluate success. These performance measures provide a meaningful way to compare policy alternatives and to choose those that can minimize – if not entirely avoid – farmland loss while promoting sustainable community growth.

The six objectives that address key farmland conservation challenges are:

- 1** Avoid development of high quality farmland.
- 2** Minimize farmland loss with more efficient development.
- 3** Ensure stability at the urban edge.
- 4** Minimize rural residential development.
- 5** Mitigate the loss of farmland with conservation easements.
- 6** Encourage a favorable agricultural business climate.

Using the latest available data and information, the report evaluates the performance of the Valley as a whole and each of its eight counties in meeting these challenges. Though it does not evaluate each individual city and county government, it gives examples of how the performance of selected local jurisdictions compares to the intentions of their land use plans and policies as they address farmland conservation.

Finally, the report makes recommendations for improving the performance of local governments in conserving farmland. All of the analysis and recommendations in the report are offered, not to criticize local government, but to equip planners, decision makers and their constituents with the information they need to succeed in conserving the irreplaceable farmland of the San Joaquin Valley as its cities continue to grow.

## Introduction: Planning for Sustainability

The San Joaquin Valley is beginning to plan for growth in a new and different way. During the past few years, there has been unprecedented regional cooperation on the San Joaquin Valley Blueprint and Smart Valley Places, which will shape future urban development. More recently, Sustainable Community Strategies are starting to address climate and a “greenprint” aims to increase the benefits the region derives from its rural areas.

All of these efforts recognize that the kind of positive changes communities want – more economic opportunity, greater mobility with less traffic, lower household and government costs, and a cleaner environment and abundant open space – are more likely to occur if the way we plan for growth also changes. Rather than promoting development for its own sake, as we have done in the past, the new direction in planning emphasizes greater efficiency, quality and “sustainability” in how communities grow.

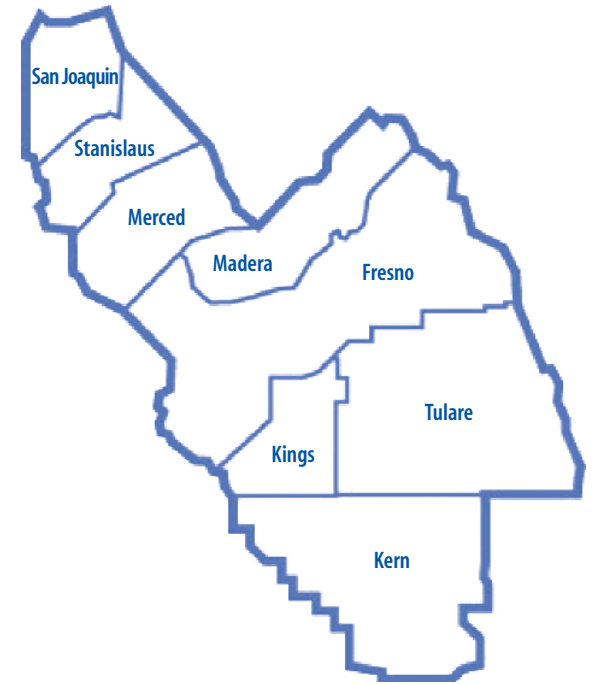
No sector of the Valley’s economy has a greater stake in how – and where – communities grow than agriculture. Land is the foundation of farming and ranching, and every acre of agricultural land converted to urban use is an acre that will never again sustain food production. It is also an acre that will no longer yield benefits of nature such as wildlife habitat, groundwater recharge or the beauty of a peach orchard in full bloom.

Though it may seem like there is plenty of farmland in the San Joaquin Valley, it is, in fact, a finite resource. And demands on that land continue to grow, not only for urban development but, just as importantly, to feed a growing population, provide renewable energy, and safeguard the environment. Conserving this irreplaceable resource – saving farmland while growing our cities – is an imperative for truly sustainable planning in the years to come.

### ■ American Farmland Trust in the San Joaquin Valley

American Farmland Trust (AFT) is a nonprofit organization established in 1980 to conserve the nation’s agricultural land and water resources. Its planners, policy experts and agricultural specialists work cooperatively with the farm communities and government decision-makers to encourage better planning and land use policies – the kind that will minimize the loss of farmland and help maintain the economic viability of agriculture.

For almost two decades, AFT has had a continuous presence in the San Joaquin Valley, which, because of its unique productivity and growth pressures, is our highest priority in California.



In 1995, AFT published *Alternatives for Future Urban Growth in California's Central Valley: The Bottom Line for Agriculture and Taxpayers*, which first called attention to the economic consequences of urban sprawl in the region. It led in 1998 to the Fresno Growth Alternatives Alliance that produced *A Landscape of Choice*, a primer on compact, efficient growth, and to the Agricultural Task Force for the Central Valley, which concluded “traditional methods of planning and growth management . . . will lead to significant loss



of farmland in the nation's richest agricultural region." AFT thereafter served on the Land Use, Housing and Agriculture committee of the California Partnership for the San Joaquin Valley (2004), which recommended a regional planning process that became the San Joaquin Valley Blueprint, and on the Regional Advisory Committee for the Blueprint itself (2005).

In the meantime, we worked with the Great Valley Center to establish local farmland trusts and negotiated the first agricultural conservation easements in the Valley. In 2006, we updated *Alternatives for Future Urban Growth* in an online publication, *The Future Is Now*, and in 2010 inaugurated Groundswell San Joaquin Valley, a network of organizations promoting efficient growth in the region ([groundswellsjv.org](http://groundswellsjv.org)). AFT's most recent initiative is the San Joaquin Valley Greenprint, inaugurated by the Regional Policy Council on our recommendation.

### ■ A Framework for Farmland Conservation Planning and Policy

As a guide to sustainable planning, this American Farmland Trust report outlines a new framework for formulating and evaluating land use policy choices that affect farmland and agriculture. It poses six key challenges that must be addressed to effectively conserve farmland and for each identifies specific, measurable outcomes by which to evaluate success.

These performance measures provide a meaningful way to compare policy alternatives and choose those that can minimize farmland loss while promoting sustainable community growth. To illustrate how local jurisdictions can apply these

performance measures, the report highlights those measures for which data are readily available for the period from 1990 through 2008.

The data will also enable counties to determine where they stand among their neighbors and how they stack up against the region as a whole. We recognize, of course, that the performance of counties as a whole is a result of the collective actions of individual cities and county governments themselves. Though AFT did not have the resources to collect data for each of the dozens of local jurisdictions in the Valley, we encourage them to take the initiative and do so on their own.

This framework of challenges and performance measures is the result of decades of experience that American Farmland Trust has in working with cities and counties across the country. We are eager to discuss our findings and recommendations with local planners and officials in the Valley, and offer our assistance to help them integrate farmland conservation into their ongoing planning and land use policy initiatives.

At the same time, we urge the agricultural community and other constituencies that have a stake in how communities grow – which is to say nearly everyone – to use this report to engage local officials in their own discussions of how to grow cities while conserving farmland.

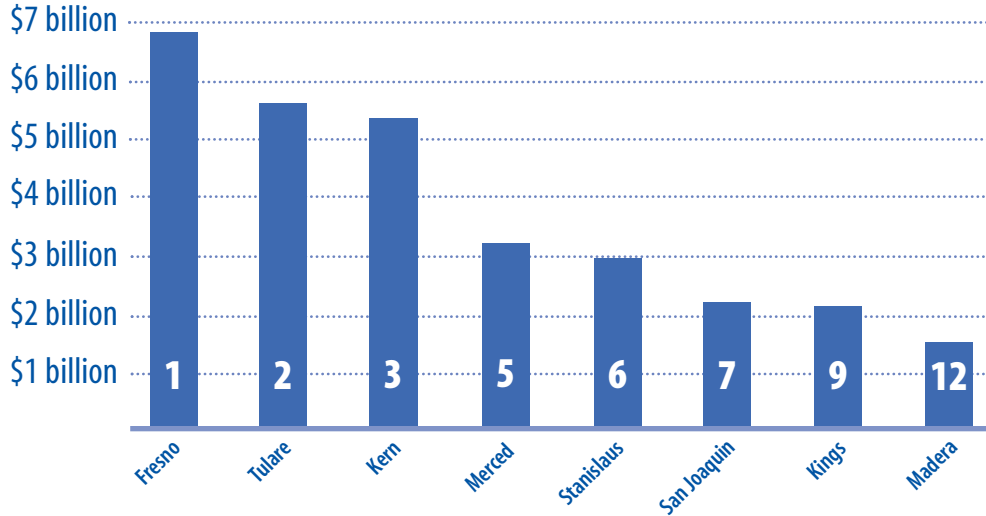
Experience teaches that the most successful farmland conservation efforts in the United States are the result of genuine local initiative and good faith collaboration among private and public leaders.



# An Overview of Agriculture in the San Joaquin Valley

**Figure A. Annual Value of Agricultural Production and Rank within California**

*Six of the nation's top 10 agricultural counties are located in the Valley, and the region's farmers produce more than \$30 billion worth of agricultural products annually.*



Source: California Agricultural Commissioners Crop Reports, 2011  
Numbers on bars represent county rank within California.

## ■ A Major Economic Sector

The San Joaquin Valley is an irreplaceable agricultural resource with a Mediterranean climate in which fruit, vegetable and nut crops flourish. Many of the nation's top producing agricultural counties are located in the Valley, with Fresno, Tulare and Kern in the top three statewide.

The region's farmers take advantage of this climate, as well as fertile soils, developed water supplies and their own ingenuity and hard work, to produce more than \$30 billion worth of agricultural products annually (Figure A).

The overall impact of this production on the Valley's economy is estimated to be three times as large due to all of the goods and services farmers and ranchers purchase, and the value added by processing, distribution and marketing.

## ■ The Land Base

While the San Joaquin Valley has 10.6 million acres of agricultural land, only about half is highly productive irrigated farmland and only 27% of the total is prime farmland (Table B). But these statistics do not account for conditions such as problematic water supplies, soil salinization or environmental sensitivity that could jeopardize the long-term economic viability of some farmland.

An analysis completed for AFT by the Information Center for the Environment at UC Davis found that as much as 44% of the region's 5.3 million acres of irrigated cropland has one or more of these limitations. It also shows that most of the land that does not have such limitations is directly in the path of the Valley's growing cities.

Between 1990 and 2008, the acreage of high-quality (prime, unique and statewide important) farmland declined by 443,000 acres. Much of this decrease was due to land being taken out of irrigated production, often temporarily, because of water shortages and other causes. But, nearly 100,000 acres – 8.5 square miles a year – were converted permanently to urban uses.

At this rate, the Valley will lose an additional 500,000 acres of land to development by 2050 and more than 300,000 acres of it will have been highly productive irrigated cropland.

In addition to the urbanization of farmland, additional acreage is being converted to rural residential uses. Typically ranging from 2 to 20 acres, "ranchettes" may look like they remain in agriculture – a small orchard or a horse or two on pasture – but most of them are no longer producing commercial crops or livestock. And it is unlikely that they ever will because the land has been priced out of the reach of those who farm for a living.

In the San Joaquin Valley today, "ranchettes" occupy 146,000 acres, compared with 475,000 acres of urban land.

Thus, it appears that for every three acres developed for urban use at least one additional acre of farmland has been permanently removed from commercial agriculture to accommodate rural lifestyles.

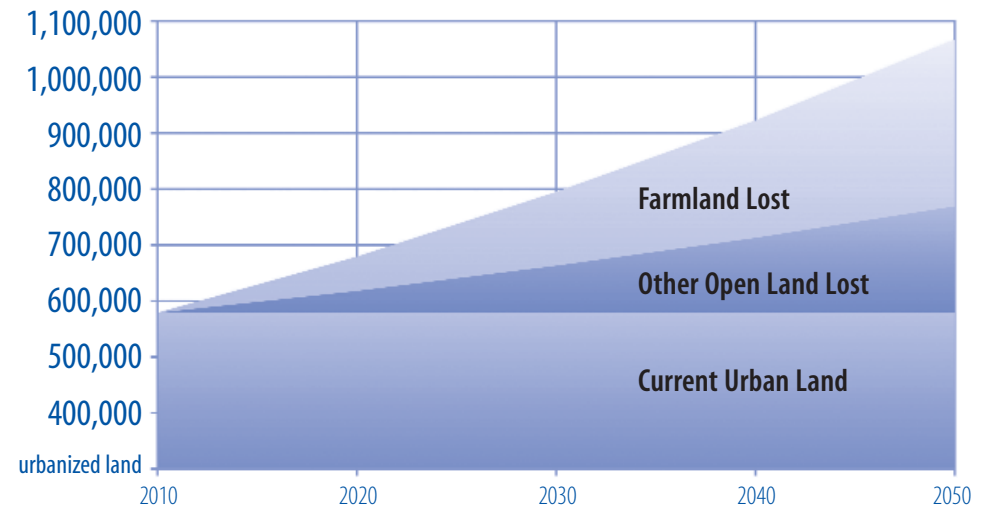
**Table B. Existing Agricultural Land, San Joaquin Valley**

Acres	2008	1990-2008
High Quality Farmland *	5,228,902	(443,085)
Farmland of Local Importance	491,199	163,290
Grazing Land	4,875,106	30,839
<b>Agricultural Land Total</b>	<b>10,595,207</b>	<b>(248,956)</b>

\*"High Quality Farmland" (HQF) is Prime, Farmland of Statewide Importance, Unique and Irrigated Farmland.  
Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

**Figure C. Future Loss of Farmland to Urban Development, 2010-2050**

*If status quo development patterns continue, more than 300,000 acres of high quality farmland will be permanently lost by 2050.*



Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

**■ Population Growth and Its Implications**

Behind the loss of farmland in the San Joaquin Valley is population growth. In 1990, the Valley’s population was 2.7 million. It is now almost 4 million people and is expected to increase by another 89% within the next 40 years – proportionately two-and-a-half times the growth rate of the state as a whole.

According to the Demographic Unit of the California Department of Finance,, the population of every county in the Valley will grow by at least two-thirds. Kern, Madera and Tulare counties will grow by the largest percentage, while the greatest increase in the number of residents will be in San Joaquin, Fresno and Kern counties.

The implications of this growth for planning and development are tremendous. Unless cities grow much more efficiently – consuming less land for every new resident and their economic activities – the toll on the region’s farmland and agriculture will be significant.

The good news is that cities can choose to grow in ways that minimize farmland loss. Demographic trends should help. As the Urban Land Institute has noted, an expected increase in the numbers of seniors and young families will create a demand for houses on smaller lots (Nelson, 2011). There is no need to sacrifice more farmland than necessary to accommodate the growth in Valley’s population and economy.

But to minimize farmland loss while growing the economy counties and cities will have to do a better job of, first, recognizing what it takes to conserve farmland and, second, adopting and implementing policies that will actually make it happen. This report establishes a context and provides information that will help them succeed.

**Table D. San Joaquin Valley Population Projections, 2010-2050**

*There are almost 4 million people living in the Valley now, and that number is expected to increase by 89% within the next 40 years – two-and-a-half times the rate of California’s population growth statewide.*

<b>■ COUNTY</b>	<b>Population 2010</b>	<b>Projected 2050</b>	<b>Increase 2010-2050</b>	<b>% Change 2010-2050</b>
San Joaquin	685,306	1,288,854	603,548	88%
Stanislaus	514,453	863,254	348,801	68%
Merced	255,793	506,666	250,873	98%
Madera	150,865	314,546	163,681	108%
Fresno	930,450	1,535,761	605,311	65%
Tulare	442,179	884,646	442,467	100%
Kings	152,982	281,866	128,884	84%
Kern	839,631	1,823,277	983,646	117%
<b>■ REGIONAL AND STATEWIDE TOTALS</b>				
<b>San Joaquin Valley</b>	<b>3,971,659</b>	<b>7,498,870</b>	<b>3,527,211</b>	<b>89%</b>
<b>California</b>	<b>37,253,956</b>	<b>51,013,984</b>	<b>13,760,028</b>	<b>37%</b>

Source: California Department of Finance, Report 84 E-4, E-5 and Interim Population Projections, 2010-2050, 2012

*To minimize farmland loss while growing the economy counties and cities will have to do a better job of recognizing what it takes to conserve farmland, and adopting and implementing policies that will actually make it happen. This report establishes a context and provides information that will help them succeed.*



## Framework for Tracking Farmland Conservation Performance

**A**FT's experience with farmland conservation in California and throughout the U.S. has led us to the conclusion that there are six basic challenges that local communities must address to successfully maintain an adequate land base for agricultural production.

These six challenges define the objectives that communities should strive to achieve and these objectives, in turn, are the framework for our analysis of the region's existing farmland conservation efforts. For each objective except one (agricultural economic viability), we propose specific performance measures for evaluating how successfully communities are addressing the challenge.

Some of the performance measures require more research than AFT was able to do. For example, we did not attempt to obtain data for every individual city within each county. So this report concentrates on how counties as a whole are doing at conserving San Joaquin Valley farmland (see Appendix 1). Further analysis is necessary to determine how each city and the counties themselves are contributing to the countywide results and the overall performance of the San Joaquin Valley.

A useful way to consider the results of our analysis is to compare them with the intentions expressed in the land use plans and policies of cities, counties, LAFCOs and councils of government. Many of these official documents incorporate farmland conservation as a goal, but often there is a gap between the goal and the decisions local governments make that determine their actual performance.

Examples that compare specific local plans with the performance measures can be found throughout this report. We encourage local officials and citizens to make their own comparisons.

Ultimately, our purpose is not to be critical, but to encourage a dialogue about improvements in land use planning and policy across jurisdictions and agencies that will protect the incomparable agricultural resources of the region.

We invite the counties and cities to adopt these objectives and set corresponding goals in their general plans. We also encourage them to track our suggested performance measures on an ongoing basis to help guide future land use decisions.



## ■ Objectives and Performance Measures for High Quality Farmland Conservation

### 1 Avoid development of the best farmland by guiding development away from it.

- ⚡ Percentage of land developed that is “high quality farmland” (prime, unique or statewide important farmland), compared to percent of total land in the county that is “high quality farmland.”
- ⚡ Amount of each classification of farmland that would be converted under the general plan and alternatives.

### 2 Minimize farmland loss with more efficient urban development.

- ⚡ Overall number of people accommodated per acre of new development in general plans and any subsidiary plans.
- ⚡ Amount and proportion of land zoned for low density rather than higher density residential development.
- ⚡ Density of residential subdivisions actually built compared with what was planned.
- ⚡ Floor-to-area ratios of commercial and institutional development and number of jobs and dollars of economic activity generated per acre of such development.

### 3 Ensure stability at the urban edge.

- ⚡ Years of future development that could be accommodated within spheres of influence and within city limits compared with reasonable 20-year general plan needs.

- ⚡ Portion of undeveloped land within planned growth area that is “high quality farmland.”
- ⚡ Number of general plan amendments, city annexations, and sphere of influence boundary changes that will cause loss of agricultural land.
- ⚡ Percentage of development occurring in unincorporated areas (both within and outside spheres of influence).

### 4 Minimize rural residential development.

- ⚡ Number of rural residential lots permitted in agricultural areas and percentage of jurisdiction’s population housed on these lots.
- ⚡ Total acreage of rural residential lots permitted and percentage this represents of all land to be developed for residential use.
- ⚡ Acreage and percentage of large-scale energy development on high quality agricultural lands.

### 5 Mitigate the loss of farmland with conservation easements.

- ⚡ Cumulative acreage of farmland permanently protected by easements as compared with farmland developed.
- ⚡ Adequacy of conservation easement funding as measured by the number of landowners able to sell conservation easements in any given year compare with the number who desire to sell easements (2 to 5 transactions per year target).

- ⚡ Percentage of increase in land values due to entitlement of farmland for development devoted to mitigation fees or conservation easement purchases.
- ⚡ Amount of money invested in the agricultural economy through conservation easement purchases.

### 6 Encourage a favorable agricultural business climate.

- ⚡ Increase economic impact of agricultural and related sectors through value-added enterprises.
- ⚡ Include in general plan an agricultural element that establishes goals and policies addressing key opportunities and challenges facing agriculture.
- ⚡ Adopt economic development policies that prioritize and support the agricultural economy.
- ⚡ Local regulations do not place an unnecessary burden on agricultural production and related activities.
- ⚡ Provide adequate housing and services for the agricultural workforce.
- ⚡ Ensure that irrigation water supplies are sufficient to support ongoing agricultural production.

# 1. Avoid Development of Best Farmland

*Where possible, we should avoid development of high quality farmland that produces the most food at the lowest cost and with the least environmental impact. The alternative is to guide development toward less productive land or, better still, land that is not suitable for agriculture. This performance measure tracks how much high quality farmland is being developed in comparison with available alternatives.*

## ■ How Is the Valley Doing?

Between 1990 and 2008, more than 161,000 acres of land were converted to urban uses in the San Joaquin Valley. Of that, nearly 100,000 acres were high quality farmland (prime, unique, and statewide important farmland).

Of the total acreage converted, 78% was agricultural land and 61% was high quality farmland (Figure 1.1). Put another way, three quarters of all the land urbanized in the Valley was agricultural land and of that, nearly four out of five acres were the most fertile, well-watered farmland in the region.

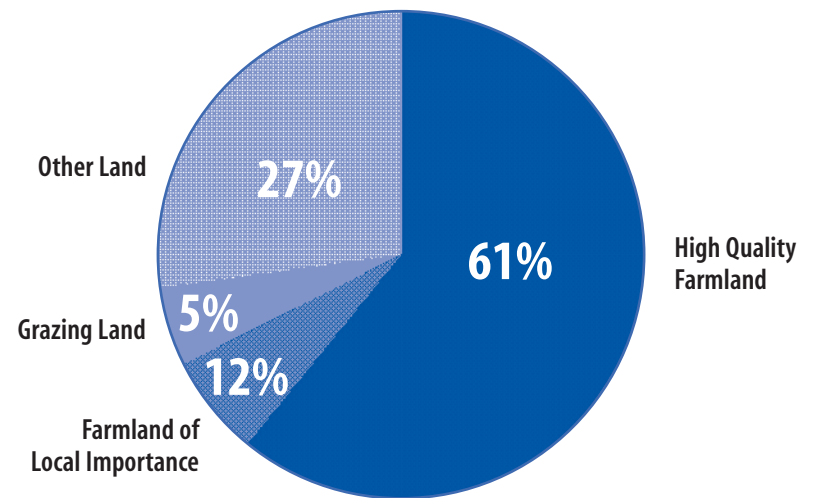
Moreover, high quality farmland is being disproportionately developed compared to how much area it covers in the region. High quality farmland comprises about 39% of the total area of the Valley’s eight counties (Table 1.2). Yet, 61% of all land converted to urban uses has been farmland of this high quality. The “conversion index” shows this relationship. The index of 1.57 for the Valley as a whole indicates that high quality farmland is being consumed at a rate 57% greater than its proportion of all land in the region.

A similar comparison is given for each county in the region, with Stanislaus scoring lowest (i.e., highest conversion index), and Madera highest in terms of how much development has been concentrated on the best farmland (Table 1.2).

The reason for the disproportionate development of high quality land in the region seems fairly straightforward. Most development in the San Joaquin Valley occurs immediately around the Valley’s cities and almost all the cities are located in the midst of the highest

**Figure 1.1. Land Converted to Urban Uses, San Joaquin Valley, 1990-2008**

*Three-quarters of all the land urbanized in the Valley was agricultural land, and of that, 4 out of 5 acres were the most fertile, well-watered farmland.*



“Other” land may include everything from farmland has been fallowed for several years to large-lot rural residences, confined animal operations and irrigation canals. Only recently has FMMP begun to differentiate them. Thus, it is possible that the data underestimate the amount of agricultural land that has been urbanized.

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

quality farmland, which generally follows the Highway 99 corridor (map at [conservation.ca.gov/dirp/fmmp/products/Pages/FMMP-MapProducts.aspx](http://conservation.ca.gov/dirp/fmmp/products/Pages/FMMP-MapProducts.aspx)). This poses a real challenge for farmland conservation. As Table 1.3 shows, if Valley communities continue to develop land at the same intensity – consuming an acre of land for every 6.4 people, as explained below – the region will lose another 300,000 acres of high quality farmland by 2050. This underscores the importance of the next objective: encouraging more efficient development.

### ■ Plans v. Performance

The general plans of most counties in the San Joaquin Valley call for avoiding development of the best farmland. But high quality farmland is still being disproportionately developed in every county. For example, the Stanislaus County General Plan declares that, “While all agricultural land in the County cannot be preserved, it is possible to protect our most productive agricultural areas through a combination of agricultural zoning and policies that clearly direct growth to less productive areas” (Agricultural Element, 1994). Yet, in Stanislaus County, 87% of all the land developed between 1990 and 2008 was high quality farmland. For comparison, only 41% of the county’s undeveloped territory is comprised of high quality farmland, an indication that the intention of the county’s plan is not being fulfilled.

### ■ Recommendation

All local jurisdictions should understand where high quality land is located in relation to their city limits, spheres of influence and other areas where they intend to expand. They should choose options for directing growth away from this land and, where possible, modify their plans and policies to achieve this objective to the maximum extent possible.

**Table 1.2. High Quality Farmland as a Percentage of Land Urbanized and All Land, 1990-2008**

	% of Urbanized Land on HQF <sup>a</sup>	% of County That Is HQF <sup>b</sup>	Conversion Index <sup>c</sup>
San Joaquin	77%	68%	1.13
Stanislaus	87%	41%	2.11
Merced	67%	43%	1.55
Madera	47%	42%	1.12
Fresno	63%	53%	1.20
Tulare	65%	47%	1.38
Kings	97%	65%	1.49
Kern	38%	19%	2.07
<b>San Joaquin Valley</b>	<b>61%</b>	<b>39%</b>	<b>1.57</b>

(a) HQF is High Quality Farmland (Prime, Farmland of Statewide Importance, Unique and Irrigated Farmland)

(b) This comparison indicates the extent to which high quality farmland is being developed disproportionately to its share of total land in the county or region.

(c) If ratio is greater than 1.0, farmland is being consumed at a rate greater than its proportion in the county.  
Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

**Table 1.3. Projected Urbanization of San Joaquin Valley Farmland – Status Quo**

Total Land Urbanized, 1990-2008	161,801
• Percentage of New Urbanized Land That Was High Quality Farmland (HQF)	61%
• Compare to Percentage of Undeveloped Land That Was HQF in 2008	39%
Farmland Conversion Index	1.57
Projected Urbanization of All Land, 2008-2050, at Marginal Efficiency	501,658
• As Percentage of Existing Urban Land	89%
Projected Urbanization of HQF, 2008-2050, at Marginal Efficiency	304,645

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008; California Department of Finance, Demographic Unit, 2010



## 2. Minimize Farmland Loss with More Efficient Urban Development

*In places like the San Joaquin Valley, where most cities are surrounded by farmland, it is critical that new development occur on vacant or repurposed land within existing cities and, if more farmland has to be sacrificed, that development use it as efficiently as possible, consuming less land for every new resident, job and dollar of economic growth. (An apt comparison is to “yield per acre,” which is how farmers measure the success of their crops.) This performance measure tracks the historic (1990) and current (2008) population per acre (average efficiency) and the recent trend, i.e., how many new residents were accommodated for each additional acre of farmland developed between these dates (marginal efficiency). A comparison of these measures shows whether development is getting more or less efficient.*

The fact that most of the San Joaquin Valley's cities are located in the midst of high quality farmland places a premium on the efficiency with which land is developed. Inefficient development – the consumption of excessive amounts of land for each person – causes more farmland loss than is necessary for attractive, economically vibrant communities.

Development that spreads out over the land also leads to more traffic, energy consumption and air pollution, while increasing the cost of providing basic public services like water and sewer, police and fire protection. Thus, efficiency of development is the key challenge for communities in the Valley that want to preserve farmland and improve their economies and quality of life.

### ■ How Is the Valley Doing?

Urban development in the San Joaquin Valley is not very efficient. The current average efficiency is only 6.0 people per urbanized acre (Table 2.1). This an improvement over the efficiency of 5.8 people per acre that existed in the Valley

in 1990, due to the fact that, as the urban footprint in the Valley grew by 47% from 1990 to 2008, the “marginal efficiency” (also called “marginal population density”) of new development was 6.4 people per acre.

Figure 2.2 shows both current average efficiency and the marginal efficiency of development in all eight counties in the region.

Nevertheless, the Valley's growth has been less efficient than in any region of California other than the remote mountains and deserts, and is roughly one-third to one-half as efficient as in the urban areas on the coast (*Paving Paradise: A New Perspective on California Farmland Conversion*, AFT, 2007).

Compared to other important agricultural areas that also face significant growth pressures, most of the Valley's counties have significantly lower marginal efficiencies.

For example, Ventura County, which ranks 8th in agricultural production in the state, had a marginal efficiency of 8.9 people



“People per acre” seems to be easier to visualize than the more often used “people per square mile.” An acre is about the size of a football field. So, to visualize how spread out six people per acre is, think of two 3-person teams playing on all that real estate. All of this report's people-per-acre statistics count not just residential areas (which comprise only 40% of urban land uses in the Valley), but also all commercial, industrial and public land uses that support the population.

**Table 2.1. Urban Growth and Efficiency Trends – San Joaquin Valley, 1990-2008**

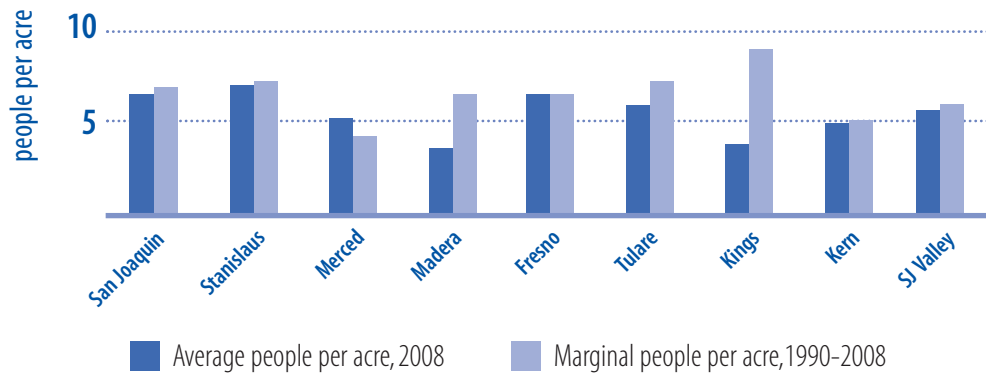
	1990	2008	% Change 1990-2008
Total Urban and Built-up Land (FMMP)	383,546	565,360	47%
Total Population	2,742,000	3,885,963	42%
Urban Population *	2,209,170	3,369,601	53%
People Per Urbanized Acre (Average Efficiency)	5.8	6.0	3%

People Per New Urbanized Acre, 1990-2008 (Marginal Efficiency)	6.4
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\* The urban population figures assume that the percentage of 2008 population remains at 2000 level.  
Sources: U.S. Census; California Department of Finance 2010; California Department of Conservation, 2008

**Figure 2.2. Development Efficiency in San Joaquin Valley Counties**

*Development efficiency has not been improving fast enough to make a significant difference in the amount of farmland urbanized.*



Sources: U.S. Census, 1990; California Department of Finance 2012; California Department of Conservation, 2008; Blueprint Report to San Joaquin Valley Regional Policy Council, March 20, 2009

per acre from 1990-2008. Riverside County, ranking 14th in agricultural production, had a marginal efficiency of 8.7 in the same period. In the Central Valley, Sacramento County, which ranks 25th in the state for agricultural production, had a marginal efficiency of 8.7 people per acre.

Another way to look at the efficiency of urban development over time is to compare the increase in population with the increase in the size of the urban footprint over the same period. Table 2.3 shows the “efficiency trend index” of each county in the Valley.

This index is the ratio of the percentage population increase to the percentage increase in the size of the urban footprint over the same period of time. If both increase in the same proportion, the efficiency trend index is 1.0. An index greater than one indicates that efficiency is increasing, while an index less than one means that development efficiency is decreasing – that urban sprawl is getting worse.

**Plans v. Performance**

Most jurisdictions in the San Joaquin Valley have general plan goals and policies that encourage urban infill and efficient development of farmland. However, the majority of counties have an efficiency trend index hovering around 1.0, indicating they aren't making much progress at actually increasing development efficiency. Instead, cities and counties continue to build outward on new land as their populations grow, instead of directing growth to existing communities.

Some counties did show improved efficiency. For example, Kings County has the Valley's highest marginal efficiency of 9.3 people per acres and has an efficiency trend index of 3.2 for the period 1990-2008. This was the result of an 82% increase in the urban population, but only a 26% gain in urban land.

A number of city, county and LAFCO policies, all aimed at more compact growth and farmland conservation, seem to account for this. The land use element of the Kings County General Plan, for one, states that "to prevent uncoordinated, sprawling growth and to delay costly expansion of district facilities, [the county will] encourage infilling of vacant or underutilized parcels where water and sewer area available by providing incentives such as reduction of development application fees of 25%" (Land Use Policy 1.8d).

Kings County is also known for the success of its LAFCO in reducing the size of city spheres of influence, which has taken development pressure off of 11,000 acres of farmland and effectively constrained the ability of cities to sprawl outward.

**Table 2.3. Efficiency Trend Index – San Joaquin Valley, 1990-2008**

*One way to look at the efficiency of urban development over time is to compare population growth with the increase in the size of the urban footprint over the same period. If the percentage increase in both population and the urban footprint grow in the same proportion, the "efficiency trend" index is 1.0. If it is more than 1.0, that efficiency is increasing – development is more compact. If it's less than 1.0, urban sprawl is getting worse.*

COUNTY	URBAN POPULATION 1990-2008		URBAN LAND 1990-2008		EFFICIENCY TREND INDEX	
	Population Increase	% Change	Acre Change	% Change	Status Quo	Blueprint B+
San Joaquin	192,174	45%	26,572	42%	1.1	2.4
Stanislaus	146,099	46%	18,987	42%	1.1	1.7
Merced	73,420	50%	16,050	75%	0.7	3.1
Madera	48,881	97%	7,189	36%	2.7	2.1
Fresno	238,058	41%	36,156	44%	0.9	2.7
Tulare	138,723	59%	18,637	47%	1.2	1.7
Kings	60,792	82%	6,555	26%	3.2	3.9
Kern	262,285	52%	51,488	59%	0.9	2.3
<b>San Joaquin Valley</b>	<b>1,160,431</b>	<b>53%</b>	<b>181,814</b>	<b>47%</b>	<b>1.1</b>	<b>2.2</b>

Sources: U.S. Census, 1990; California Department of Finance 2010; California Department of Conservation, 2008

**Recommendation**

All local jurisdictions should determine the average efficiency of existing development, the marginal efficiency of their recent development trend and of development that is planned for the future (within the period of their general plans). They should review this information and their current plans with the intention of identifying opportunities to

increase development efficiency and thereby save farmland. At a minimum, they should strive to achieve the marginal efficiency called for by the Blueprint adopted by their county's Council of Governments. They should modify their current plans to incorporate the new goal as well as implementation measures that will actually help achieve it.

### 3. Ensure Stability at the Urban Edge

Areas around cities designated for future development should not expand more than necessary to accommodate reasonable future growth. Otherwise, it creates uncertainty that leads to land speculation and price inflation, and to disinvestment in farming operations. All of these weaken the economic viability of agriculture, increasing the likelihood that farmland will be lost. Boundaries that are too large also discourage cities from growing efficiently by creating a sense that there is no need to do so. This performance measure tracks the amount of developable land within city limits and spheres of influence, and compares this with the amount of land reasonably needed for future growth.

#### ■ How Is the Valley Doing?

The San Joaquin Valley currently has more than 900,000 acres of land within its city limits and spheres of influence, the areas officially earmarked for future development. About 400,000 acres of this total are already developed, leaving 533,000 acres available for future growth – 195,000 undeveloped acres within city limits and an additional 338,000 undeveloped acres within the spheres of influence (Figure 3.1). Almost 70% of the undeveloped land contained in the spheres of influence is high quality farmland. (See Appendix 2 for details.)

The actual amount of undeveloped land within the city limits and spheres of influence in the Valley is higher, closer to 700,000 acres than 533,000. The larger figure includes the spheres of influence of several small cities in Kern County that are so large that only a tiny fraction of them could ever be developed. For this report, we eliminated them from our calculations because they would have exaggerated the

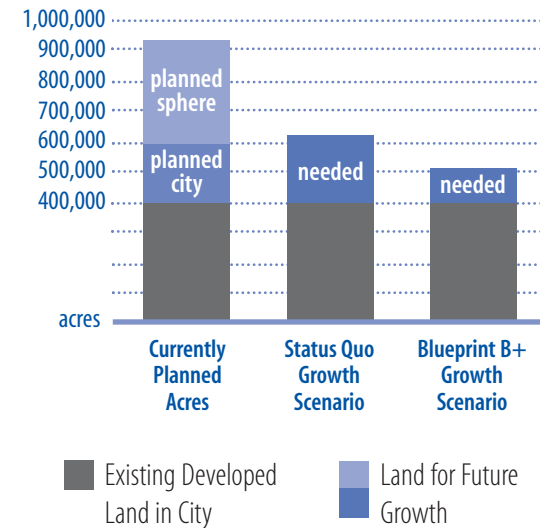
amount of farmland subject to the pressures created when plausible development boundaries are established.

If the region continues to grow at the current marginal efficiency of 6.4 people per acre, the Valley will need an additional 216,000 acres of land to accommodate the population growth through 2035. The planned area within the existing city limits, which is nearly 200,000 acres, is almost large enough to accommodate all of this development (Figure 3.1). However, if cities and counties grow at the higher marginal efficiency of the preferred Blueprint B+ Scenario, the Valley would need only 117,000 additional acres to accommodate growth. Under this scenario, all future growth could be accommodated within existing city limits. This would result in a savings of 103,000 acres of land – most of it high quality farmland.

Another way to compare the size of the area designated for development with how much of that land will actually be needed is to look at how many years worth of growth city

Figure 3.1. Acres of Land Needed to Accommodate Growth by 2035

*Under the Blueprint B+ Scenario, only 117,000 more acres would be needed to accommodate growth, and it could all be within existing city limits, not farmland.*



Notes and Assumptions: The majority of population 2010 and 2035 projections are from 2011 Regional Transportation Plans which may overestimate projected growth. Therefore, this analysis overestimates the amount of land needed for growth and underestimates the number of years of projected growth that the area can accommodate.

Population increase based on base year of 2010 and projection year of 2035. San Joaquin Valley Blueprint Scenario B+ Marginal Population Density = 16. Four Kern County cities are excluded from this analysis since their spheres of influence are disproportionately large compared to all other cities in the San Joaquin Valley.

Sources: California Department of Conservation, 2008; California Department of Finance, 2012; San Joaquin Council of Governments, 2011; Stanislaus Council of Governments, 2012; Merced Council of Governments, 2011; Madera County Transportation Commission, 2011 Regional Transportation Plan; Kings County, 2035 General Plan; Kern Council of Governments, 2011.

limits and spheres can accommodate. Figure 3.2 shows the estimated number of years of projected population growth that designated development areas can accommodate under two different scenarios.

At status quo urban densities, land within existing city limits will be sufficient to accommodate approximately 22 years of projected population growth, and land within existing spheres of influence will accommodate an additional 39 years – for a total of 61 years of population growth, or until 2073.

If cities grow at the higher Blueprint B+ densities, the land within these areas will accommodate the same population growth for a total of 117 years, or until 2129.

The typical land use planning horizon for California cities is 20 to 25 years. Beyond that, it is almost impossible to predict the needs and demands of community growth. Yet, the areas designated for future growth by the cities in the San Joaquin Valley exceed that planning benchmark by a factor of 2.5 to 6 times, depending on the assumption made about how efficiently cities will grow. This suggests that a comparable amount of farmland in the region has been needlessly subjected to the uncertainty and destabilizing effects that occur when it is earmarked for growth.

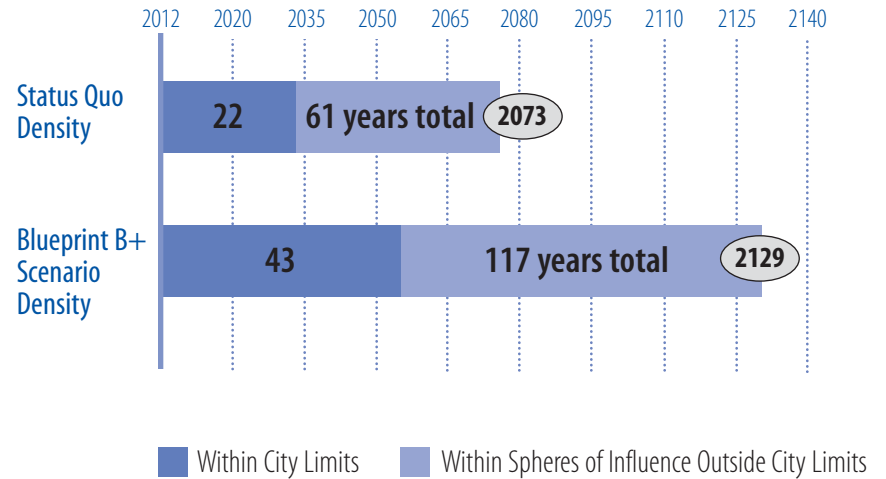
**Plans v. Performance**

Though cities propose their official boundaries, they must be approved by the Local Agency Formation Commission (LAFCo) that exists in every California county. LAFCo’s mandate includes the preservation of agricultural and other open lands.

An example of how their performance often does not match their policies is the Merced County LAFCo. It calls upon “Cities [to] adopt phasing policies in their General Plans

**Figure 3.2. Years of Projected Growth Cities and Spheres of Influence Can Accommodate in the San Joaquin Valley**

*At status quo urban densities, land within existing city limits and spheres of influence will accommodate 61 years of population growth, or until 2073. If cities grow at the higher Blueprint B+ densities, this land will accommodate that growth for 117 years, or until 2129.*



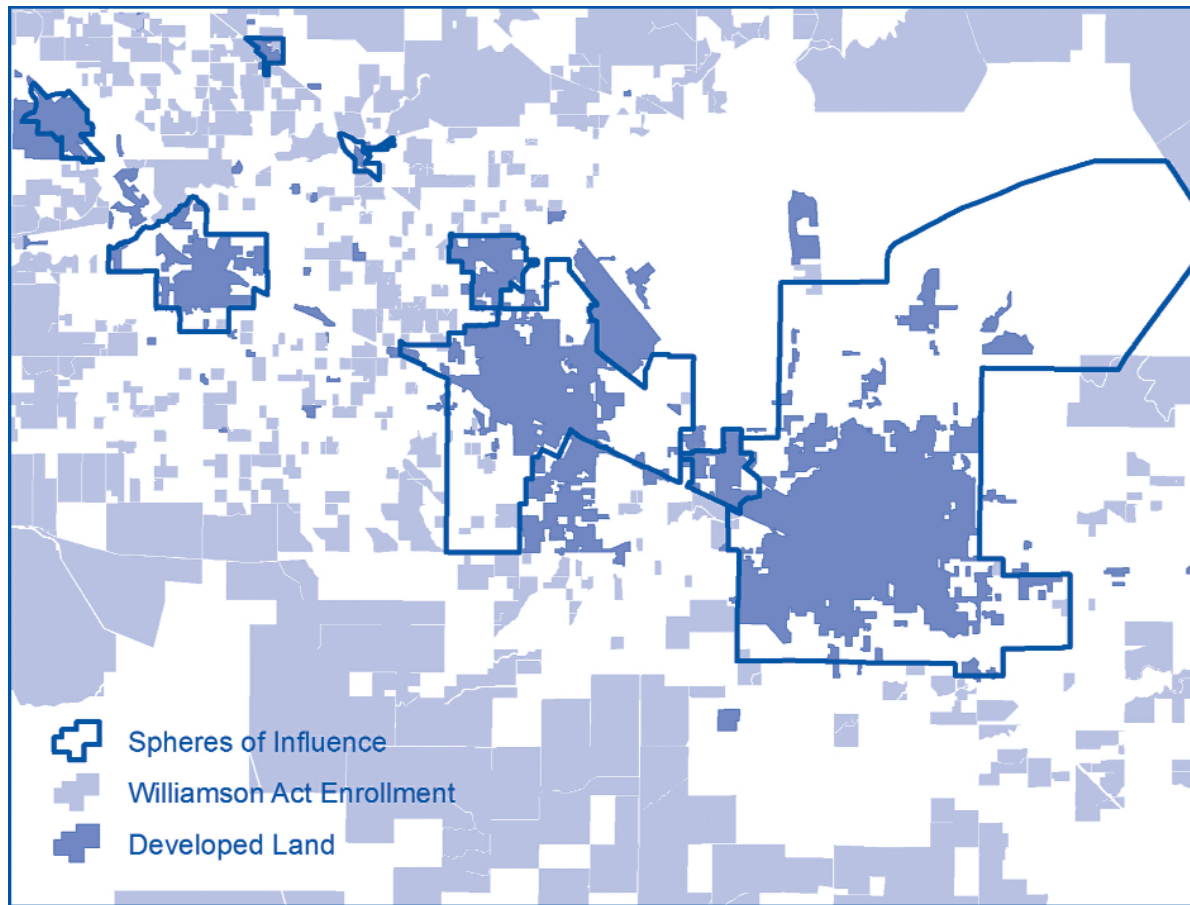
Notes and Assumptions: The majority of population 2010 and 2035 projections are from 2011 Regional Transportation Plans which may overestimate projected growth. Therefore, this analysis overestimates the amount of land needed for growth and underestimates the number of years of projected growth that the area can accommodate.

Population increase based on base year of 2010 and projection year of 2035.

San Joaquin Valley Blueprint Scenario B+ Marginal Population Density = 16.

Four Kern County cities are excluded from this analysis since their spheres of influence are disproportionately large compared to all other cities in the San Joaquin Valley.

Sources: California Department of Conservation, 2008; California Department of Finance, 2012; San Joaquin Council of Governments, 2011; Stanislaus Council of Governments, 2012; Merced Council of Governments, 2011; Madera County Transportation Commission, 2011 Regional Transportation Plan; Kings County, 2035 General Plan; Kern Council of Governments, 2011.



**Figure 3.3. Williamson Act Enrollment around Cities in Merced County, 2006**

Sources: County of Merced, 2010 Williamson Act Land, for "Williamson Act enrollment," [www.co.merced.ca.us/index.aspx?NID=1624](http://www.co.merced.ca.us/index.aspx?NID=1624); California Department of Conservation, Farmland Mapping and Monitoring Program, 2010, for "Developed Land;" and Merced County Association of Governments, February 2012, for "Spheres of Influence."

Maps of Williamson Act enrollment in every California county is available at [www.conservation.ca.gov/dlrp/Pages/qh\\_maps.aspx](http://www.conservation.ca.gov/dlrp/Pages/qh_maps.aspx)

which identify priorities for growth and annexation which meet the joint objectives of extending urban services in an economic and efficient manner and avoiding the premature conversion of prime agricultural lands or other valuable open space resources" (Objective II. A. Policies 1 and 3).

According to AFT's analysis, the spheres of influence that have been approved by LAFCO can accommodate up to 78 years of growth at today's densities and 188 years of growth if the cities in Merced County implement the Blueprint B+ scenario.

One possible effect of this is that, as Figure 3.3 shows, farmer participation in the Williamson Act, which requires a 10-year commitment of the land to agricultural use in exchange for tax benefits, is almost nonexistent around the major cities in Merced County. Is this a precursor to "premature conversion?" A similar pattern can be seen in every San Joaquin Valley county.

#### ■ Recommendation

LAFCOs should review the size of spheres of influence in comparison to the legitimate development needs of cities during the period covered by their current general plans. They should, as the Kings County LAFCO has done, reduce the size of spheres that have more capacity than can realistically be used within that period.

In reviewing proposals for annexation and expansion of spheres, LAFCOs should consider the efficiency of future development and approve only those proposals that are at least as efficient as what is called for in the San Joaquin Valley Blueprint.

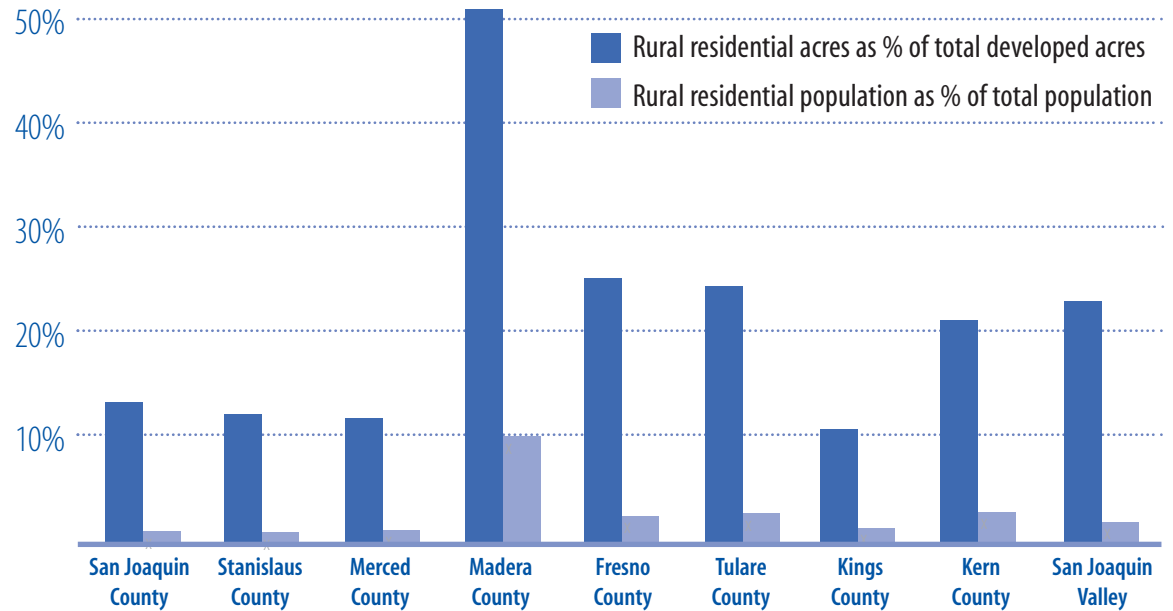


## 4. Minimize Rural Residential Development

*Rural residences on large lots are the least efficient type of non-farm land use. A family living on five acres, for example, occupies 20 times as much land per person as a comparable family living in a suburban home on a quarter-acre lot. This type of development should be kept to a minimum, not only because it wastes farmland but because it tends to create conflict with nearby agricultural operations. This performance measure tracks the amount of rural residential land compared to the county's urban footprint and compares this figure to the portion of the county's population living on rural residential land (an indication of the efficiency of rural residential land use).*

**Figure 4.1. Rural Residential Land and Population in the San Joaquin Valley**

*Rural residential land amounts to one-quarter of the Valley's developed area but accommodates a much smaller percentage of its population.*



Note: This assumes that the rural residential footprint represents an average of 5 acres per parcel with one household per parcel and people per household counts provided by the California Department of Finance estimates for each county. The California Department of Conservation's Farmland Mapping and Monitoring Program defines rural residential "ranchettes" as parcels with 1 to 5 units per 10 acres.

Sources: California Department of Finance 2010; California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

■ **How Is the Valley Doing?**

Rural residential development, sometimes known as “ranchettes,” are residences built on large lots (on parcels of 1.5 acres and up to 40 acres), generally located in rural areas. Some agriculture may be taking place on them – a few fruit trees, perhaps some horses – but it is seldom for commercial purposes.

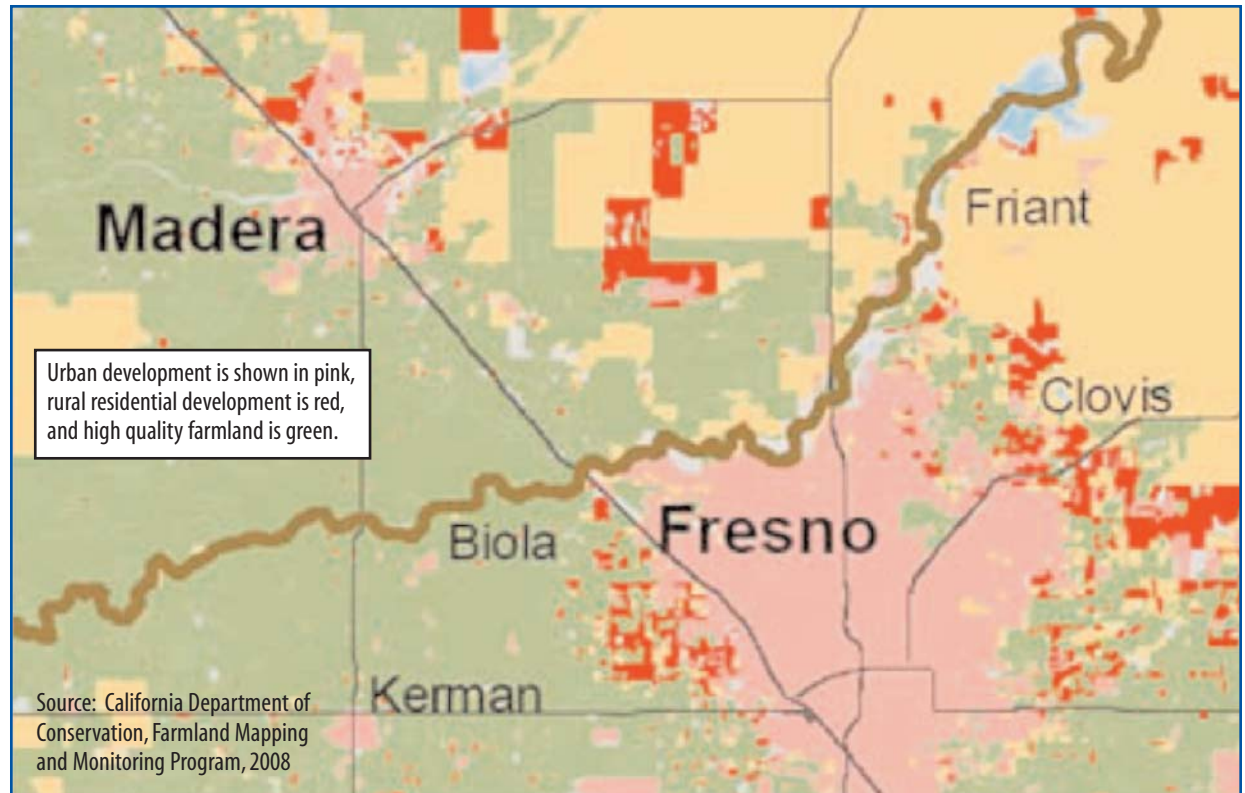
They provide an attractive rural lifestyle for some. But because they remove more land from agriculture per capita than any other kind of development, they are of great concern to agriculture in the Valley (*Ranchettes: The Subtle Sprawl*, AFT, 2000). They also are a concern due to the presence of non-farming neighbors who often pose physical, economic and legal risks and challenges for the commercial farmers that are around them.

When located close to urban areas, rural residential development forecloses the possibility of expanding those areas in an efficient manner, leading to “leapfrog” growth patterns.

In 2008, the Farmland Mapping and Monitoring Program (FMMP) inventoried 146,058 acres of rural residential land in the San Joaquin Valley. This amounts to a quarter of the region’s developed land, even though it does not include “ranchettes” larger than 10 acres. Yet, this rural residential footprint accommodates only an estimated one percent of the region’s population – a disproportionately large amount of land to house such a small percentage of the county’s population. Figure 4.1 compares rural residential land in each Valley county.

■ **Plans v. Performance**

Most counties in the San Joaquin Valley discourage rural residential development in their general plans, but it remains



**Figure 4.2. Rural Residential Development in Fresno and Madera Counties**

to be seen whether this goal will be achieved. For example, Fresno County’s 2000 plan “prohibit[s] designation of new areas for non-agricultural rural-residential development, while providing for the continued development of areas already designated for such uses in a manner that minimizes environmental impacts and public infrastructure and service costs.” This represented a significant change from the previous policy of allowing “ranchettes” and was based on a recognition there was already a large inventory of vacant rural residential lots (Goal LU-E, Goals & Policy Document, at 249). Nonetheless, the area occupied by rural residences

in Fresno County increased 8% in just the two years from 2006 to 2008, and the result is easily visible on the agricultural landscape (Figure 4.2).

■ **Recommendation**

Counties should take inventory of existing parcels where non-farm rural residential development could occur and adopt policies that make such development more difficult on high quality farmland. They should also require buffers between new non-farm dwellings and agricultural operations.



## Objective 5. Mitigate the Loss of Farmland by Giving Landowners an Opportunity to Protect their Property with Conservation Easements

*The conversion of farmland to urban development permanently removes it from agricultural production. To mitigate this loss as well as to discourage needless conversion, a comparable amount of farmland should be permanently preserved by purchasing conservation easements from agricultural producers who do not want to develop their land. This will give those agricultural landowners an opportunity to recover equity from their property and result in re-investment in the farm economy. This performance measure tracks acreage of farmland permanently preserved by easements compared to acres of farmland that have been developed.*

### ■ How Is the Valley Doing?

Conservation easements are a means of permanently preserving farmland under legal covenants voluntarily agreed to by landowners. Their purchase provides compensation to landowners who want to recover equity from their property while continue to farm it, something that would be impossible if they were to sell the land for non-agricultural purposes.

Not only does this provide an innovative solution that recognizes private property rights, but it also provides an injection of capital into the agricultural economy.

Funding for conservation easement acquisition can come from many sources, including government programs such as the California Farmland Conservancy Program and the federal Farm and Ranchland Protection Program. But these sources are shrinking as governments face deficits and revenue shortfalls.

An increasingly popular alternative is to require developers who convert farmland to pay a fee to preserve a comparable amount of land, or to acquire the land itself for preservation. This can also satisfy the requirement that environmental impacts of development be offset or mitigated under the California Environmental Quality Act.

Compared to the amount of farmland that has been converted to urban uses, the amount of land under conservation easements in the San Joaquin Valley is relatively small.

Only 10,770 acres of farmland are held under easement, compared with 109,000 acres of farmland that have been developed over the last two decades (Figure 5.1).

Though conservation easements are increasingly gaining acceptance in communities throughout the Valley, easement transactions require a great deal of time and expertise.

There are only a few land trusts actively acquiring and managing farmland conservation easements in the Valley and though cities and counties are qualified easement holders, they often find it difficult to dedicate staff and resources necessary to maintain an effective program.

### ■ Plans v. Performance

Mitigating the loss of farmland through conservation easements is not a widely used policy tool in the San Joaquin Valley. Only two Valley counties, Stanislaus and San Joaquin, have adopted mitigation programs and to date these programs have only been lightly implemented.

Local governments have been reluctant to charge developers additional fees, fearing that it will constrain growth or cause it to go to neighboring jurisdictions. (The highest per acre mitigation fee in the Valley, \$9,500 charged by San Joaquin County, is only a fraction of the increase in the value of land when it is rezoned from agriculture to urban use, which is typically in six figures.)

The Building Industry Association actually sued Stanislaus County for adopting a farmland mitigation program, losing at the state Supreme Court, which ruled that such programs are legal. On the other hand, a number of municipal mitigation programs in San Joaquin County resulted from litigation brought by the Sierra Club under CEQA. Nonetheless, there seems to be growing interest in farmland mitigation.

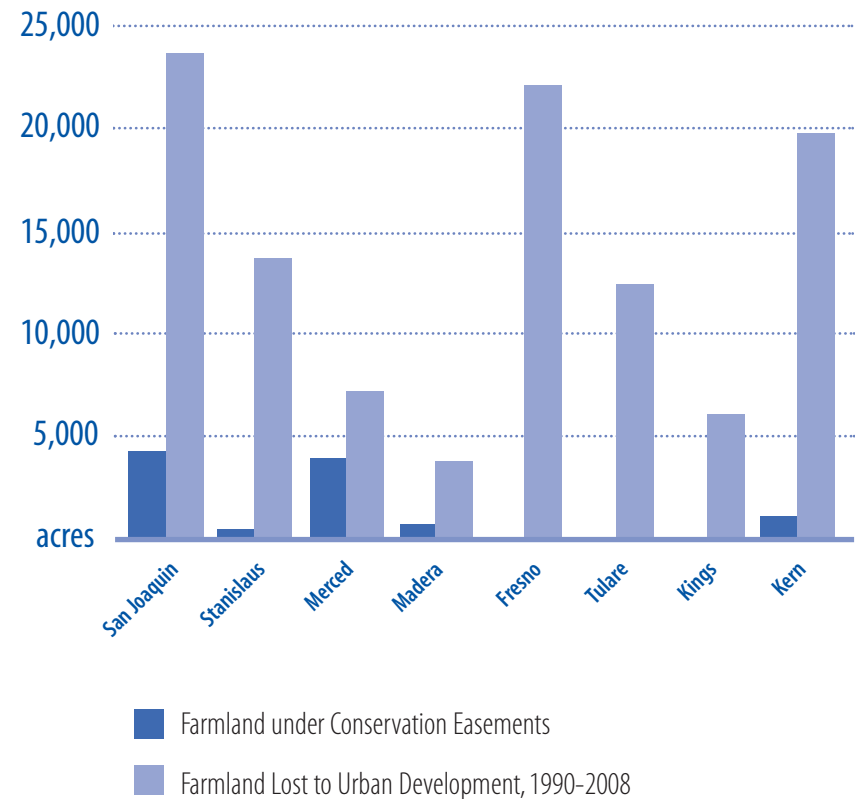
The new general plan being considered by Merced County includes a goal of “protecting productive agricultural areas from conversion to non-agricultural uses by establishing and implementing an agricultural mitigation program in cooperation with the six cities in Merced County, with consistent standards for county and city governments, that matches acres converted with farmland acres preserved at a 1:1 ratio” (Policy AG-2.2).

**■ Recommendation**

Local governments should adopt farmland mitigation programs aimed at preserving farmland while giving agricultural landowners the opportunity to recover equity in their property without developing it. These should be coordinated among localities so as to create a level playing field and prevent developers from playing one jurisdiction against its neighbors. LAFCOs can help do this by adopting their own policy of requiring cities to mitigate farmland loss as a condition of annexation.

**Figure 5.1. Farmland Permanently Protected and Developed in the San Joaquin Valley**

*Only 10,770 acres of farmland are held under conservation easement, compared with 109,000 acres of farmland that have been developed over the last two decades.*



Note: This does not include farmland under easement that are primarily for the purposes of habitat preservation.  
Sources: San Joaquin Council of Governments, 2012; Central Valley Farmland Trust, 2012; San Joaquin River Parkway and Conservation Trust, 2012; Sequoia Riverlands Trust, 2012; California Natural Resources Agency, 2012; California Department of Conservation, 2008

## 6. Encourage a Favorable Agricultural Business Climate

*The ultimate purpose of farmland conservation is to maintain the land base that supports food production as a commercial enterprise. The health of that enterprise must be an integral goal of farmland conservation strategies. Since agriculture operates in a global market and is subject to federal and state laws and regulations, there is a limit to what local governments can do to encourage a favorable business climate for agriculture. Nonetheless, local government decisions about land use, housing, water and on-farm activities should be made with an explicit consideration of their impact on the costs, productivity and profitability of agriculture. This performance measure shows the overall impact of agricultural production, including multiplier effects through inter-industry supplier purchases (indirect impact) and consumption spending from earnings in the industry (induced impact). Other key measures of success include local government actions that ensure a more hospitable business climate for agriculture and its related support industries.*

### ■ How is the Valley Doing?

Creating favorable economic conditions for agricultural businesses, along with appropriate land use and land preservation policies, will help to keep farmers on the land and decrease the amount of farmland converted for development. Just as importantly, it will contribute to the creation of local jobs in one of the strongest economic sectors in the San Joaquin Valley.

The economic impact of agriculture extends far beyond on-farm output and employment. These include indirect impacts on local sectors that critically support agriculture, ranging from trucking and wholesale trade, professional services such as veterinarians and accountants, and manufacturing of fertilizers and other agricultural chemicals. There are also induced impacts as income earned in agriculture is spent on health care, retail, housing, restaurants and other consumer needs.

Typically, the economic multiplier for agricultural production is approximately 3.5, meaning for every one dollar of agricultural output, \$3.50 is circulated throughout the local economy. In 2011, agricultural production in the San Joaquin Valley was worth \$30.2 billion alone, and generated an additional

\$106 billion that made its way throughout the regional economy (Figure 6.1).

### ■ What Local Government Can Do

Understanding what agriculture needs to prosper is the first step local governments can take to inform the decisions they make affecting farmland and agricultural businesses. Even in the San Joaquin Valley, where agriculture is the mainstay of the economy, the population and its decision-makers are overwhelmingly from urban areas. Thus, most people have only a general appreciation of what it takes to make a living at producing food on a commercial scale.

To assure that decisions are based on a more sophisticated understanding of their impact on agriculture, local governments should proactively seek the input of agricultural producers and farm community leaders.

As we hope this report has convinced you, maintaining the land base for agriculture is essential for its prosperity. Every acre of farmland converted to other land uses is an economic sacrifice for agriculture, one that can often be avoided as communities grow and seek to diversify the economy.

Implementing and tracking the recommendations associated with the five objectives above is the foundation for ensuring agricultural lands remain economically productive. Yet there are many other opportunities for local government to support agricultural enterprise.

Local governments should adopt and implement economic development policies that promote enterprises such as processing, storage, manufacturing and transportation facilities that add value to agricultural production, keeping dollars in the community instead of sending them out of the Valley. These policies should also support both producers of, and markets for, locally grown food, the fastest-growing sector of the farm economy.

Agricultural businesses of all sizes also need a skilled workforce with adequate training that can be provided by community colleges and vocational schools, as well as adequate housing and social services that local government can help provide.

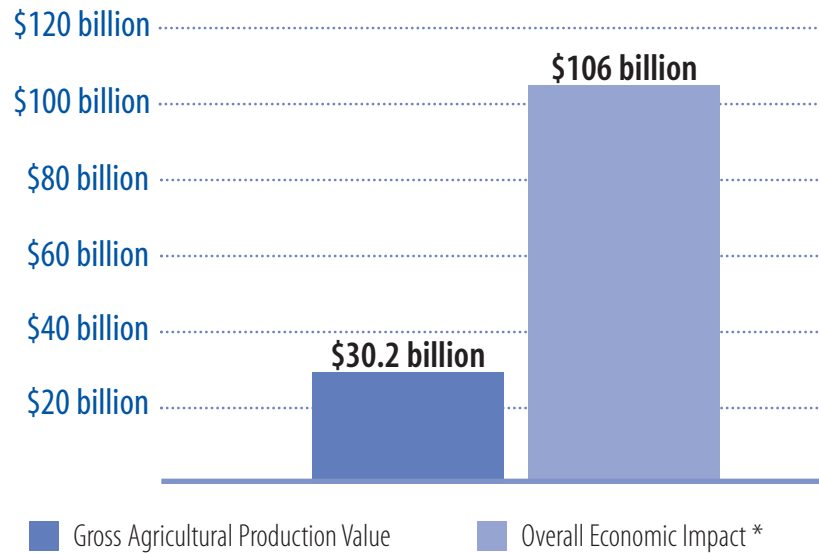
Regulations are one of agriculture’s biggest challenges. The multiplicity of regulations with which agriculture and farm-related businesses must comply is often a significant barrier to expanding and improving operations.

Local governments should avoid excessive regulation of agriculture that drives up production costs and limits on-farm activities such as farm stands and commercial kitchens that can add value to what growers produce and improve their bottom line.

Reasonable tax policies, including continued participation in the Williamson Act, will also help relieve the economic pressure on farmers and ranchers.

**Figure 6.1. Annual Economic Impact of Agriculture Sector, San Joaquin Valley**

*In 2011, agricultural production in the San Joaquin Valley was worth \$30.2 billion, and generated an additional \$106 billion that made its way throughout the regional economy.*



\*“Overall Economic Impact” includes direct, indirect and induced economic impacts. A common multiplier for agricultural production in California is 3.5.  
Source: San Joaquin Valley County Agricultural Commissioners Reports, 2011

A sufficient, dependable water supply is another area where local government can help maintain a stable business climate for agriculture. In addition to consuming farmland, urban development also diverts water from agricultural uses, often making it more costly and the supply less dependable. Insisting that new development be as efficient as possible in

its use of water will help maintain and adequate supply for both urban communities and agriculture. Cities and counties can also work with local irrigation districts to maintain agricultural water rights and, where necessary, facilitate the transfer of water from areas of relative plenty to areas of scarcity to maintain agricultural production.

## Conclusion: Tracking Progress to Make Progress

If the current recession has a silver lining, it may be that it gives communities in the San Joaquin Valley time to prepare for the next wave of economic growth that is sure to come — and with it intensified pressure on the region’s agricultural land base.

As this report documents, the loss of Valley farmland has continued more or less unabated for the past two decades. Patterns of growth have not changed much during that time. The highest quality farmland is being disproportionately converted to urban use. There has been only slight improvement in the efficiency of development, which is the absolute key to conserving farmland.

The urban edge is in constant flux, affecting farmland and destabilizing agriculture well beyond city limits. Still farther afield, rural “ranchettes” continue to proliferate, consuming far more farmland per capita than any other land use.

Despite all this, the agricultural economy of the San Joaquin Valley has continued to grow, a bright spot in the otherwise dismal economic picture. This is a tribute to the resilience of farmers and ranchers. But it has been possible only because there is still sufficient land to give producers the flexibility to adapt to changing conditions. And conditions are definitely changing.

***The record shows that not much actual progress has been made in fulfilling the intention of local plans to preserve farmland. One reason for this is almost certainly that few communities actually try to measure their progress.***

There is more pressure on irrigation water supplies than ever. The cost of production continues to increase, tracking the price of fossil fuels and ever more sophisticated technology. Public concern about the environmental impact of agriculture has led to the multiplication of regulations.

And while it may be too soon to conclude that the vagaries of weather are symptomatic of climate change, the consensus among experts is that climate change is coming and that it will pose new challenges for agriculture in the San Joaquin Valley. One university study predicts that there may someday be 18% less viable farmland in the Valley because of shrinking water supplies and warmer winter nights that will prevent fruit trees from setting buds.

The other huge challenge agriculture faces is a growing population. This is a two-edged sword. It means that there will be more mouths to feed as well as more pressure to develop farmland.

The population of the San Joaquin Valley, now roughly 4 million, is expected to more than double by 2050. At the same time, if the Valley keeps developing an acre of land for every 6.4 people, the amount of land available to produce food will shrink by at least 500,000 acres.

Another comparison puts this into sharper perspective: Today there are about 11 acres of high quality farmland in the Valley for every acre of urbanized land. By mid-century, there will be less than five — unless we do something different.

The land use plans and policies of communities throughout the San Joaquin Valley are well-intentioned in calling for the avoidance of high quality farmland, developing land more efficiently, stabilizing the urban edge and preventing rural “ranchettes.”

Yet the record shows that, except in a few rare cases, not much actual progress has been made. One reason for this is almost certainly that few communities actually try to measure their progress or lack thereof. They adopt plans and policies, but don’t follow through to determine how well they are working. If we are going to save San Joaquin Valley farmland, this must change.

This report can help bring about that change. But only if planners, officials and citizens in the Valley use it to begin to take the measure of how well their communities are conserving farmland. American Farmland Trust earnestly encourages them to do so and pledges its expertise and experience to helping them turn their good intentions into reality.

## Appendix 1. Summary Statistics for Farmland Conservation Performance Measures

OBJECTIVE	San Joaquin	Stanislaus	Merced	Madera	Fresno	Tulare	Kings	Kern	Valleywide
<b>1. Avoid development of the best farmland</b>									
Percentage of all land converted to non-agricultural use:									
• High quality farmland	77%	87%	67%	47%	63%	65%	84%	38%	61%
• Farmland of local importance	12%	7%	18%	9%	15%	2%	-2%	n/a	7%
• Grazing land	2%	0%	11%	35%	2%	2%	-11%	9%	5%
• Other land (a)	10%	6%	4%	8%	20%	31%	16%	53%	27%
Percentage of total county area that is high quality farmland	68%	41%	43%	42%	53%	47%	65%	19%	39%
Conversion quality index (b)	1.13	2.11	1.55	1.12	1.20	1.38	1.49	2.07	1.57
<b>2. Minimize farmland loss with more efficient development</b>									
People per urbanized acre 1990	6.7	7.1	6.3	2.5	6.8	5.5	2.8	5.2	5.8
People per urbanized acre 2008	7.2	7.3	5.6	3.6	6.7	6.1	4.1	5.2	6.0
Marginal efficiency, people per acre developed 1990-2008 (c)	6.7	7.7	4.6	6.8	6.6	7.4	9.3	5.1	6.4
Efficiency trend index 1990-2008 (d)	2.4	1.1	0.7	2.8	1.0	1.1	3.4	1.0	1.1
Efficiency trend for Blueprint B+ scenario	2.4	1.8	3.1	2.1	2.7	1.7	3.9	2.3	2.2
<b>3. Ensure stability at the urban edge</b>									
Years of growth accommodated by:									
• City limits at marginal efficiency	24	12	15	19	14	10	43	44	22
• Spheres of influence at marginal efficiency	79	17	63	71	26	30	24	73	39
• City limits at Blueprint B+ marginal efficiency	52	19	37	23	36	14	118	77	43
• Spheres at Blueprint B+ marginal efficiency	78	27	150	86	66	46	66	127	74
<b>4. Minimize rural residential development</b>									
Rural residential acreage as percentage of all developed land	14%	13%	12%	51%	26%	25%	11%	22%	24%
Rural residential population as percentage of total population (e)	1.3%	1%	1%	10%	3%	3%	2%	3%	2%
<b>5. Mitigate the loss of farmland with conservation easements</b>									
Acres of farmland developed, 1990-2008	23,694	13,701	7,217	3,912	22,189	12,507	6,159	19,766	109,145
Acres of farmland under conservation easement	4,328	307	3,953	646	173	108	203	1,043	10,761
Mitigation ratio	18%	2%	55%	17%	1%	1%	3%	5%	10%
<b>6. Encourage a favorable agricultural business climate</b>									
Annual value of agricultural production (in billions, 2011)	\$2.1	\$3.1	\$3.3	\$1.6	\$6.9	\$5.6	\$2.2	\$5.4	\$30.2
Total economic contribution of agriculture to county (f)	\$7.0	\$10.7	\$11.4	\$5.5	\$24.1	\$19.7	\$7.8	\$18.8	\$105.0

(a) "Other" land may include everything from farmland has been fallowed for several years (possibly in anticipation of its development) to large-lot rural residences (see below), confined animal operations and irrigation canals. Only recently has FMMP begun to differentiate them. Thus, it is possible that the data underestimate the amount of agricultural land that has been urbanized. (b) This comparison indicates the extent to which high quality farmland is being developed disproportionately to its share of total land in the county or region. If ratio is greater than one, farmland is being consumed at a rate greater than its proportion in the county. (c) Marginal efficiency of development is measured by dividing the increase in the number of residents in urban areas during the period by the number of acres urbanized during the same period. It is a key indicator of whether more farmland than necessary is being converted to achieve economic growth. (d) Above 1.0 is a trend toward densification compared to historical development efficiency. This is a trend showing the direction the county is going toward density, not a measure of their baseline development efficiency/density. Under 1.0 is a trend toward less development efficiency, meaning they are trending toward lower density and potentially sprawl. (e) This assumes the rural residential footprint represents an average of 5 acres per parcel with one household per parcel and people per household counts provided by the California Department of Finance estimates for each county. The California Department of Conservation Farmland Mapping and Monitoring Program defines rural residential "ranchettes" as parcels with 1 to 5 units per 10 acres. (f) Includes direct, indirect, and induced economic impacts. A common multiplier for agricultural production in California is 3.5, meaning for \$1 of revenue at farm gate, \$3.50 is generated throughout the local economy.

## Appendix 2. Land Planned and Needed for Urban Development in the Valley

■ Land Inventory	Spheres of Influence		Total
	Within City Limits	(Outside City Limits)	
High quality farmland	108,446	230,104	338,549
• Prime farmland	83,750	168,667	252,417
• Farmland of statewide importance	23,252	49,354	72,606
• Unique farmland	6,747	17,387	24,134
Farmland of local importance	22,840	22,657	45,496
Grazing land	38,105	43,083	81,188
Other land	33,133	50,291	83,425
• Confined animal feeding operations	3,251	5,936	9,188
• Rural residential	6,617	22,482	29,099
• Unclassified (vacant, semi-ag/commercial ag, nonag/natural veg)	28,569	27,106	55,675
Total all non-urban land	194,567	337,999	532,567
Current developed area (urban and built-up)	329,681	69,545	399,226
High quality farmland as percentage of non-urbanized land in area	56%	68%	64%
Total undeveloped land as percentage of existing developed land	59%	486%	133%
Percentage of developed land in area compared to all developed land	83%	17%	100%
Percentage of total high quality farmland within area	2.1%	4.4%	6.4%
■ Population Assumptions			
Current population, 2010	2,860,301		
Current population density, 2010 (people per acre)	9		
Projected population, 2035 (a)	4,870,965		
Projected population increase, 2010-2035 (b)	2,010,664		
■ Population that Area Could Accommodate			
At current urban population density	1,688,059	2,932,466	4,620,525
At marginal Blueprint B+ Scenario population density (c)	3,150,933	5,473,746	8,624,679
■ Land Needed to Accommodate 2035 Population Growth			
Projected need for land at <b>Status Quo</b> population density (acres)	216,523		
• Undeveloped land as percentage of land needed for 2035 population	90%	156%	246%
• Years of projected growth that area can accommodate			
Projected need for land at <b>Blueprint B+ Scenario</b> population density (acres) (c)	113,739		
• Undeveloped land as percentage of land needed for 2035 population	171%	297%	468%
• Years of projected growth that area can accommodate	43	74	117

Sources: California Department of Conservation, 2008; California Department of Finance, 2012; San Joaquin Council of Governments, 2011; Stanislaus Council of Governments, 2012; Merced Council of Governments, 2011; Madera County Transportation Commission 2011 Regional Transportation Plan; Kings County 2035 General Plan; Kern Council of Governments, 2011.

Notes and Assumptions: (a) The majority of 2010/2035 population projections are from 2011 Regional Transportation Plans which may overestimate projected growth. Therefore, this analysis overestimates amount of land needed for growth and underestimates the number of years of projected growth that area can accommodate. (b) Population increase based on 2010 base year and 2035 projection year. (c) Blueprint Scenario B+ marginal population density is 16.



B5-10



26

Saving Farmland, Growing Cities

2-100



B5-10



2-101



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**Table 2-2: Summary Of April 28, 2014 Public Meeting Comments**

Comment Number	Comment Summary
C-1	How are growth rates doing compared to before the recession and how do they affect building permits and developer fees? What is the status/balance of development impact fees?
C-2	Infrastructure is lagging on being built, how long will it take to catch up, since funds are lacking?
C-3	Didn't see any firm commitment to mandatory requirements of solar & renewable energy as a mitigation measure. Should be mandatory to put solar panels on the route to serve themselves and generate surplus electricity.
C-4	Need electrical vehicle requirements, or other non fossil fuel vehicle requirements.
C-5	APCD Rule 9510 regulation or new source review, will be 60% of mitigation necessary. Can you do an analysis to check on the other 40%. How will the plan make up for the gap/difference in emission reduction on a project-by-project basis.
C-6	Hard to follow how mitigation takes place through the policies. How do the new growth tiers mitigate growth impacts? It needs to be quantified and stated.
C-7	Which new growth comes in first under Tier 1? There is growth in Northwest which appears to precede the growth closer into downtown. The sequencing is unclear.
C-8	What is the maximum size for a specific plan area?
C-9	What are the triggers for the Tier 2-3 expansion?
C-10	How will the job housing balance be maintained?
C-11	How is the West 198 Corridor Specific Plan integrated into the General Plan?
C-12	Is there an offset or acre-to-acre mitigation for agriculture resources to avoid sprawl? There is evidence of other communities that do a 1-1 acre mitigation.
C-13	What is the current definition of infill, what qualifies under the current plan? The southeast side is slated for fairly substantial growth in the coming years. If it's in the city limits is it infill?
C-14	What is the current wastewater treatment capacity? Is this changing?
C-15	Is SR 198/Lover's Lane traffic impact discussed?
C-16	Under a 2.6 percent growth rate, doubling time is approximately 24 or 25 years. Would like to see calculation in EIR based on arithmetic basis, not compound growth.
C-17	Draft EIR doesn't contain language that defines projects that are covered.

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### **3 Response to Comments on the Draft EIR**

This chapter includes responses to each comment in the same order as presented in Chapter 2. The responses are marked with the same number-letter combination as the comment to which they respond, as shown in the margin of the comment letters. Text additions to the Draft EIR are noted in underline and text deletions to the Draft EIR appear in ~~strikeout~~, with detailed revisions contained in Chapter 4.

Proposed General Plan policies are referenced in several responses below. Revisions to the Draft General Plan are included in Appendix A.

#### **AGENCIES**

##### **A1: California Public Utilities Commission**

A1-1: The comment recommends adding language to the proposed General Plan so development adjacent to railroad right-of-way is planned with the safety of the rail corridor in mind. These considerations are addressed by two proposed General Plan policies. Proposed General Plan Policy T-P-63 highlights the City's efforts to continue to improve and maintain the condition and safety of existing railroad crossings by upgrading surface conditions and installing signs and signals where warranted. In addition, proposed General Plan policy T-P-71 describes the City's participation in and advocacy for improving railroad transportation facilities and reducing conflicts with the street system.

##### **A2: Kaweah Delta Water Conservation District**

A2-1: The comment regarding the Kaweah Delta Water Conservation District's (KDWCD's) support of the proactive direction that City is taking in the management of groundwater resources is noted and appreciated.

A2-2: The comment suggests that California Water Service Company (Cal Water) planning documents are inadequate for use in the General Plan due to Cal Water's rationale that there is sufficient groundwater in storage to meet supplies. Cal Water's Visalia District supplies groundwater to the City, which is almost entirely within KDWCD's boundaries. Cal Water's Visalia District 2010 Urban Water Management Plan (UWMP) acknowledges a continuing decline in groundwater levels of the Kaweah Sub-Basin, the aquifer system below the Visalia District. The UWMP and the Draft EIR present strategies to reduce the impact to groundwater supplies. Potential solutions to the long-term overdraft conditions detailed in the UWMP include:

- The implementation of KDWCD's established groundwater management plan to which both Cal Water and the City are signatory.
- The collection of fees and charges by the City (described below) to fund the purchase of additional surface water rights and groundwater recharge facilities to slow or eliminate the declining groundwater levels.

- The importation of additional surface water for recharge purposes by KDWCD as facilitated by their becoming a long-term Friant Division Central Valley Project contractor.
- The implementation of aggressive demand management strategies through Cal Water's Conservation Program.
- The securing of alternative supplies as discussed in the UWMP.
- The City's Effluent Reuse Project and water exchanges with irrigation users.

The City has established three fees to fund groundwater recharge and other water resource projects within the City: the Groundwater Recharge Fee, the Groundwater Impact Fee, and the Groundwater Mitigation Fee. All fees from this fund are used for the acquisition of surface water rights and surface water supplies, groundwater recharge facilities, and other activities to improve groundwater levels and increase the supply of water to the City. According to the UWMP, between 2005 and 2010, the City and the Visalia Water Management Committee have purchased and recharged 15,940 acre-feet (AF) for an annual average of 3,188 AF. General Plan policies PSCU-O-14, PSCU-O-15, PSCU-P-44, PSCU-P-45, PSCU-P-46, PSCU-P-47, PSCU-P-48, PSCU-P-49, PSCU-P-50, PSCU-P-51, PSCU-P-52, PSCU-P-53 detail the City's efforts to continue to conserve water and address groundwater overdraft conditions. Therefore, both the UWMP and the Draft EIR acknowledge and contain proactive steps to address groundwater overdraft conditions in the Kaweah Sub-Basin, and no additions to the Draft EIR are needed.

A2-3: The comment suggests that the City take a "safe yield" approach to water supply. Cal Water's 2010 UWMP provides a preliminary estimate of approximately 23,500 acre-feet<sup>1</sup> per year (AFY) as the sustainable pumping estimate. The City and Cal Water are already committed to conserving water and addressing groundwater overdraft conditions, as noted above in Response A2-2. Policies in the proposed General Plan will promote long-term management of the Kaweah Sub-Basin and the continuation of efforts to support groundwater recharge, as well as promote development of alternative sources for appropriate uses, such as recycled and surface water. So, no additional mitigation is needed.

A2-4: The comment suggests including a discussion of the groundwater modeling study prepared jointly by the City and KDWCD. A description of the study has been added to Chapter 3.9 of the Draft EIR. See below and in Chapter 4 of this Final EIR for the changes to the Draft EIR.

**Page 3.9-23**

*[Insert below Table 3.9-4]*

In 2011, the City and KDWCD developed a Groundwater Modeling Study, which created a calibrated groundwater model based on the water years of 1981 to 2005. The groundwater model was found to be effective in evaluating the impacts on local groundwater levels and storage, and was used to simulate different future scenarios from the years 2006 to 2030.<sup>8</sup> The groundwater

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<sup>1</sup> Impact 3.9-4 describes the total demand at proposed General Plan buildout as 43,000 AFY.

model is an important planning tool that can be used by the City and the Kaweah Delta Water Conservation District to evaluate the potential impacts to aquifer levels from groundwater recharge projects.

<sup>8</sup>Fugro Consultants, 2011

A2-5: The comment suggests that average precipitation values appear inconsistent with regional values. Chapter 3.6 of the Draft EIR has been revised in response to this comment to provide more localized measurement of monthly precipitation and temperature in Visalia. See below and in Chapter 4 of this Final EIR for the changes to the Draft EIR.

**Pages 3.6-1 to 3.6-2**

**PHYSICAL SETTING**

**Climate**

The north Pacific high-pressure system dominates the region’s large-scale meteorology and produces northerly winds along the entire west coast of the United States during most of the year. The National Oceanic and Atmospheric Administration’s (NOAA’s) Western Region Headquarters measures meteorological data including temperature and precipitation and has multiple monitoring stations throughout California. NOAA has monitored air temperature and precipitation in Visalia continuously from 1981 to 2010. **Table 3.6-1** shows the average monthly precipitation and the average minimum and average maximum monthly air temperature at NOAA’s Visalia monitoring station from 1981 to 2010.

**Table 3.6-1: Monthly Precipitation and Air Temperature in Visalia, 1981 to 2010**

<i>Month</i>	<i>Precipitation (inches)</i>	<i>Air Temperature (°F)</i>	
	<i>Average</i>	<i>Minimum</i>	<i>Maximum</i>
January	2.05	38.6	54.9
February	1.82	42.1	61.7
March	1.90	46.1	67.6
April	0.99	49.3	73.7
May	0.35	55.8	82.0
June	0.14	61.6	89.4
July	0.01	66.7	94.5
August	0.01	64.8	93.3
September	0.15	60.2	87.9
October	0.55	52.5	78.4
November	1.13	43.7	64.6
December	1.77	37.8	54.8
Annual	10.77	51.6	75.3

**Table 3.6-1: Monthly Precipitation and Air Temperature in Visalia, 1981 to 2010**

Month	Precipitation (inches)	Air Temperature (°F)	
	Average	Minimum	Maximum

Source: NOAA, 2013

A2-6: The comment providing additional information on the purposes of releases from Terminus Dam is noted and appreciated. Chapter 3.6 has been updated to include this information, as noted in Chapter 4 of this Final EIR. See below and in Chapter 4 of this Final EIR for the changes to the Draft EIR.

**Page 3.6-2**

**Surface Water Hydrology**

The Planning Area is located on relatively level terrain typical of the Tulare Lake Basin. However, Visalia does rest in the heart of the Kaweah River’s Delta system, which results in many rivers and creeks that flow through the city. The Kaweah River travels to the south of the Planning Area, and the St. John’s River splits off from the Kaweah River and travels on the northern border of Visalia. Surface runoff in the Planning Area generally flows from east to west and terminates in the Tulare Lake Basin. Major surface water resources in the area include the St. John’s River, Modoc Ditch, Mill Creek Ditch, Mill Creek, Tulare Irrigation District (TID) Canal, Packwood Creek, Cameron Creek, Deep Creek, Evans Creek, Persian Ditch, and several other local ditches (See **Figure 3.6-1**). Except for the TID Canal, most watercourses are intermittent drainages that receive a portion of flow from storm water runoff during the rainy season. This intermittent flow is typically supplemented from water released from Terminus Dam, which was constructed in 1962 and is operated by the U.S. Army Corps of Engineers. The majority of surface water flows released from Terminus Dam is for the purposes of flood control and irrigation and provide a significant portion of flow in the Planning Area.

A2-7: The comment clarifying surface-groundwater connectivity is noted and appreciated. Chapter 3.6 has been updated to include this information, as noted in Chapter 4 of this Final EIR, and shown below.

**Page 3.6-5**

**Groundwater Hydrology**

The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer.<sup>2</sup> Groundwater in Tulare County is present in valley deposits of alluvium that are several thousand feet thick and occurs in both confined and unconfined conditions.<sup>3</sup> Packwood Creek, like other surface water bodies in the area, is intimately tied to the regional

<sup>2</sup> Department of Water Resources (DWR). 2003. California’s Groundwater Update, Bulletin 118.

<sup>3</sup> Ibid.



groundwater system. It functions as an influent or “losing” stream where stream flow feeds the groundwater table throughout the year.

A2-8: The comment describing the function of creeks in the Planning Area as “losing” streams, contributing to the groundwater table is noted and appreciated. Chapter 3.6 has been updated to include this information, as noted in Chapter 4 of this Final EIR, as shown above in Response A2-7.

A2-9: The comment noting a potential inconsistency with the U.S. Army Corps of Engineers study is noted. The inundation area described on pg. 3.6-6 and shown Figure 3.6-2 is consistent with the cited Terminus Dam inundation area provided by the California Emergency Management Agency.

### **A3: Native American Heritage Commission**

A3-1: The comment generally describing the Native American Heritage Commission’s (NAHC’s) role in the general plan process and the NAHC’s jurisdiction and special expertise over affected Native American resources is noted.

A3-2: The comment describes that the NAHC did not conduct a Sacred Land file search of the City. As described in Chapter 3.12 (Cultural Resources) of the Draft EIR, a letter was sent to the NAHC on February 16, 2010, requesting a review of the sacred lands file and a list of Native American contacts within the region. In response the NAHC provided a list of tribal representatives to contact. The City contacted representatives of the Santa Rosa Rancheria, Tule River Indian Tribe, Esomh Valley Band of Indians/Wuksache Tribe, Kern Valley Indian Council, and Tubatulabal Tribe of Kern County requesting further information. No additional information or requests for consultation were received.

A3-3: This comment provides a consultation list of tribal governments, which were contacted during the preparation of the Draft EIR (see response to comment A3-2). In addition, the City provided each of the listed tribes with the Draft EIR Notice of Availability and a CD containing the Draft EIR and appendices.

### **A4: California Water Service Company**

A4-1: The comment characterizing the proposed General Plan as well written and providing a good framework for the growth of Visalia is noted and appreciated.

A4-2: The comments describing the Cal Water’s UWMP calculated sustainable yield of 23,500 AF and the calculated withdrawal rate of 1.04 AFY/acre, based on the size of the Cal Water’s service area, are noted and hereby incorporated into this EIR.

A4-3: The comment suggesting that the City adopt a sustainable withdrawal rate for all future development is noted. Please see Response A2-3. The City believes that providing a set water usage for future developments, as the comment suggests, would create an unfair burden penalizing new residential, commercial and industrial water users. The conservation measures described in Response A2-2 and included in the “Demand Management Measures” section of Cal Water’s 2010 UWMP provide a basis for citywide

water conservation, without disproportionately targeting new water users. Therefore, no additional mitigation is needed.

- A4-4: The City's 1994 "Storm Water Master Plan" and the 2005 "Storm Water Master Plan" describe the existing conditions of the City's drainage system, as well as proposed improvements, including those relating to groundwater recharge basins. Both documents have been added as references to the Draft EIR bibliography, and are available at the following link: [http://www.ci.visalia.ca.us/depts/engineering/engineering\\_documents/](http://www.ci.visalia.ca.us/depts/engineering/engineering_documents/).
- A4-5: The comment describing the gap between the SBx 7-7 goal of 194 gallons per capita per day (gpcd) by 2020 and the sustainable pumping rate is noted. Please see Response A2-2 for a description of conservation strategies in the proposed General Plan. The comment's support for Water Conservation Objectives PSCU-O-14 to PSCU-O-15 and Policies PSCU-P-44 to PSCU-P-52 is noted and appreciated.
- A4-6: The comment requests including more detail in the proposed General Plan Policy PSCU-O-15, providing additional details and specific actions to preserve groundwater resources. General Plan Policy PSCU-45 describes specific actions to continue the City's active role in regional and local water management planning, including addressing groundwater overdraft and supporting groundwater recharge projects.

**A5: Tulare County Resource Management Agency**

- A5-1: This comment describes that the following comments are on the proposed General Plan (including the Climate Action Plan) and the Draft EIR, and is noted.
- A5-2: The comment references the economic development strategy of the proposed General Plan. Economic development is not an environmental issue area under CEQA. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-3: The comment references the economic development strategy of the proposed General Plan. Economic development is not an environmental issue area under CEQA. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-4: The comment references land use classification in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-5: The comment references land use classification in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-6: The comment references land use classification in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-7: The comment relates to urban growth boundaries in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-8: The comment relates to urban growth boundaries in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.

## Visalia General Plan Final Environmental Impact Report

- A5-9: The comment relates to proposed General Plan Policy P-28. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-10: The comment relates to proposed General Plan Policy P-31. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-11: The comment relates to growth boundaries in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-12: The comment refers to proposed General Plan Policy LU-P-37 on scenic entryways. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-13: The comment references infill incentives in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-14: The comment references infill incentives in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-15: The comment refers to the density of residential development in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-16: The comment relates to the regional coordination in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-17: The comment references proposed General Plan Policy OSC-P-1. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-18: The comment references Policy AQ-P-16, which states:
- “Prepare and adopt a Climate Action Plan that incorporates a Greenhouse Gas (GHG) Emissions Reduction Plan. The GHG Emissions Reduction Plan will quantify current and anticipated future emissions and focus on feasible actions the City can take to minimize the adverse impacts of General Plan implementation on climate change and air quality.”
- The draft Climate Action Plan (CAP) inventories GHG emissions, projects future emissions, and proposes measures to reduce GHG emissions to meet mitigation targets, in accordance with Policy AQ-P-16. As described on pg. 54 of the Climate Action Plan, the City will conduct periodic updates to the GHG inventory, GHG mitigation targets, and the portfolio of GHG mitigation measures. The Draft CAP is included in the Project Description as one of the planning documents for which this EIR provides environmental clearance. No additions to this EIR are therefore needed.
- A5-19: The comment refers to proposed General Plan Policy S-P-12, addressing Flood Hazards. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-20: The comment refers to proposed General Plan Policy S-P-14, addressing Flood Hazards. The commenter is invited to present this concern at the General Plan adoption hearings.

- A5-21: The comment refers to commercial development policies in the proposed General Plan. The commenter is invited to present this concern at the General Plan adoption hearings.
- A5-22: The comment describes the 2012 “City of Visalia and Tulare County Memorandum of Understanding.” Section F of the memorandum indicates “the parties desire to work together to develop mutually beneficial and coordinated fiscal and land use planning practices.” Numerous policies in the Land Use Element address coordination between the City and Tulare County, including Policy LU-P-25, LU-P-26, LU-P-30, LU-P-34, LU-P-35, and LU-P-116.
- A5-23: The comment references Goshen in the General Plan land use diagram. The commenter is invited to present this concern at the General Plan adoption hearings. In regards to traffic impacts within Goshen, Chapter 3.2 (Transportation) of the Draft EIR describes the scope of analysis. TCAG’s Regional Travel Demand Forecast Model (RTDFM) was utilized to identify future traffic volumes along local, collector, arterial roads and freeways based upon each city’s and the county’s General Plan. Therefore, the unincorporated community of Goshen was assumed to have land use consistent with the Tulare County General Plan. The local, collector, arterial roads and freeways evaluated under buildout conditions are within the boundaries of the City.
- A5-24: The projected General Plan buildout population of 210,000 was determined based on past development trends, regional growth forecasts, and the Plan’s assumptions for future growth. Both the General Plan and the Draft EIR were released for public review on March 31, 2014, and the TCAG 2014 Draft Regional Transportation Plan (RTP) & Sustainable Communities Strategy were released March 20, 2014. As the draft 2014 RTP was released slightly over a week before the Draft EIR, and has a projected adoption date of June 30, 2014 (extending beyond the release of this FEIR), the draft 2014 RTP growth forecasts and traffic model analysis were not incorporated into the Draft EIR.
- A5-25: The comment accurately points out that the 2000 Highway Capacity Manual has been updated to a 2010 version, and that Appendix D of the Draft EIR (Transportation Impact Analysis) shows that the analysis was performed using the 2010 Highway Capacity Model. The correction is appreciated. Page 3.2-2 of the Draft EIR and has been updated in Chapter 4 of this FEIR to show the correct 2010 reference for the Highway Capacity Manual, and is shown below.

**Page 3.2-2**

**Existing Roadway Conditions**

The city’s roadways were evaluated using average daily traffic (ADT) counts for the 2008 to 2010 period. Intersection facilities were evaluated for the AM and PM peak-hour using 2010 peak-hour turning movement counts. Traffic conditions and deficiencies were identified by calculating the level-of-service (LOS). LOS is a qualitative measure of traffic operating conditions, whereby a letter grade “A” through “F” is assigned to an intersection or roadway segment representing progressively worsening traffic conditions. **Table 3.2-1** provides more specific definitions. LOS was calculated for different intersection control types using the methods documented in the *Highway Capacity Manual 2010 (HCM 2010)*.

- A5-26: The comment refers to planned roadway system improvements shown in Figure 3.2-1, and ask for clarification regarding whether the improvements are listed in the City's Capital Improvement Plan. Table 3.2-5 of the draft EIR provides a list of planned circulation system improvements, under the proposed General Plan. Facilities listed in the table with an "\*" are projects included in the City's current Capital Improvement Plan, and other projects are listed in the Tulare County Regional Transportation Plan.
- A5-27: The comment refers to discussion of Highway 99 (also known as State Route 99, or SR 99) improvements in Goshen. Page 3.2-27 discusses the Caltrans concept LOS for SR 99 within the Planning Area. The concept facility identified to meet the year 2025 horizon concept LOS "D" and "C" for SR 99 within the Planning Area is a six-lane freeway, with the ultimate design (beyond 2025) being an eight-lane freeway. Table 3.2-6 describes future roadway LOS on SR 99, and the impact discussion addresses the current construction expanding SR 99. For all roadway segments on SR 99 within the Planning Area, with implementation of the proposed General Plan, future roadway LOS would be "C" or better.
- A5-28: The comment refers to an adjustment in the statewide emissions totals by 1 percent between the California Air Resource Board's (CARB's) 2008 Climate Change Scoping Report and 2014 Climate Change Scoping Report. Assembly Bill 32 and Executive Order S-3-05 form the basis for the emissions targets in the Climate Action Plan. Assembly Bill 32 sets the goal of the State's emission to be reduced to 1990 levels by the year 2020. Executive Order S-3-05 furthers this goal with an emissions reduction target of a reduction of 80 percent below 1990 levels by 2050.

The Draft Climate Action Plan follows the GHG emissions targets used in Assembly Bill 32 and Executive Order S-3-05 based on Visalia's community-wide GHG emissions. The 2008 CARB Scoping Plan recommends a goal for California local governments of 15 percent below the baseline year of 2005 (as a rough approximation of 1990 emissions levels) by 2020 to ensure that municipal and community-wide emissions are in line with the State's Assembly Bill 32 and Executive Order S-3-05. The 2014 CARB Climate Change Scoping Report (pg. 113) echoes the initial recommendation for local governments. The adjustment that the comment refers to is for *Statewide* GHG emissions totals, not the inventory, forecasts, and GHG reduction measures described in the Climate Action Plan. In addition, the adjustment to Statewide GHG totals does not alter the effect of state measures (e.g. Renewable Portfolio Standards, Assembly Bill 1493, Low Carbon Fuel Standard) on Visalia's GHG totals, as the effect of these emissions reduction measures were determined using Visalia-specific community-wide data.

- A5-29: The comment suggests implementation of SJVAPCD enhanced rules and further suggests that toxic air contaminants and odors need to be adequately addressed. Comment Letter A6 from the SJVAPCD describes that new development may require further environmental review and provides relevant rules and recommendations to address air quality impacts from future development. Comment Letter A6 does not specify "enhanced" rules/regulations as a suggestion to qualify as mitigation. The District's Title V permitting requirements refer to an "Enhanced New Source Review" process, which allows applicants for new and modified sources to complete Title V permitting

## Chapter Three: Response to Comments on the Draft EIR

requirements while obtaining authority to construct. New development may utilize the Enhanced New Source Review process to expedite Title V permitting process.

The comment suggests that the Draft EIR contains CARB requirements that do not qualify as mitigation measures under CEQA. The proposed General Plan policies serve to mitigate impacts. Certain policy measures are based on CARB requirements and SJVAPCD's regulations; however, these policies still serve to mitigate impacts, as identified in the impact discussion of Chapter 3.3 (Air Quality). For example, Impact 3.3-2 describes that although vehicle miles travelled (VMT) will increase due to the proposed General Plan, emission control measures adopted by CARB and SJVAPCD will result in a decrease in ROG, NO<sub>x</sub>, and CO emissions, so that the General Plan will not have a significant impact concerning these pollutants.

The Draft EIR addresses toxic air contaminants (TACs) in Impact 3.3-4 (Draft EIR pg. 3.3-31), and describes proposed General Plan policies to the public in general and sensitive receptors in particular. Policy AQ-P-1 prohibits new "sensitive receptor" uses within 500 feet of SR 99 and SR 198, which minimizes exposure to TACs. Other proposed General Plan policies create a buffer between sensitive receptors and industrial land uses (Policy LU-P-103), and reduce congestion and promote alternative forms of transportation, which minimize high levels of pollutants associated with increased vehicle traffic and congestion (Policies T-P-1, T-P-29, T-P-30, T-P-31, T-P-32, T-P-33, T-P-34, T-P-35, T-P-36, T-P-37, T-P-38, T-P-44, T-P-45, T-P-46, T-P-47, T-P-48, T-P-49, T-P-50, T-P-51, T-P-52, T-P-53, and T-P-54), as described Impact 3.3-1 and Impact 3.3-4.

The Draft EIR addresses odor sources in Impact 3.3-5 (Draft EIR pg. 3.3-33), which contains SJVAPCD project screening trigger levels for potential odor sources, and notes that the land uses associated with the proposed General Plan do not include any uses identified by the SJVAPCD as being associated with odors.

- A5-30: The comment refers to four policies—AQ-P-1, AQ-P-5, AQ-P-6, and AQ-P-10—that help reduce sensitive receptor exposure to TACs, NOA and/or Valley Fever. The policies are based on guidance from CARB. CARB's 2005 "Air Quality and Land Use Handbook" provides recommended distances for siting sensitive receptors within high-risk zones, including prohibiting new sensitive receptor uses within 500 feet of freeways. CARB's report provides a summary of the basis for the advisory recommendations.
- A5-31: The comment refers to Table 3.3-11 of the Draft EIR, which reproduces SJVAPCD project screening trigger levels for potential odor sources. Please see Chapter 4 for revisions to the table providing further explanation of odor sources, which is also reproduced below.

**Page 3.3-33**

**Table 3.3-11: SJVAPCD Project Screening Trigger Levels For Potential Odor Sources<sup>4</sup>**

<i>Type of Facility</i>	<i>SJVAPCD Recommended Buffer Distance</i>
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g. auto body shops)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile

Note: As described in SJVAPCD GAMAQI, odor sources identified are not meant to be all-inclusive. When evaluating whether a development proposal has the potential to result in localized odor impacts, the City will consider the nature of odor impacts, the proximity between the emitting facility and sensitive receptors, and the direction of prevailing winds and local topography.

A5-32: The comment requests clarification of information provided in the UWMP and Visalia Water Conservation Plan, with regards to providing a stable and adequate water supply. Please see Responses A2-2 and A2-3 above.

A5-33: The comment refers to the discussion of water quality in the Draft EIR lacking quantification. The water quality discussion on pages 3.6-8 to 3.6-9 qualitatively describes surface and groundwater quality in the Planning Area, including references to Clean Water Act Section 303(d) water quality limited segments. There are no known water quality impairments according to the Section 303(d) list. The references to the Department of Water Resource’s Bulletin 118 and Cal Water’s UWMP provide quantification of water quality constituents.

A5-34: The comment refers to the quantification of impacts in the Chapter 3.3 (Air Quality), Chapter 3.4 (Greenhouse Gases and Climate Change), Chapter 3.6 (Hydrology, Flooding, and Water Quality), Chapter 3.9 (Public Service, Facilities, and Utilities), and Chapter 5 (CEQA Required Conclusions). In determining the significance of environmental effects caused by a project, CEQA requires a consideration of direct physical changes in the environment that may be caused by the project, and reasonably foreseeable indirect physical changes to the environment that may be caused by the project (Public Resource Code 15064). Reasonably foreseeable impacts to these resource topics are quantified to the extent that information is available or feasible to quantify. See impact discussions in each resource topic for impacts that have been quantified.

<sup>4</sup> San Joaquin Valley Air Pollution Control District 2002.

A5-35: Please see above (A5-1 through A5-34) for responses to comments.

**A6: San Joaquin Valley Air Pollution Control District**

A6-1: The comment recognizes that future development within Visalia could contribute to a decline in air quality due to increased vehicle traffic and operational emissions, and that new development may require further environmental review. This comment is consistent with Draft EIR Impacts 3.3-2 and 3.3-3, and Response B4-10 (on the level of analysis required for future development) below, and is noted and hereby incorporated into this EIR.

A6-2: The comment relates to the quantification of health risks (including those from toxic air contaminants [TACs]) and operational emission using site-specific information, and is noted.

A6-3: The comment provides a list of criteria for individual development projects to determine if a project would be subject to District Rule 9510 (Indirect Source Review), and is noted and hereby incorporated into this EIR.

A6-4: The comment provides a list of other District rules that individual development projects may be subject to, including Regulation VIII, Rule 4102, Rule 4601, Rule 4641, and Rule 4002, and is noted and hereby incorporated into this EIR.

A6-5: The comment provides a link to additional district rules, contact information to determine applicable rules and regulations for projects, and is noted and hereby incorporated into this EIR.

A6-6: The comment refers to the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) to mitigate project specific impacts. The comment is appreciated, and the following policy is proposed to be added to the General Plan, and is included in Appendix A:

AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.

*A VERA is a voluntary mitigation measure where a project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emissions reduction projects, with the District serving a role of administrator of emissions reductions programs and verifier of successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Strategies and Incentives Program. These funds are disbursed in the form of grants for projects that achieve emission reductions.*



The inclusion of this policy serves to further reduce Impact 3.3-1, Impact 3.3-2, Impact 3.3-3, and Impact 3.3-4. Changes to the Draft EIR are shown below:

**Page 3.3-22**

- AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.
- AQ-P-14 Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas.

The following policies from the *Land Use Element* support sustainable growth, including infill and mixed-used development, which will help reduce VMT in the City:

**Page 3.3-26**

- AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.
- AQ-P-13 Where feasible, replace City vehicles with those that employ low-emission technology.
- AQ-P-14 Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas.

**Page 3.3-28**

- AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.
- AQ-P-13 Where feasible, replace City vehicles with those that employ low-emission technology.
- AQ-P-14 Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas.

**Page 3.3-32**

- AQ-P-10 Develop public information regarding high- and low-pollen producing landscape species, to be made available at City Hall and other relevant locations throughout the City. Work with Chamber of Commerce, local landscape architects, nursery contractors, and arborists to promote landscaping with low-pollen plants.

- AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.

The policies described under Impact 3.3-1 from the *Land Use Element, Parks, Schools, Community Facilities, and Utilities Element, and Circulation Element* that target VMT and congestion reduction would help reduce CO concentrations and hot-spots.

- A6-7: The comment provides direction for information that should be included for new development projects for submission to the District. It is noted and hereby incorporated into this EIR.

## **ORGANIZATIONS/INDIVIDUALS**

### **B1: Pamela Lopez**

- B1-1: The comment provides introduction to the remarks in the letter, and is noted.
- B1-2: The comment refers to portions of the General Plan that discourage development into areas currently lacking infrastructure. As the comment notes, Section 2.8 of the proposed General Plan supports infill development thorough Visalia’s infill incentive program. The proposed General Plan further encourages infill development through the three-tier growth boundary system, described on pg. 2-2 of the Draft EIR and Section 2.5 of the proposed General Plan. The urban development boundaries and triggers for proceeding from Tier I and Tier II to Tier III are designed to ensure that growth occurs in a compact and concentric fashion, adjacent to and utilizing existing infrastructure.
- B1-3: The comment refers to the level of infrastructure within the areas designated as infill. The urban development boundaries and triggers for proceeding from Tier I and Tier II to Tier III are designed so infill development is supported by existing infrastructure and services, including streets, water and sewer systems, parks and schools, and police and fire protection. Visalia’s infill incentive program provides a reduction for the Transportation Impact Fee; this fee would still be collected and contribute to infrastructure improvements as specified in the fee program. Visalia’s Development Fee Schedule would also apply to new development and provide a source of funding for needed infrastructure.

### **B2: Wanger Jones Helsley PC**

- B2-1: The comment introduces a 64 acre property located on the corner of the intersection of East Caldwell Avenue and South Santa Fe Street, referred to in much of the remainder of the comment letter. The site is designated as Public/Institution (P/I) on the General Plan Land Use Diagram, with a margin note stating that designations for future school sites are approximate in location and size, and that the default (underlying) zone is Single Family Residential (SFR). It is important to note that this approach—with an underlying land use designation of SFR and an overlaying P/I designation—is a departure from approach of the current General Plan, and highlights a new approach to land use designation taken in the proposed General Plan that increases flexibility for the property owner.

In developing the overlaying P/I designation of the property, the City consulted with the Visalia Unified School District (VUSD). VUSD expressed interest in locating a high school in the general area in the future, prior to 2030. The P/I location on the map is a placeholder to account for the possibility that a school will ultimately be built in this area. As such, the analysis in the Draft EIR considers the possibility that a school site may be located on the site and the environmental impacts associated with locating a school site from a programmatic perspective.

The margin note is clear that the location of the P/I property for a school site is approximate, and may or may not ultimately occur in southeast Visalia on some, all, or none of the property. The ultimate location lies exclusively with the property owner.

The present P/I designation on the overlay map is not binding or dispositive of the ultimate use of the property, and does not in any way affect the property owner's ability to develop or sell to a developer for ultimate development, consistent with the underlying zoning designation (single family residential). The proposed General Plan does not create any obligation whatsoever for the property owner to put the property to a P/I use, or sell the property to a P/I user.

By operation of the proposed General Plan, the underlying, controlling zoning designation for the property is SFR. If the property owner so desires, the property owner or his successors are free and clear to seek entitlements to develop that property consistent with that designation.

If the school is ultimately located on an adjacent to nearby property, the EIR has adequately evaluated environmental impacts for the property's use as commercial/SFT as identified in the General Plan. The Draft EIR is a Program EIR, which does not require site-specific project analysis (CEQA Guidelines Section 15168). Future development on the site, whether a school site, a subdivision, or other use, will require and receive site-specific environmental analysis.

In addition, the City Council agreed to allow for a 6-acre block at the southeast corner of Santa Fe and Caldwell to be designated as Commercial Mixed Use, which is reflected in the proposed General Plan Land Use Diagram. The designation of 6 acres of Commercial Mixed Use at this corner, with an underlying designation of 56 acres SFR, is the property owner's proposed land use in the comment. In short, the Land Use Diagram reflects the property owner's request as articulated in the comment.

As described below in Response B2-3, no horizontal inconsistencies are noted.

- B2-2: The comment refers to the Land Use Diagram, which reflects the City Council's direction, as noted in Response B2-1, above. Please note the exhibits being referenced are not the actual draft Land Use Map. At a scale of 1"=1.25 miles, they are approximate and not precise as to parcels or acreage.
- B2-3: The comment notes a potential horizontal inconsistency. As described in the proposed General Plan, horizontal consistency refers to internal consistency within the Plan itself.

### Chapter Three: Response to Comments on the Draft EIR

The proposed General Plan must fully integrate its separate parts and relate them to each other without conflict. The comment relates a site-specific use to proposed General Plan policies. Any proposed development on the site would be evaluated for consistency with the General Plan, using “General Plan Conformity Findings” during the transition period, while new zoning is being developed.

- B2-4: The comment refers to General Plan Policy T-P-49, in the Circulation Element. The commenter is invited to present this concern at the General Plan adoption hearings. Notwithstanding, it should be noted the BNSF Railroad crossing (and right-of-way) was abandoned in favor of a Class 1 trail that was completed in 2012.
- B2-5: The comment refers to General Plan Policy T-P-41, in the Circulation Element. The commenter is invited to present this concern at the General Plan adoption hearings.
- B2-6: The comment reference General Plan Policy T-P-51, in the Circulation Element. The commenter is invited to present this concern at the General Plan adoption hearings.
- B2-7: The comment regards the adequacy and consistency of the Circulation Element of the proposed General Plan, and the transportation analysis in the Draft EIR. The proposed General Plan and the Draft EIR utilized the TCAG Regional Travel Demand Forecast Model (RTDFM) to identify future traffic volumes along local, collector, arterial roads and freeways. The RTDFM is based upon a system of links, or streets, that load socioeconomic land uses – i.e., residential and non-residential uses, based upon each city’s and the county’s general plan and the proposed General Plan land use. The model incorporates roadways throughout the City. The 25 study intersections and roadway segments were selected to be representative of future traffic conditions for a programmatic analysis of the circulation impacts of the proposed General Plan. While the model does consider roadway conditions throughout the City in determining future traffic volumes, an exhaustive intersection-by-intersection evaluation of all roadway improvements is beyond the scope of analysis required for a Program EIR.
- B2-8: Please see Response B2-1 above.
- B2-9: The comment describes an alternate land use designation inconsistent with City Council direction; please see Response B2-2.
- B2-10: The comment requests inclusion of site-specific analysis in the Draft EIR. The Draft EIR is a Program EIR, which does not require site-specific project analysis (CEQA Guidelines Section 15168). Future development on the site, whether a school site, a subdivision, or other use, will require and receive site-specific environmental analysis. Please also see Response B2-1 above.
- B2-11: Please see Response B2-10 above.
- B2-12: Please see Response B2-7 above. TCAG’s RTDFM evaluated proposed General Plan land use, including the proposed Public/Institutional (P/I) land use designation of the subject property. The increase in existing AADT determined in the RTDFM is consistent with

trip generation rates associated with the proposed P/I land use designation. Future development on the site, whether a school site, a subdivision, or other use, will require and receive site and project use-specific environmental analysis. Notwithstanding, the increase in AADT from existing conditions (13,500 AADT) to future conditions (18,300) on Caldwell Avenue between Ben Maddox Way is 4,800 AADT, which is greater than the increase of 4,446 AADT cited in the (unrelated) traffic impact analysis report in excerpts from Irvine Unified School District.

- B2-13: The comment requests a site-specific analysis of the Caldwell/Santa Fe intersections. Please see Responses B2-7 and B2-12 above.
- B2-14: The comment requests analysis of the impacts of at-grade railroad crossings on the LOS throughout the City. It should be noted that the railroad track adjacent to Santa Fe Street is not a BNSF line, and is essentially abandoned except for small stretches of track that remain between businesses. Train traffic through Visalia on the cross-town track is minimal, with at most one train daily, and would not affect the overall traffic modeling.
- B2-15: The comment requests analysis of truck route corridors in the Draft EIR. The Draft EIR describes existing truck routes on pages 3.2-22 to 3.2-24, and shown in Figure 3.2-4. The proposed General Plan or Draft EIR does not designate any new truck routes. Truck routes may be modified by resolution by the City Council as needed. Existing and future traffic conditions described in the Draft EIR incorporate truck traffic in determining LOS and traffic volumes. A separate determination of truck traffic is beyond the scope of the Draft EIR and not warranted in a programmatic analysis of a Draft General Plan.
- B2-16: Please see Response B2-7 above.
- B2-17: The comment relates to substantial evidence used to determine the traffic-related conclusions. Please refer to Chapter 3.2 (Transportation) of the Draft EIR for a description of the methodology and assumptions used to identify future traffic volumes. In addition, Appendix D of the Draft EIR provides model output information used to support impact conclusions.
- B2-18: The comment refers to schools and enrollment data for Visalia Unified School District shown in Table 5-4 of the proposed General Plan, and Table 3.9-1 of the Draft EIR. The information contained in Table 5-4 is of 2010 school enrollment, while Table 3.9-1 shows more updated information of 2013 school enrollment. In order to provide recent 2013 school enrollment data, the proposed General Plan will be updated to match the information provide in Table 3.9-1 of the Draft EIR. This revision is included in Appendix A of this Final EIR.
- B2-19: The comment describes a potential “taking,” which is beyond the necessary scope of analysis of the Draft EIR.
- B2-20: The comment refers to a potential “restraint on alienation,” which is beyond the necessary scope of analysis of the Draft EIR.

## Chapter Three: Response to Comments on the Draft EIR

B2-21: Please see Response B2-1 above.

B2-22: The comment provides a memorandum titled “Review of Referrals from the General Plan Update Review Committee (GPURC) and Planning Commission Regarding Owner-Initiated Request for Changes to the Preliminary Preferred Plan,” dated January 22, 2013, and is noted.

B2-23: The comment including a portion of “Irvine Unified School District High School No. 5 Traffic Impact Analysis Report” is noted.

### **B3: Michelle Pimentel**

B3-1: The comment, which provides background on the letter’s discussion of transportation impacts in the Stonebridge neighborhood, especially in relation to Lovers Lane and Walnut Avenue, is noted.

B3-2: The comment refers to the City standard of acceptable LOS D, future intersection LOS levels at the intersection of Lovers Lane/Walnut Avenue and Lovers Lane/Mineral King. The 25 study intersections and roadway segments in the Draft EIR were selected to be representative of future traffic conditions for a programmatic analysis of the circulation impacts of the proposed General Plan. While the model does consider roadway conditions throughout the City in determining future traffic volumes, an exhaustive intersection-by-intersection evaluation of all roadway improvements is beyond the scope of analysis required for a Program EIR. The specific intersections highlighted in the comment were not selected as study intersections. However, as shown in Table 3.2-6, K Avenue/Lovers Lane and Caldwell Avenue/Lovers Lane, the two closest intersections, would both respectively operate at an acceptable future condition of LOS B and LOS D. Table 3.2-6 shows that the future roadway segment of State Route 198 from Mooney Boulevard to Lovers Lane would operate at an unacceptable LOS F, while State Route 198 from Lovers Lane to Road 156 would operate at an acceptable LOS A. The Draft EIR describes that the ultimate expansion of State Route 198 to rectify the unacceptable LOS on the Mooney Boulevard to Lovers Lane segment would occur beyond 2035, following proposed General Plan buildout in 2030.

B3-3: The comment refers to the date of the traffic study for the Draft EIR. The traffic study was completed in the summer of 2013, using the most recently available data for the City’s roadways. For average daily traffic counts on the City’s roadways, this corresponds to the 2008 to 2010 period. For intersection facilities, 2010 peak-hour turning movement counts were used.

B3-4: The comment refers to the traffic analysis on Lovers Lane/Walnut Avenue. Please see Response B2-7 above for an explanation of selection of representative roadways and intersections for the traffic analysis. The cited improvement along Walnut Avenue from Cedar to Avenue 148 would result in an expansion of the intersection from the current two-lane configuration to accommodate four lanes.

B3-5: The comment accurately describes Lovers Lane as a truck route. Please see Response B4-15 above.

- B3-6: The comment refers to the proposed General Plan Land Use Diagram designation of areas as Neighborhood Commercial at the northwest corner of Lovers Lane and Walnut Avenue and other commercial/mixed use designations in the vicinity. The land uses shown were incorporated into TCAG's RTDFM for analysis of transportation impacts. Chapter 3.1 (Land Use) and other resource topics in the Draft EIR evaluate the environmental impacts of the proposed General Plan Land Use Diagram.
- B3-7: The comment states that development infill designations require reduced fees, thereby reducing the likelihood that developers will fund intersection improvements. Visalia's infill incentive program, as discussed on pg. 2-37 of the proposed General Plan, provides Transportation Impact Fee reductions not to exceed 50 percent of the base fee, with fee credit based on prior use of the site for Priority 1 properties. Therefore, fees would still be required for infill development, and the use of existing infrastructure in infill areas partially accounts for the reduction.
- B3-8: The comment refers to proposed transportation improvements in the Lovers Lane/Walnut Avenue area. As described in Response B5-2, the two closest intersections, K Avenue/Lovers Lane and Caldwell Avenue/Lovers Lane, would both operate at an acceptable LOS D or above. The City's selection of LOS D as an acceptable peak LOS is a common practice for urbanized areas. The existing roadway-widening project on Walnut Avenue from Cedar St to Road 148 (2 lanes to 4 four lanes) listed in Table 3.2-5 of the Draft EIR, would also widen the intersection of Walnut Ave and Lovers Lane. In addition, the intersection improvement projects also shown in Table 3.2-5 consist entirely of new traffic signals, with one traffic signal interconnection project. As the Lovers Lane/Walnut Avenue intersection is already signalized, it would remain so.

**B4: Richard L. Harriman**

- B4-1: The comment provides background on the proposed General Plan and Draft EIR remarks that follow, and is noted.
- B4-2: The comment describes and summarizes the land use policies to ensure growth occurs in a compact and concentric fashion, using the tiered growth boundaries presented in proposed General Plan Policy LU-P-19, and summarizes a number of policies with similar goals.

With reference to the historical growth pattern shown in Figure 1-3 and the proposed development footprint in Figure 2-3 of the proposed General Plan, it is important to note that the ultimate buildout under the proposed General Plan has a reduced urban footprint relative to the current (existing) General Plan. It is also important to note that the proposed Preferred Plan Concept is the proposed General Plan. The proposed General Plan development footprint by tiers reflects only minor boundary alterations approved by City Council, and a change in the Tier I/Tier II designation described below. The policies from the GPURC-recommended Preferred Plan Concept are identical to and indistinguishable from the proposed General Plan.

### Chapter Three: Response to Comments on the Draft EIR

The selection of the Tier I, Tier II and Tier III boundary system is reflective of current conditions, property ownership, the boundaries of approved development projects and projects under review, and available population and job growth data. The Plan is designed to add developed acreage to the built City in a balanced fashion, in both the second tier of development and the third. Proposed General Plan Policy LU-P-21 outlines the criteria for development within the tiers.

The Tier II lands described in the comment—areas along Shirk Road both north and south of SR 198—are currently outside of City limits.

The Tier II UBD is the original Tier I recommended by the GPURC. Tier II is intended to accommodate roughly ten years' worth of growth and support an estimated population of approximately 178,000. Tier II lands will become available for annexation provided they do not result in an excess of a 10-year supply of undeveloped residential lands within the new Tier I. This is intended to be consistent with LAFCO policies discouraging residential annexations exceeding a 10-year housing inventory. Thus, Tier II is distinguished from the GPURC-recommended Tier I in that it is not based on projected capacity and need, but rather on a requirement to be able to demonstrate that less than a ten year inventory of land exists. Therefore, designation of areas as being within Tier I boundaries based on City limits, County islands and other areas shown in Figure 2-3 does not result in internal or horizontal inconsistencies.

- B4-3: The comment refers to the Preferred Plan Concept in the use of the development of the proposed General Plan. As described above in Response B6-2, the proposed General Plan is the Preferred Plan Concept recommended by GPURC.

Chapter 4 of the Draft EIR describes alternatives to the proposed General Plan. There is no "GPURC Alternative" because the proposed General Plan is the Preferred Plan Concept. The environmentally superior alternative designated in Chapter 4 is Alternative 1 (Neighborhood Nodes and Compact Growth). The environmentally superior alternative is not the proposed General Plan/Preferred Plan Concept.

- B4-4: The comment refers to tiered growth boundaries, consistency with LAFCO recommendations, and the analysis of agricultural lands. Please see Response B6-2 above for a discussion of tier growth boundaries based on LAFCO recommendations, and Response B6-6 below for a discussion of agricultural lands.
- B4-5: The comment relates to addressing the timing and priority of the review of development applications by the City. Policy LU-P-19 and Policy LU-P-21 describe the sequencing of development through a phased growth strategy.

Policy LU-P-19 describes the tiered growth as follows:

*"The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within*



*which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.*

Policy LU-P-21 describes the phasing thresholds for development:

*“Tier II”: The expansion criteria for land in Tier II to become available for annexation and development is that such annexation and development shall only occur if it does not result in excess of a 10-year supply of undeveloped residential land within the new Tier I. This is intended to be consistent with LAFCO policies discouraging residential annexations exceeding a 10-year housing inventory. Thus, the “inner” tier is distinguished from the GPURC-recommended Tier I in that it is not based on projected capacity and need, but rather on a requirement to be able to demonstrate that less than a ten year inventory of residential land exists.*

*“Tier III”: Tier III comprises full buildout of the General Plan. The expansion criteria for land in Tier III is that land would only become available for development when building permits have been issued in Tier I and Tier II at the following levels:*

*Residential: after permits for 12,800 housing units have been issued, resulting in a target City population in Tier I of 178,000;*

*Commercial: after permits for 960,000 square feet of commercial space have been issued; and*

*Industrial: after permits for 2,800,000 square feet of industrial space have been issued*

*To complement residential neighborhood development, the City also may allow small annexations for sites less than 30 acres in size that are contiguous to the City limits to allow for efficient development of a neighborhood, commercial area or employment center, provided no General Plan amendment is required and infrastructure is available or can be extended at no cost to the City.*

When land is available following the above expansion criteria for annexation and development, applications to the City will be reviewed in the order they are received.

- B4-6: The comment refers to the disclosure, analysis, and consideration of adverse impacts to agriculture and mitigation measures for impact, with reference to Impact 3.5-1 (Draft EIR pgs. 3.5-11 to 3.5-16). As the comment states, the analysis of the effect of buildout of the proposed General Plan on the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, finds a significant impact. The comment puts forth the opinion that the impact is not unavoidable. Please see Response B7-6 for a discussion of impacts to farmland and the availability and appropriateness of mitigation measures.

The comment suggests that inclusion of the Shirk Road corridor north and south of SR 198 would avoid the premature development of prime agricultural land. As shown on Figure 3.5-1 of the Draft EIR, the Shirk Road corridor north and south of SR 198 is classified as Prime Farmland by the State's Farmland Mapping and Monitoring Program. It is unclear how inclusion of this area—designated as Prime Farmland and outside of City limits—for urban development in Tier I would reduce impacts to agricultural lands. Rather, inclusion of this area within the Tier I development boundary would have the opposite effect by encouraging premature development of prime agricultural land.

- B4-7: The comment references agricultural land conversion mitigation measures. Please see Response B5-6.
- B4-8: The comment regards the analysis of agricultural land conversion mitigation measures. Please see Response B5-6.
- B4-9: The comment requests revisions to the Draft EIR and the proposed General Plan for reasons described in the above comments. The City believes that the Draft EIR, as amended by this document, is adequate under CEQA and State EIR Guidelines and no future revision and recirculation is warranted. Please see Responses B4-1 to B4-8 above.

**B5: American Farmland Trust**

- B5-1: The comment describing the agricultural productivity and value of agricultural goods in San Joaquin Valley and Tulare County is noted.
- B5-2: The comment's summary of the report provided as Comment B5-10, including six key objectives for farmland conservation in the region, is noted. Please see Response B5-6 below.
- B5-3: The comment cites the American Farmland Trust's comments during development of the proposed General Plan, which are noted and appreciated. Please see Response B5-6 discussion the addressing the conversion of agricultural land.
- B5-4: The comment refers to the benefits of farmland conservation and farmland mitigation programs. Please see Response B5-6 discussion the addressing the conversion of agricultural land and farmland mitigation programs.
- B5-5: The comment refers to example farmland mitigation programs in the City of Davis and City of Hughson, provided as Comments B5-8 and B5-9, respectively, and is noted.
- B5-6: The Draft EIR explains that future development resulting from the adoption of the proposed General Plan would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use over the next 20 years. As described in Impact 3.5-1 (pgs. 3.5-11 to 3.5-16), adoption of the proposed Plan would result in the conversion of 14,265 acres (or 33 percent) of the existing Important Farmland within the Planning Area to urban uses, which may include park and open space designations. This response first describes the steps the proposed General Plan and

Draft EIR takes in farmland conservation, based on the six key objectives to realize farmland conservation in the region, articulated Comment B5-2.

- (1) Avoid development of high quality farmland;
- (2) Minimize farmland loss with more efficient development;
- (3) Ensure stability of the urban edge;
- (4) Minimize rural residential development;
- (5) Mitigation the loss of farmland with conservation easements; and
- (6) Encourage a favorable agricultural business climate.

Objectives (1) to (4) and (6) are first addressed, followed by a discussion of objective (5).

The first objective of avoiding development of high quality farmland is addressed by a number of proposed General Plan Policies. The proposed General Plan provides multiple policies to avoid development of high quality farmland, including prioritizing infill development within existing city limits, clear phasing of growth through the establishment of three growth rings, compact development in new growth areas, and the continuation of most agricultural activities in the Planning Area. The City recognizes the importance of promoting compact development through sound land use planning, including planning for the preservation of agricultural lands. Proposed General Plan Policies LU-P-14, LU-P-19, LU-P-21, LU-P-24, LU-P-25, LU-P-26, LU-P-27, LU-P-30, LU-P-31, LU-P-32, LU-P-33, and LU-P-44 demonstrate policies to ensure phased growth.

The second objective of minimizing farmland loss with more efficient development is realized through the land use policies stated above and the concentric growth pattern established under the proposed General Plan.

The third objective of stabilizing of the urban edge is exemplified by Policies LU-P-19 and LU-P-21, which describe the sequencing of development through a phased growth strategy. The “Saving Farmland, Growing Cities” report suggests that “areas around cities designated for future development should not expand more than necessary to accommodate reasonable future growth.” The tiered growth system under Policies LU-P-19 and LU-P-21 allow land to become available for annexation and development only when specific criteria are met.

The fourth objective of minimizing rural residential development is covered by the policies described in the third objective, designed to prevent “leapfrogging” development.

The sixth objective of encouraging a favorable agricultural business climate is addressed directly by Policy LU-P-14, to recognize the importance of agriculture-related business to the City and region, and cooperate with the County on agricultural preservation efforts.

In addition to the above policies promoting farmland conservation, it is important to note that the ultimate buildout under the proposed General Plan has a reduced urban footprint relative to the current (existing) General Plan.

The fifth objective suggests adoption of a farmland mitigation program. This approach is problematic for a number of reasons:

1. Farmland mitigation programs may result in a patchwork of easements;
2. Payments may not cover the costs of land purchase at the price required to make the easement a viable economic option for the landowner;
3. Conservation easements can be economically prohibitive for development; and
4. Conservation easements may also result in the purchase of agricultural lands not subject to development pressures in the first place.

Each of these four limitations is described in more detail below.

The EIR explains that a program consisting of the required purchase of agricultural easements on other land is inherently dependent upon voluntary agreements by farm owners to sell easements over their property at an agreed price. If agricultural land is subject to development pressures, landowners likely will be would oppose efforts to “target” their area for the purchase of easements, or will only sell them at a very high cost. The most likely result will be a patchwork of easements, which may or may not constitute enough contiguous farmland to be economically viable.

Payments into agricultural mitigation funds are generally based on rough estimates of the cost of farmland conservation easements, without specific information about actual costs. As with other real estate transactions, the cost of farmland conservation easements are highly variable. Mitigation fees on a per-acre basis may not be sufficient to cover actual costs of purchasing a set amount for off-site mitigation.

Fees charged under mitigation programs may be economically prohibitive for development in the planning area. Conservation easements can be approximately between 40 and 60 percent of the property’s value. The expense of conservation easements can render future development economically infeasible.

Development pressure on agricultural lands within the Planning Area would result in the vast majority of property owners selling conservation easements at higher rates. The areas that would be most financially feasibly for the purchase of conservation easements would likely be substantially disconnected from the Planning Area and under very little pressure to develop. These properties would likely remain in agricultural use for the duration of the General Plan timeframe, and purchasing conservation easements will not make the conservation any less likely. As such, the mitigation benefit of purchasing conservation easements on these properties would be remote and speculative. While conservation easements may be appropriate and provide tangible benefits in other settings, the likelihood that agricultural easements purchased on areas not subject to development pressures would not produce mitigation that meets CEQA criteria.

A conservation easement that successfully addresses these constraints is better implemented at a countywide or other regional scale; thus the City, supports the development of a regional conservation program, such as the one proposed in the Tulare

County General Plan. Creating a locally based agricultural conservation easement program can have the unintended effect of encouraging conversion of agricultural lands immediately outside of jurisdictional boundaries. The City is supportive of regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies and an implementation measure relating to agricultural lands, which are reproduced below:

*AG-1.6 Conservation Easements.*

*The County may develop an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in this Element. This program may require payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism as a condition of approval for conversion of important agricultural land to nonagricultural use. If available, the ACEP shall be used for replacement lands determined to be of statewide significance (Prime or other Important Farmlands), or sensitive and necessary for the preservation of agricultural land, including land that may be part of a community separator as part of a comprehensive program to establish community separators. The in-lieu fee or other conservation mechanism shall recognize the importance of land value and shall require equivalent mitigation.*

*AG-1.18 Farmland Trust and Funding Sources.*

*The in-lieu fees collected by the County may be transferred to the Central Valley Farmland Trust or other qualifying entity, which will arrange the purchase of conservation easements. The County shall encourage the Trust or other qualifying entity to pursue a variety of funding sources (grants, donations, taxes, or other funds) to fund implementation of the ACEP.*

*Agricultural Element Implementation Measure #15.*

*The County shall consider the implementation of an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in Policy AG-1.6*

The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

- B5-7: The comment requests inclusion of a farmland mitigation program in the proposed General Plan. Please see response B5-6 above.
- B5-8: The comment containing the City of Hughson's Farmland Preservation Program is noted.

- B5-9: The comment contains a reproduction of the City of Davis’s Agricultural Mitigation Ordinance, and is noted.
- B5-10: The comment containing the American Farmland Trust’s “Saving Farmland, Growing Cities” is noted.

## **PUBLIC HEARING COMMENTS**

- C-1: The comment refers to current growth rates in the City compared to before the recent recession, and the status of development impact fees. As described at the hearing, the City is currently at approximately its historic growth rate. However, growth rates have not reached the level of 2005 through 2007. Impact fees come from the construction of new homes, whether they are traffic impact fees, school fees, or park fees.
- C-2: The comment requests information on the status of funds for infrastructure. Impact fees provide the funds for infrastructure development. As permits for housing units increase, then the infrastructure fund balances generally increase.
- C-3: The comment refers to a commitment to solar energy as mitigation for air quality impacts. Visalia’s Draft Climate Action Plan includes numerous existing and proposed community and municipal measures which incorporate solar photovoltaic (PV) installation. Existing community measures include solar PV institutional barrier removal and solar PV installations (Existing Community Energy Actions 1 and 2). Existing municipal operations measures include solar PV installations at the airport, bus shelters, transit centers, and water conservation plant (Existing Municipal Energy Actions 8, 9, 10, and 11). Proposed community measures include community-wide solar PV bulk purchasing and Visalia Unified School District’s solar program (Proposed Community Energy Actions 2 and 5). Proposed municipal operations measures include solar PV installation (Proposed Municipal Energy Action 3). Greenhouse gas (GHG) reductions associated with these measures are quantified in the Draft Climate Action Plan and analyzed in the Draft EIR. With these measures, the City believes the EIR is complete and adequate with respect to the use of solar PV.
- C-4: The comment refers to requirements for electric vehicles. The Draft Climate Action Plan does describe electric vehicle promotion, including Plug-In Electric Vehicle (PEV) Charging Stations. Proposed General Plan Policy AQ-P-6 also addresses providing PEV Charging Stations.
- C-5: The comment refers to the requirements for SJVAPCD’s Rule 9510. Please see Comment Letter A6 from SJVAPCD and Responses A6-3, A6-4, and A6-5 for a discussion of how SJVAPCD Rules apply to individual development projects.
- C-6: The comment refers to mitigation occurring through implementation of proposed General Plan policies. The proposed General Plan policies serve to mitigate impacts. By preparing the proposed General Plan and the Draft EIR simultaneously, any mitigable impacts were identified and addressed with plan policies. Each impact discussion

## Visalia General Plan Final Environmental Impact Report

contains a reference to proposed General Plan policies that reduce impacts. Where impacts are not able to be mitigated by proposed General Plan polices, those impacts are considered significant and unavoidable.

- C-7: The comment refers to growth under the tiered boundary system. Please see Responses B6-2 and B6-5 above.
- C-8: The comment requests information about the maximum size for a specific plan area. All specific plans must comply with Sections 65450-65457 of the California Government Code. Specific plans are required to be consistent with the adopted general plan of the jurisdiction in which it is located. There is no maximum specific plan acreage provided in the California Government Code, nor in the proposed General Plan.
- C-9: The comment refers to triggers to Tier II and Tier III expansion. Please see Responses B4-2 and B4-5 above.
- C-10: The comment refers to jobs and housing balance. Section 1.6 of the proposed General Plan addresses jobs and housing balance.
- C-11: The comment requests information on whether the West 198 Corridor Specific Plan was adopted and integrated into the proposed General Plan. Chapter 3.1 of the Draft EIR described adopted specific plans in the Planning Area. The West 198 Corridor specific Plan was never adopted by the City.
- C-12: The comment refers to the availability of agricultural mitigation. Please see Response B5-6 for a discussion of impacts to farmland and the availability and appropriateness of mitigation measures.
- C-13: The comment refers to a definition and designation of infill areas. "Infill" is defined in the proposed General Plan as "The development of new housing or other buildings on scattered vacant lots in a predominantly developed area or on new building parcels created by permitted lot splits." Please see Chapter 2 of the proposed General Plan for designation and further explanation on infill areas.
- C-14: The comment requests information on the current wastewater treatment capacity, which is provided in Chapter 3.9 (Public Services, Facilities, and Utilities) of the Draft EIR. The wastewater treatment plant is currently being upgraded to 26 mgd capacity.
- C-15: The comment refers to traffic impacts in SR 198/Lovers Lane. Please refer to Response B3-2.
- C-16: The comment refers to the annual growth rate percentage of 2.6 percent and requests an arithmetic calculation. Please refer to Table 2.4-2 of the Draft EIR, which shows the net population growth arithmetically. The population difference between total buildout and 2010 conditions is approximately 85,560.

### Chapter Three: Response to Comments on the Draft EIR

C-17: The comment refers to tiering from the Final EIR. The Final EIR covers the overall effects associated with the adoption and implementation of the General Plan. The Final EIR, which includes the Draft EIR and the revisions contained in this document, can also be used for “tiering” future projects, as described in Sections 21068.5 and 21094 of the Public Resources Code. Tiering applies when a subsequent project is consistent with the proposed General Plan and zoning. When a specific project is submitted to the City, the City will determine whether the environmental effects of the project have been addressed by the Final EIR. If the proposal would not result in any additional potentially significant impacts beyond those considered in the EIR, no new environmental analysis is required. Later tiered EIRs are not required to examine any impacts that were mitigated or avoided in the EIR, or were examined at a sufficient levels of detail, or cumulative effects that were addressed in the EIR. The analysis would focus on impacts in addition to those disclosed in the EIR.

CEQA provides further streamlining for infill sites (per Public Resources Code 21081.2 and CEQA Guidelines 15332) that meet either of the following criteria:

*(a) The site has not been previously developed for urban uses and both of the following apply:*

*(1) The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.*

*(2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.*

*(b) The site has been previously developed for qualified urban uses.*

The Final EIR, while providing opportunities for tiering and streamlining in accordance with CEQA, does not pre-judge subsequent case-by-case determination, nor establish separate thresholds for projects that are presumed to qualify for streamlining.

As described in Chapter 1 of the Draft EIR, the Final EIR is intended to be solely used for the approval of the proposed Plan and should not be used for the approval of individual projects undertaken subsequent to the Plan’s adoption. It will though provide a basis for “tiering” environmental review for subsequent implementation actions (as described above), such as new zoning consistent with the General Plan, anticipated Capital Improvement Programs, and infrastructure master plans. However, information in the Draft EIR can be referenced as applicable.



# 4 Revisions to the Draft EIR

## EXECUTIVE SUMMARY

### Page ES-11

LU-P-21 Allow annexation and development of residential, commercial, Regional Retail, and industrial land to occur within the Urban Development Boundary (Tier II) and the Urban Growth Boundary (Tier III) consistent with the City's Land Use Diagram, according to the following phasing thresholds:

- "Tier II": Tier II supports a target buildout population of approximately 178,000. The expansion criteria for land in Tier II is that land would only become available for development when building permits have been issued in Tier I at the following levels, starting from April 1, 2010:

Residential: after permits for 5,850 housing units have been issued; and

Commercial: after permits for 480,000 square feet of commercial space on designated Commercial Mixed Use, Downtown Mixed Use, Office, and Service Commercial land have been issued.

Regional Retail: New Regional Retail areas in the Tier II Growth Boundary shall be eligible for urban development upon satisfactory demonstration that the following criteria have been met:

1. Existing Regional Retail Commercial zoned land south of Caldwell Avenue that was undeveloped as of the date of adoption of the General Plan has received at least 922,383sq.ft. of commercial building permits [formula: 121 acres @43,560sq.ft. per gross acre = 5,270,760sq.ft. x .25 (assumed FAR for Regional Retail development) x 0.7 (recommended flex factor)]
2. The uses and tenants proposed for the area will substantially further the community's goal of providing high-level regional retail goods and services.
3. That there is sufficient roadway capacity and adequate public facilities and infrastructure to accommodate the proposed development.

The regional retail zone classification shall provide for permitted and conditional uses that are of a regional draw only. Uses that are not exclusively of a regional draw may be allowed where a finding is made that such uses are ancillary or associated with the regional uses. Uses of a neighborhood- or convenience-level draw only shall not be permitted.

- "Tier III": Tier III comprises full buildout of the General Plan. The expansion criteria for land in Tier III is that land would only become available for

## Chapter Four: Revisions to the Draft EIR

development when building permits have been issued in Tier I and Tier II at the following levels, starting from April, 2010:

Residential: after permits for 12,800 housing units have been issued; and

Commercial: after permits for 960,000 square feet of space on designated Commercial Mixed Use, Downtown Mixed Use, Office, and Service Commercial land have been issued; and

Industrial: after permits for 2,800,000 square feet of space on designated Industrial, Light Industrial, and Business Research Park land have been issued

*To complement residential neighborhood development, the City also may allow small annexations for sites less than 30 acres in size that are contiguous to the City limits to allow for efficient development of a neighborhood, commercial area or employment center, provided no General Plan amendment is required and infrastructure is available or can be extended at no cost to the city.*

*Triggers for proceeding from Tier I and Tier II to Tier III may be modified based on subsequent direction from the City Council.*

*Annexations are subject to review against regulations and policies in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Tulare County Local Agency Formation Commission Policy and Procedure Manual regarding development and inventory of existing vacant land designated for urban uses in the city limits.*

### **Page ES-12**

LU-P-26 Continue to follow the Memorandum of Understanding with Tulare County, and work with the County to strengthen the implementation of the Visalia General Plan.

### **Page ES-12**

LU-P-28 Continue to use natural and man-made edges, such as major roadways and waterways within the city's Urban Growth Boundary, as urban development limit and growth phasing lines.

### **Page ES-12**

LU-P-34 Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and

programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land preserved to agricultural land converted and require agricultural land preserved to be equivalent to agricultural land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee, but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I, or conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways.

**Page ES-13 (Table ES-3)**

LU-P-42 Develop scenic corridor and gateway guidelines that will maintain the agricultural character of Visalia at its urban fringe.

**Page ES-13 (Table ES-3)**

LU-P-45 Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.

**Page ES-13 (Table ES-3)**

LU-P-46 Adopt and implement an incentive program for residential infill development of existing vacant lots and underutilized sites within the City limits as a strategy to help to meet the future growth needs of the community.

**Page ES-13 (Table ES-3)**

LU-P-75 Provide incentives for infill development of opportunity sites and adaptive reuse and restoration of existing buildings in Downtown and East Downtown.

**Page ES-13 (Table ES-3)**

LU-P-76 Improve and enhance East Downtown's physical image and desirability as a place to invest, through public investments in infrastructure, parking, streetscapes and public spaces.

**Page ES-13 (Table ES-3)**

LU-P-91 Promote the development and implementation of special districts and master plan areas to preserve and enhance Downtown and East Downtown in the Core Area. Ongoing efforts include the Medical District Master Plan, and historic preservation district.

**Page ES-13 (Table ES-3)**

LU-P-116 Coordinate airport area development proposals with the Tulare County Airport Land Use Commission.

**Page ES-14 (Table ES-3)**

LU-P-58 Establish an Affordable Housing Overlay Zoning District (AHO) to promote the development of affordable housing on infill land within the existing City limits in areas designated by the General Plan for multi-family residential development. Participation by affordable housing developers in the AHO program would be voluntary, with the incentives offered intended to make development of affordable housing feasible.

**Page ES-14 (Table ES-3)**

LU-P-60 Continue to enforce code compliance and provide support to neighborhood improvement efforts to ensure repair and maintenance of existing dwelling units.

**Page ES-14 (Table ES-3)**

LU-P-72 Ensure that noise, traffic, and other potential conflicts that may arise in a mix of commercial and residential uses are mitigated through good site planning, building design, and/or appropriate operational measures.

**Page ES-14 (Table ES-3)**

LU-P-93 Work with the Downtown Property Owners Association (POA) and other Downtown-oriented organizations to continue investment in downtown infrastructure improvement projects such as the acquisition of property for parking facilities and graffiti removal programs.

**Page ES-14 (Table ES-3)**

LU-P-97 In order to avoid losing out on potential funding opportunities, to the extent financially feasible, prepare infrastructure improvement plans for future necessary facilities so that they are ready to bid when such funding opportunities become available.

**Page ES-14 (Table ES-3)**

LU-P-41 Use Mill, Packwood, and Cameron Creeks and other waterways as natural amenities and links between neighborhoods.

**Page ES-14 (Table ES-3)**

LU-P-48 Establish criteria and standards for pedestrian, bicycle, and vehicle circulation networks within new subdivisions and non-residential development.

**Page ES-15 (Table ES-3)**

LU-P-49 Preserve established and distinctive neighborhoods throughout the city by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing, and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

**Page ES-15 (Table ES-3)**

LU-P-53 Integrate multi-family development with commercial, office, and public uses in neighborhood notes, Downtown, and with Commercial Mixed Use areas in East Downtown, along the Mooney corridor and elsewhere.

**Page ES-15 (Table ES-3)**

LU-P-59 Ensure that natural and open space features, such as Valley Oak trees and community waterways, are treated as special site amenities as part of any residential development.

**Page ES-15 (Table ES-3)**

LU-P-61 Support the continued development and revitalization of the following corridors as integral parts of the community, with offices, commercial uses, multi-family residential, and mixed-use developments.

- Mooney Boulevard between Noble and Caldwell;
- Dinuba Boulevard between Houston and Ferguson;
- Ben Maddox Way between Tulare and Houston;
- Santa Fe Avenue between Tulare and Houston; and
- Houston Avenue between Hall and Cain.

**Page ES-15 (Table ES-3)**

LU-P-63 In higher-intensity and mixed-use areas, require pedestrian-oriented amenities such as small plazas, outdoor seating, public art, and active street frontages, with ground-floor retail, where appropriate and justified.

**Page ES-15 (Table ES-3)**

LU-P-64 Provide incentives for new pedestrian-friendly retail and mixed-use development along major transit corridors and pedestrian-oriented commercial streets.

**Page ES-16 (Table ES-3)**

LU-P-65 Continue to require a master-planning process for community and regional commercial development to ensure compatibility with surrounding residential areas, an attractive appearance from major roadways, and pedestrian accessibility and safety.

**Page ES-16 (Table ES-3)**

LU-P-78 In East Downtown, emphasize creating and enhancing strong economic, pedestrian, and visual connections to adjacent neighborhoods and Downtown. East Main is envisioned as the “central spine;” Burke and Santa Fe as north-south civic streets; and Oak Street and Mill Creek as key east-west connectors.

**Page ES-16 (Table ES-3)**

LU-P-86 Support revitalization of East Downtown by the extension of the city block pattern found in Downtown, and the creation of five distinct street types, with different roles and identities:

- *Transit Corridor.* Oak Street should support potential future light rail transit as well as on-street parking and pedestrian amenities, and function as a civic space.
- *Thoroughfare Commercial Streets.* Ben Maddox and Mineral King require four lanes and a turn lane, carry citywide traffic, and have uses that can take advantage of regional access.
- *Mixed Use Commercial Streets.* Santa Fe, East Main Street, and Burke Street should be two-lane streets with turn lanes at key intersections, parallel parking, and bus pull-outs. They have ground floor uses that add pedestrian interest and comfortable sidewalks, and provide key connections to Downtown.
- *Mixed Use Residential Streets.* Center and Acequia Avenues are two lane streets with turn lanes at key intersections, parallel parking, and bus pull-outs.

- *Neighborhood Streets and Alleys.* These are narrow two-lane streets with parallel and diagonal parking. They provide access to residential blocks and provide a quieter setting.

**Page ES-17 (Table ES-3)**

LU-P-92 Provide enhanced pedestrian amenities and streetscape improvements in Downtown and East Downtown. Improvements may include landscaped open space areas, street furniture, lighting, and signage.

**Page ES-17 (Table ES-3)**

LU-P-94 Provide enhanced pedestrian connectivity between Downtown and the historic districts located both north and south of Highway 198 through construction of ADA-accessible sidewalks and entry signage.

**Page ES-17 (Table ES-3)**

LU-P-109 Facilitate the creation of mixed-use activity centers on and adjacent to the College of the Sequoias campus and on other land designated for public/institutional uses by locating commercial and mixed land use areas adjacent to existing or planned public facilities, and by allowing mixed uses to be developed on Public/Institutional land through a master planning process.

**Page ES-32 (Table ES-3)**

LU-P-21 Allow annexation and development of residential, commercial, Regional Retail, and industrial land to occur within the Urban Development Boundary (Tier II) and the Urban Growth Boundary (Tier III) consistent with the City's Land Use Diagram, according to the following phasing thresholds:

- "Tier II": Tier II supports a target buildout population of approximately 178,000. The expansion criteria for land in Tier II is that land would only become available for development when building permits have been issued in Tier I at the following levels, starting from April 1, 2010:

Residential: after permits for 5,850 housing units have been issued; and

Commercial: after permits for 480,000 square feet of commercial space on designated Commercial Mixed Use, Downtown Mixed Use, Office, and Service Commercial land have been issued.

Regional Retail: New Regional Retail areas in the Tier II Growth Boundary shall be eligible for urban development upon satisfactory demonstration that the following criteria have been met:

1. Existing Regional Retail Commercial zoned land south of Caldwell Avenue that was undeveloped as of the date of adoption of the General Plan has received at least 922,383sq.ft. of commercial building permits [formula:

## Chapter Four: Revisions to the Draft EIR

121 acres @43,560sq.ft. per gross acre = 5,270,760sq.ft. x .25 (assumed FAR for Regional Retail development) x 0.7 (recommended flex factor)]

2. The uses and tenants proposed for the area will substantially further the community's goal of providing high-level regional retail goods and services.
3. That there is sufficient roadway capacity and adequate public facilities and infrastructure to accommodate the proposed development.

The regional retail zone classification shall provide for permitted and conditional uses that are of a regional draw only. Uses that are not exclusively of a regional draw may be allowed where a finding is made that such uses are ancillary or associated with the regional uses. Uses of a neighborhood- or convenience-level draw only shall not be permitted.

- “Tier III”: Tier III comprises full buildout of the General Plan. The expansion criteria for land in Tier III is that land would only become available for development when building permits have been issued in Tier I and Tier II at the following levels, starting from April, 2010:

Residential: after permits for 12,800 housing units have been issued; and

Commercial: after permits for 960,000 square feet of space on designated Commercial Mixed Use, Downtown Mixed Use, Office, and Service Commercial land have been issued; and

Industrial: after permits for 2,800,000 square feet of space on designated Industrial, Light Industrial, and Business Research Park land have been issued

*To complement residential neighborhood development, the City also may allow small annexations for sites less than 30 acres in size that are contiguous to the City limits to allow for efficient development of a neighborhood, commercial area or employment center, provided no General Plan amendment is required and infrastructure is available or can be extended at no cost to the city.*

*Triggers for proceeding from Tier I and Tier II to Tier III may be modified based on subsequent direction from the City Council.*

*Annexations are subject to review against regulations and policies in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Tulare County Local Agency Formation Commission Policy and Procedure Manual regarding development and inventory of existing vacant land designated for urban uses in the city limits.*



**Page ES-33 (Table ES-3)**

- LU-P-26 Continue to follow the Memorandum of Understanding with Tulare County, and work with the County to strengthen the implementation of the Visalia General Plan.

**Page ES-33 (Table ES-3)**

- LU-P-27 Initiate planning for post-2030 urban land needs in the area north of St. Johns River that is within the City's Sphere of Influence, and other areas as may be identified by the City Council, when residential development within the Urban Growth Boundary Tier 3 reaches 80 percent of capacity, or earlier, at the initiative of the City Council.

*This long-term Planning Area is outside of the Urban Growth Boundary Tier 3 (UGB) established for this General Plan, and a General Plan amendment adding it to the UGB will require detailed studies of infrastructure needs, financing options for extension public facilities and services, and environmental resources and a determination by the City Council that the City's long term interests are best served by sensitively planned, appropriately timed development north of the St. Johns River, that development will provide a net fiscal benefit to the City, and that infill development opportunities within the City have been fully realized.*

**Page ES-34 (Table ES-3)**

- LU-P-34 Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land

preserved to agricultural land converted and require agricultural land preserved to be equivalent to agricultural land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee, but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I, or conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways.

**Page ES-34 (Table ES-3)**

LU-P-35 Adopt the County's Right-to-Farm ordinance to support continued agricultural operations at appropriate locations within the City limits, with no new provisions.

**Page ES-34 (Table ES-3)**

LU-P-36 Adopt an Urban Agriculture Ordinance, reflecting "best practices," to support community gardens and other activities.

**Page ES-34 (Table ES-3)**

LU-P-45 Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.

**Page ES-70 (Table ES-3)**

LU-P-49 Preserve established and distinctive neighborhoods throughout the city by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing, and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

**Page ES-70 (Table ES-3)**

LU-P-75 Provide incentives for infill development of opportunity sites and adaptive reuse and restoration of existing buildings in Downtown and East Downtown.

**Page ES-74 (Table ES-3)**

LU-P-28 Continue to use natural and man-made edges, such as major roadways and waterways within the city's Urban Growth Boundary, as urban development limit and growth phasing lines.

**Page ES-75 (Table ES-3)**

LU-P-34 Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

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## CHAPTER 2: PROJECT DESCRIPTION

### Figure 2.3-1

*[Figure 2.3-1 has been updated to match changes to Figure 2-2 of the proposed General Plan, as shown in Appendix A]*

## CHAPTER 3.1: LAND USE

### Page 3.1-15

LU-P-21 Allow annexation and development of residential, commercial, Regional Retail, and industrial land to occur within the Urban Development Boundary (Tier II) and the Urban Growth Boundary (Tier III) consistent with the City's Land Use Diagram, according to the following phasing thresholds:

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1. Existing Regional Retail Commercial zoned land south of Caldwell Avenue that was undeveloped as of the date of adoption of the General Plan has received at least 922,383sq.ft. of commercial building permits [formula: 121 acres @43,560sq.ft. per gross acre = 5,270,760sq.ft. x .25 (assumed FAR for Regional Retail development) x 0.7 (recommended flex factor)]
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3. That there is sufficient roadway capacity and adequate public facilities and infrastructure to accommodate the proposed development.

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**Page 3.1-16**

- LU-P-26 Continue to follow the Memorandum of Understanding with Tulare County, and work with the County to strengthen the implementation of the Visalia General Plan.

**Page 3.1-16**

- LU-P-28 Continue to use natural and man-made edges, such as major roadways and waterways within the city’s Urban Growth Boundary, as urban development limit and growth phasing lines.

**Page 3.1-17**

- LU-P-34 Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the

efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

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**Page 3.I-17**

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**Page 3.I-17**

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**Page 3.I-17**

LU-P-41 Use Mill, Packwood, and Cameron Creeks and other waterways as natural amenities and links between neighborhoods.

**Page 3.1-17**

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**Page 3.1-18**

LU-P-75 Provide incentives for infill development of opportunity sites and adaptive reuse and restoration of existing buildings in Downtown and East Downtown.

**Page 3.1-18**

LU-P-76 Improve and enhance East Downtown's physical image and desirability as a place to invest, through public investments in infrastructure, parking, streetscapes and public spaces.

**Page 3.1-18**

LU-P-91 Promote the development and implementation of special districts and master plan areas to preserve and enhance Downtown and East Downtown in the Core Area. Ongoing efforts include the Medical District Master Plan, and historic preservation district.

**Page 3.1-19**

LU-P-116 Coordinate airport area development proposals with the Tulare County Airport Land Use Commission.

**Page 3.1-19**

LU-P-58 Establish an Affordable Housing Overlay Zoning District (AHO) to promote the development of affordable housing on infill land within the existing City limits in areas designated by the General Plan for multi-family residential development. Participation by affordable housing developers in the AHO program would be voluntary, with the incentives offered intended to make development of affordable housing feasible.

**Page 3.1-20**

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**Page 3.1-20**

LU-P-72 Ensure that noise, traffic, and other potential conflicts that may arise in a mix of commercial and residential uses are mitigated through good site planning, building design, and/or appropriate operational measures.

**Page 3.1-20**

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**Page 3.1-20**

LU-P-97 In order to avoid losing out on potential funding opportunities, to the extent financially feasible, prepare infrastructure improvement plans for future necessary facilities so that they are ready to bid when such funding opportunities become available.

**Page 3.1-21**

LU-P-48 Establish criteria and standards for pedestrian, bicycle, and vehicle circulation networks within new subdivisions and non-residential development.

**Page 3.1-21**

LU-P-49 Preserve established and distinctive neighborhoods throughout the city by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing, and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

**Page 3.1-21**

LU-P-53 Integrate multi-family development with commercial, office, and public uses in neighborhood notes, Downtown, and with Commercial Mixed Use areas in East Downtown, along the Mooney corridor and elsewhere.

**Page 3.1-21**

LU-P-59 Ensure that natural and open space features, such as Valley Oak trees and community waterways, are treated as special site amenities as part of any residential development.

**Page 3.1-21**

LU-P-61 Support the continued development and revitalization of the following corridors as integral parts of the community, with offices, commercial uses, multi-family residential, and mixed-use developments.

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**Page 3.I-22**

LU-P-63 In higher-intensity and mixed-use areas, require pedestrian-oriented amenities such as small plazas, outdoor seating, public art, and active street frontages, with ground-floor retail, where appropriate and justified.

**Page 3.I-22**

LU-P-64 Provide incentives for new pedestrian-friendly retail and mixed-use development along major transit corridors and pedestrian-oriented commercial streets.

**Page 3.I-22**

LU-P-65 Continue to require a master-planning process for community and regional commercial development to ensure compatibility with surrounding residential areas, an attractive appearance from major roadways, and pedestrian accessibility and safety.

**Page 3.I-22**

LU-P-78 In East Downtown, emphasize creating and enhancing strong economic, pedestrian, and visual connections to adjacent neighborhoods and Downtown. East Main is envisioned as the “central spine;” Burke and Santa Fe as north-south civic streets; and Oak Street and Mill Creek as key east-west connectors.

**Page 3.I-22**

LU-P-86 Support revitalization of East Downtown by the extension of the city block pattern found in Downtown, and the creation of five distinct street types, with different roles and identities:

- *Transit Corridor.* Oak Street should support potential future light rail transit as well as on-street parking and pedestrian amenities, and function as a civic space.
- *Thoroughfare Commercial Streets.* Ben Maddox and Mineral King require four lanes and a turn lane, carry citywide traffic, and have uses that can take advantage of regional access.
- *Mixed Use Commercial Streets.* Santa Fe, East Main Street, and Burke Street should be two-lane streets with turn lanes at key intersections, parallel parking, and bus pull-outs. They have ground floor uses that add pedestrian interest and comfortable sidewalks, and provide key connections to Downtown.
- *Mixed Use Residential Streets.* Center and Acequia Avenues are two lane streets with turn lanes at key intersections, parallel parking, and bus pull-outs.

- *Neighborhood Streets and Alleys.* These are narrow two-lane streets with parallel and diagonal parking. They provide access to residential blocks and provide a quieter setting.

**Page 3.1-23**

LU-P-92 Provide enhanced pedestrian amenities and streetscape improvements in Downtown and East Downtown. Improvements may include landscaped open space areas, street furniture, lighting, and signage.

**Page 3.1-23**

LU-P-94 Provide enhanced pedestrian connectivity between Downtown and the historic districts located both north and south of Highway 198 through construction of ADA-accessible sidewalks and entry signage.

**Page 3.1-23**

LU-P-109 Facilitate the creation of mixed-use activity centers on and adjacent to the College of the Sequoias campus and on other land designated for public/institutional uses by locating commercial and mixed land use areas adjacent to existing or planned public facilities, and by allowing mixed uses to be developed on Public/Institutional land through a master planning process.

**CHAPTER 3.2: TRANSPORTATION**

**Page 3.2-2**

***Existing Roadway Conditions***

The city's roadways were evaluated using average daily traffic (ADT) counts for the 2008 to 2010 period. Intersection facilities were evaluated for the AM and PM peak-hour using 2010 peak-hour turning movement counts. Traffic conditions and deficiencies were identified by calculating the level-of-service (LOS). LOS is a qualitative measure of traffic operating conditions, whereby a letter grade "A" through "F" is assigned to an intersection or roadway segment representing progressively worsening traffic conditions. **Table 3.2-1** provides more specific definitions. LOS was calculated for different intersection control types using the methods documented in the *Highway Capacity Manual 2010 (HCM 2010)*.

**CHAPTER 3.3: AIR QUALITY**

**Page 3.3-26**

AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.

AQ-P-13 Where feasible, replace City vehicles with those that employ low-emission technology.

AQ-P-14 Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas.

**Page 3.3-28**

AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.

AQ-P-13 Where feasible, replace City vehicles with those that employ low-emission technology.

AQ-P-14 Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas.

**Page 3.3-32**

AQ-P-10 Develop public information regarding high- and low-pollen producing landscape species, to be made available at City Hall and other relevant locations throughout the City. Work with Chamber of Commerce, local landscape architects, nursery contractors, and arborists to promote landscaping with low-pollen plants.

AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.

The policies described under Impact 3.3-1 from the *Land Use Element, Parks, Schools, Community Facilities, and Utilities Element*, and *Circulation Element* that target VMT and congestion reduction would help reduce CO concentrations and hot-spots.

**Page 3.3-33**

**Table 3.3-1 I: SJVAPCD Project Screening Trigger Levels For Potential Odor Sources<sup>5</sup>**

<i>Type of Facility</i>	<i>SJVAPCD Recommended Buffer Distance</i>
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile

<sup>5</sup> San Joaquin Valley Air Pollution Control District 2002.

Painting/Coating Operations (e.g. auto body shops)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile

Note: As described in SJVAPCD GAMAI, odor sources identified are not meant to be all-inclusive. When evaluating whether a development proposal has the potential to result in localized odor impacts, the City will consider the nature of odor impacts, the proximity between the emitting facility and sensitive receptors, and the direction of prevailing winds and local topography.

## CHAPTER 3.5 AGRICULTURE AND SOILS

### Page 3.5-13

LU-P-21 Allow annexation and development of residential, commercial, Regional Retail, and industrial land to occur within the Urban Development Boundary (Tier II) and the Urban Growth Boundary (Tier III) consistent with the City’s Land Use Diagram, according to the following phasing thresholds:

- “Tier II”: Tier II supports a target buildout population of approximately 178,000. The expansion criteria for land in Tier II is that land would only become available for development when building permits have been issued in Tier I at the following levels, starting from April 1, 2010:

Residential: after permits for 5,850 housing units have been issued; and

Commercial: after permits for 480,000 square feet of commercial space on designated Commercial Mixed Use, Downtown Mixed Use, Office, and Service Commercial land have been issued

Regional Retail: New Regional Retail areas in the Tier II Growth Boundary shall be eligible for urban development upon satisfactory demonstration that the following criteria have been met:

1. Existing Regional Retail Commercial zoned land south of Caldwell Avenue that was undeveloped as of the date of adoption of the General Plan has received at least 922,383sq.ft. of commercial building permits [formula: 121 acres @43,560sq.ft. per gross acre = 5,270,760sq.ft. x .25 (assumed FAR for Regional Retail development) x 0.7 (recommended flex factor)]
2. The uses and tenants proposed for the area will substantially further the community's goal of providing high-level regional retail goods and services.
3. That there is sufficient roadway capacity and adequate public facilities and infrastructure to accommodate the proposed development.

The regional retail zone classification shall provide for permitted and conditional uses that are of a regional draw only. Uses that are not exclusively of a regional draw may be allowed where a finding is made that such uses are ancillary or associated with the regional uses. Uses of a neighborhood- or convenience-level draw only shall not be permitted.

- “Tier III”: Tier III comprises full buildout of the General Plan. The expansion criteria for land in Tier III is that land would only become available for development when building permits have been issued in Tier I and Tier II at the following levels, starting from April, 2010:

Residential: after permits for 12,800 housing units have been issued; and

Commercial: after permits for 960,000 square feet of space on designated Commercial Mixed Use, Downtown Mixed Use, Office, and Service Commercial land have been issued; and

Industrial: after permits for 2,800,000 square feet of space on designated Industrial, Light Industrial, and Business Research Park land have been issued

*To complement residential neighborhood development, the City also may allow small annexations for sites less than 30 acres in size that are contiguous to the City limits to allow for efficient development of a neighborhood, commercial area or employment center, provided no General Plan amendment is required and infrastructure is available or can be extended at no cost to the city.*

*Triggers for proceeding from Tier I and Tier II to Tier III may be modified based on subsequent direction from the City Council.*

*Annexations are subject to review against regulations and policies in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Tulare County Local Agency Formation Commission Policy and Procedure Manual regarding development and inventory of existing vacant land designated for urban uses in the city limits.*

**Page 3.5-14**

LU-P-26 Continue to follow the Memorandum of Understanding with Tulare County, and work with the County to strengthen the implementation of the Visalia General Plan.

**Page 3.5-14**

LU-P-27 Initiate planning for post-2030 urban land needs in the area north of St. Johns River that is within the City’s Sphere of Influence, and other areas as may be identified by the City Council, when residential development within the Urban Growth Boundary Tier 3 reaches 80 percent of capacity, or earlier, at the initiative of the City Council.

*This long-term Planning Area is outside of the Urban Growth Boundary Tier 3 (UGB) established for this General Plan, and a General Plan amendment adding it to the UGB will require detailed studies of infrastructure needs, financing options for extension public facilities and services, and environmental resources and a determination by the City Council that the City's long term interests are best served by sensitively planned, appropriately timed development north of the St. Johns River, that development will provide a net fiscal benefit to the City, and that infill development opportunities within the City have been fully realized.*

**Page 3.5-15**

LU-P-34 Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land preserved to agricultural land converted and require agricultural land preserved to be equivalent to agricultural land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee, but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in

Tier I, or conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways.

**Page 3.5-15**

LU-P-45 Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.

**Page 3.5-18**

LU-P-35 Adopt the County’s Right-to-Farm ordinance to support continued agricultural operations at appropriate locations within the City limits, with no new provisions.

**Page 3.5-18**

LU-P-36 Adopt an Urban Agriculture Ordinance, reflecting “best practices,” to support community gardens and other activities.

**CHAPTER 3.6: HYDROLOGY, FLOODING AND WATER QUALITY**

**Pages 3.6-1 to 3.6-2**

**PHYSICAL SETTING**

**Climate**

The north Pacific high-pressure system dominates the region’s large-scale meteorology and produces northerly winds along the entire west coast of the United States during most of the year. The National Oceanic and Atmospheric Administration’s (NOAA’s) Western Region Headquarters measures meteorological data including temperature and precipitation and has multiple monitoring stations throughout California. NOAA has monitored air temperature and precipitation in Visalia continuously from 1981 to 2010. **Table 3.6-1** shows the average monthly precipitation and the average minimum and average maximum monthly air temperature at NOAA’s Visalia monitoring station from 1981 to 2010.

**Table 3.6-1: Monthly Precipitation and Air Temperature in Visalia, 1981 to 2010**

Month	Precipitation (inches)	Air Temperature (°F)	
	Average	Minimum	Maximum
January	2.05	38.6	54.9
February	1.82	42.1	61.7
March	1.90	46.1	67.6
April	0.99	49.3	73.7
May	0.35	55.8	82.0

**Table 3.6-1: Monthly Precipitation and Air Temperature in Visalia, 1981 to 2010**

Month	Precipitation (inches)	Air Temperature (°F)	
	Average	Minimum	Maximum
June	0.14	61.6	89.4
July	0.01	66.7	94.5
August	0.01	64.8	93.3
September	0.15	60.2	87.9
October	0.55	52.5	78.4
November	1.13	43.7	64.6
December	1.77	37.8	54.8
Annual	10.77	51.6	75.3

Source: NOAA, 2013

### Surface Water Hydrology

The Planning Area is located on relatively level terrain typical of the Tulare Lake Basin. However, Visalia does rest in the heart of the Kaweah River’s Delta system, which results in many rivers and creeks that flow through the city. The Kaweah River travels to the south of the Planning Area, and the St. John’s River splits off from the Kaweah River and travels on the northern border of Visalia. Surface runoff in the Planning Area generally flows from east to west and terminates in the Tulare Lake Basin. Major surface water resources in the area include the St. John’s River, Modoc Ditch, Mill Creek Ditch, Mill Creek, Tulare Irrigation District (TID) Canal, Packwood Creek, Cameron Creek, Deep Creek, Evans Creek, Persian Ditch, and several other local ditches (See **Figure 3.6-1**). Except for the TID Canal, most watercourses are intermittent drainages that receive a portion of flow from storm water runoff during the rainy season. This intermittent flow is typically supplemented from water released from Terminus Dam, which was constructed in 1962 and is operated by the U.S. Army Corps of Engineers. The majority of surface water flows released from Terminus Dam is for the purposes of flood control and irrigation and provide a significant portion of flow in the Planning Area.

### Page 3.6-5

### Groundwater Hydrology

The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer.<sup>6</sup> Groundwater in Tulare County is present in valley deposits of alluvium that are several thousand feet thick and occurs in both confined and unconfined conditions.<sup>7</sup> Packwood Creek, like other surface water bodies in the area, is intimately tied to the regional groundwater system. It functions as an influent or “losing” stream where stream flow feeds the groundwater table throughout the year.

<sup>6</sup> Department of Water Resources (DWR). 2003. California’s Groundwater Update, Bulletin 118.

<sup>7</sup> Ibid.



## **CHAPTER 3.9: PUBLIC SERVICES, FACILITIES, AND UTILITIES**

### **Page 3.9-23**

*[Insert below Table 3.9-4]*

In 2011, the City and KDWCD developed a Groundwater Modeling Study, which created a calibrated groundwater model based on the water years of 1981 to 2005. The groundwater model was found to be effective in evaluating the impacts on local groundwater levels and storage, and was used to simulate different future scenarios from the years 2006 to 2030.<sup>8</sup> The groundwater model is an important planning tool that can be used by the City and the Kaweah Delta Water Conservation District to evaluate the potential impacts to aquifer levels from groundwater recharge projects.

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<sup>8</sup>Fugro Consultants, 2011

## **CHAPTER 3.12 CULTURAL RESOURCES**

### **Page 3.12-13**

LU-P-75 Provide incentives for infill development of opportunity sites and adaptive reuse and restoration of existing buildings in Downtown and East Downtown.

## **CHAPTER 3.13 VISUAL RESOURCES**

### **Page 3.13-9**

LU-P-28 Continue to use natural and man-made edges, such as major roadways and waterways within the city's Urban Growth Boundary, as urban development limit and growth phasing lines.

### **Page 3.12-12**

LU-P-49 Preserve established and distinctive neighborhoods throughout the city by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing, and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

### **Page 3.13-10**

LU-P-34 Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and

state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land preserved to agricultural land converted and require agricultural land preserved to be equivalent to agricultural land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee, but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I, or conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways.

## **CHAPTER 6: BIBLIOGRAPHY**

### **Page 6-1**

*[Insert above "Tulare County Association of Governments. 2011]*

Transportation Research Board, National Research Council. 2010. *Highway Capacity Manual*. Washington, D.C.

### **Page 6-6**

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**Page 6-9**

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City of Visalia. 1994. Storm Water Master Plan. Available at:  
[http://www.ci.visalia.ca.us/depts/engineering/engineering\\_documents/](http://www.ci.visalia.ca.us/depts/engineering/engineering_documents/)

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[http://www.ci.visalia.ca.us/depts/engineering/engineering\\_documents/](http://www.ci.visalia.ca.us/depts/engineering/engineering_documents/)

*[Insert below "College of the Sequoias. 2010"]*

Fugro Consultants. 2011. City of Visalia Groundwater Modeling Study Final Report. Prepared for:  
Kaweah Delta Water Conservation District and City of Visalia.

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# Appendix A: Revisions to the Draft General Plan

This appendix includes revisions to the Draft General Plan drafted in response to the comments received on the Draft EIR.

A new policy AQ-P-12, was added to page 7-10:

AQ-P-12 Support the implementation of Voluntary Emissions Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District (the District) for individual development projects that may exceed District significance thresholds.

*A VERA is a voluntary mitigation measure where a project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emissions reduction projects, with the District serving a role of administrator of emissions reductions programs and verifier of successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Strategies and Incentives Program. These funds are disbursed in the form of grants for projects that achieve emission reductions.*

Policies AQ-P-12 to AQ-P-16 on page 7-15 were renumbered to AQ-P-13 to AQ-P-17.

## **Pg. 2-22 (“Reserve” definition added)**

**Reserve.** The Reserve designation applies to lands that are outside of the Urban Growth Boundary (UGB) for which future planned development may be appropriate under criteria as stated in LU-P-26. Use of lands in the Reserve designation is anticipated to remain in agriculture.

## **Pg. 2-31**

LU-P-26 Continue to follow the Memorandum of Understanding with Tulare County, and work with the County to strengthen the implementation of the Visalia General Plan.

**Pg. 6-3**

OSC-P-1      Conduct an annual review of cancelled Williamson Act contracts and development proposals on agricultural land within the Planning Area Boundary to foresee opportunities for acquisition, dedications, easements or other techniques to preserve agricultural open space or for groundwater recharge.

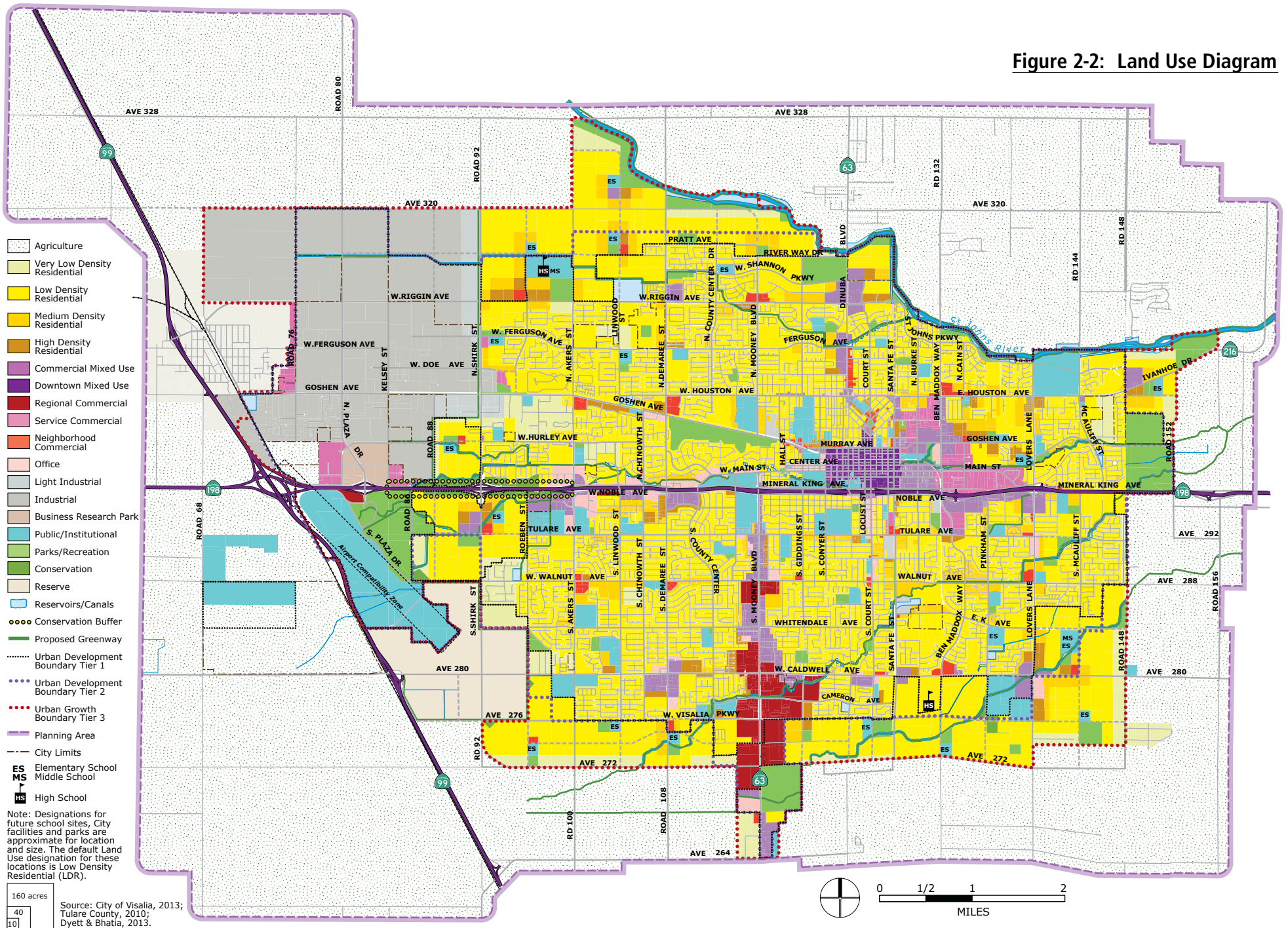
**Figure 2-2: Land Use Diagram**

*[A shading error in the Doe industrial property was corrected, see attached]*

**Table 5-5: Schools and Enrollment, Visalia Unified School District**

*[Table 5-4 now includes updated (2013) school enrollment data, as described in Response B2-18, see attached]*

Figure 2-2: Land Use Diagram



**Table 5-4: Schools and Enrollment, Visalia Unified School District**

<i>School</i>	<i>2013 Enrollment</i>	<i>School</i>	<i>2013 Enrollment</i>	<i>School</i>	<i>2013 Enrollment</i>
<b>Elementary Schools (K-6)</b>		<b>Middle Schools (7-8)</b>		<b>VUSD ENROLLMENT WITHIN PLANNING AREA<sup>2</sup></b>	
Annie R. Mitchell	739	Divisadero	937	<b>Tulare County Programs</b>	
Conyer	438	Green Acres	1,271	University Prep (9-12)	116
Cottonwood Creek	686	La Joya	1,046	La Sierra (7-12)	306
Crestwood	628	Valley Oak	917	Court/Community Schools	500
Crowley	609	<b>SUBTOTAL MIDDLE</b>	<b>4,171</b>	<b>TCOE ENROLLMENT<sup>3</sup></b>	
Elbow Creek <sup>1</sup>	494	<b>High Schools (9-12)</b>		(1) School located outside Planning Area.	
Fairview	587	El Diamante	1,895	(2) Not including students at schools outside Planning Area.	
Four Creeks	679	Golden West	1,628	(3) County schools also draw students from outside the Planning Area.	
Golden Oak	545	Mt. Whitney	1,593	<i>Sources: Visalia Unified School District, 2013; Dyett &amp; Bhatia, 2013</i>	
Goshen <sup>1</sup>	692	Redwood	2,066		
Highland	531	<b>SUBTOTAL HIGH</b>	<b>7,531</b>		
Houston	577	<b>Educational Options Schools</b>			
Hurley	601	Adult School			
Ivanhoe <sup>1</sup>	625	Charter Alternative (6-12)	80		
Linwood	680	Charter Home School <sup>1</sup> (K-8)	68		
Manuel F. Hernandez	792	River Bend	70		
Mineral King	675	Sequoia	349		
Mountain View	586	Visalia Charter Ind. Study	538		
Oak Grove	613	Visalia Technical Ed. Center	131		
Pinkham	514	Other (K-6)	357		
Royal Oaks	555	Other (7-8)	115		
Shannon Ranch	675	Other (9-12)	258		
Veva Blunt	601	<b>SUBTOTAL SPECIAL PROGRAMS</b>	<b>1,966</b>		
Washington	322				
Willow Glen	570				
<b>SUBTOTAL ELEMENTARY</b>	<b>15,014</b>				



## **Appendix B: Reporter's Transcript of Audio Recording, April 29, 2014**

CITY OF VISALIA

**CERTIFIED COPY**

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Public Meeting in re: )  
 )  
DRAFT GENERAL PLAN and )  
DRAFT ENVIRONMENTAL IMPACT )  
REPORT )  
\_\_\_\_\_ )

Visalia, California  
April 29, 2014

**REPORTER'S TRANSCRIPT**  
**OF**  
**AUDIO RECORDING**

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DANETTE M. HENDRIX, CSR 6412

1 VISALIA, CALIFORNIA

2 TUESDAY, APRIL 29, 2014, 5:30 P.M.

3 -----

4 MR. SCHIBLE: Today is April 29th. It is 5:29  
5 p.m., and this is Paul Schible from the Visalia  
6 Planning Division, along with Brandon Smith, Visalia  
7 Planning Division, at City Council chambers, Visalia  
8 City Council.

9 I think we have everybody here. Do a quick  
10 introduction and overview. The purpose of this  
11 meeting -- I'm Paul Schible from the City Planning  
12 Division. I am accompanied by Brandon Smith. We are  
13 two of the project planners on the general plan update  
14 and EIR.

15 This is a -- the purpose of this meeting -- I  
16 want to thank you all for attending, and this is a very  
17 informal meeting. Our ground rules are really, really  
18 simple.

19 And I do have a record -- I wanted to let  
20 everybody know that we have a recorder running so that  
21 we can get any comments verbally on the record.

22 And we also have some forms here for you to  
23 fill out if there is any questions or comments that you  
24 have on either the general plan update or the EIR at  
25 this time.

1           So this is kind of a -- under California CEQA  
2 law, an environmental impact report that becomes  
3 completed and is circulated for public review requires  
4 a 45-day review period.

5           The general plan update has an associated  
6 environmental impact report as you all know. It took a  
7 while to get the EIR finished up and circulated after  
8 the City Council had accepted a draft of the general  
9 plan update. It was about a year ago, and now we're  
10 ready to proceed with the -- we're in the middle of the  
11 public review period of the EIR.

12           This is not required -- this meeting is not  
13 required under CEQA. It's a matter of policy of the  
14 city to engage in outreach with the public to make  
15 comments.

16           The review period -- legally, the review period  
17 for the environmental impact report closes on the 14th  
18 of May if I'm not mistaken. That's the end of the  
19 45-day review period. So this is sort of a mid point  
20 informal review.

21           Brandon and I are here to receive any comments  
22 that the public may have at this time, either written  
23 or verbally -- written is always best -- I have these  
24 forms here that you can give us your name and how we  
25 can contact you. That's not required. It's obviously

1 helpful. And any comments or questions you have  
2 regarding the EIR or the general plan at this time.

3 By way of timeline, the next -- the review  
4 period for the EIR closes on the 14th of May. The next  
5 thing that happens after that is on the 20th of May,  
6 there is going to be a joint City Council/planning  
7 commission public meeting on the general plan and the  
8 EIR. That's not a formal public hearing. It's merely  
9 a public presentation of where we're at on the general  
10 plan and the EIR and an opportunity for the planning  
11 commission and City Council to hear public comments,  
12 assuming that the mayor invites the public to speak,  
13 and there is every indication that will happen. It's  
14 not a public hearing, but it's basically a public forum  
15 to discuss this.

16 At some point in the future, we don't have a  
17 date certain yet, when the review period is closed,  
18 we've had a chance to prepare a response and review all  
19 comments that come in on the EIR, as required by state  
20 law, we have to review those and provide responses to  
21 people and agencies that have comments on the EIR, and  
22 at that point we will have satisfied the requirements,  
23 we have a public hearing and consider adoption of the  
24 general plan update and the environmental impact  
25 report.

1           And at some point in time, we're looking at  
2 roughly in the summer, we should be in a position to be  
3 able to adopt the general plan and certify the EIR.

4           So that's pretty much where we're at by way of  
5 the process right now. And we'll open ourselves up to  
6 any specific questions you may have.

7           This really isn't a forum to engage in a debate  
8 about certain aspects of the EIR or in the general  
9 plan. You're more than welcome to make those comments.  
10 We're not really in a position to make any changes to  
11 the EIR or the general plan at this time. So everybody  
12 understands that, I'm sure.

13           A SPEAKER: One of the things in the general  
14 plan is projected growth rates over the 20-year period.

15           MR. SCHIBLE: Right.

16           A SPEAKER: Now, during the recession,  
17 obviously building permits and everything dropped  
18 drastically, which then fits the -- my question goes to  
19 schools -- the developer for the schools because of new  
20 residences going in, so on and so forth.

21           In reading the city's monthly whatever, I've  
22 seen comments that building permits have been picking  
23 up.

24           MR. SCHIBLE: Sure.

25           A SPEAKER: I guess I've been wondering -- how

1 to phrase this -- how are we coming with growth rates  
2 picking up, you know, to where they were before the  
3 recession and then the developer fee accounts to pay  
4 for stuff like schools because I remember in some of  
5 the prior discussions there was this -- and I didn't  
6 bring it with me, but there are various kinds of  
7 transportation, curbs and gutters, and all these funds  
8 from developers, and some of it has small surpluses and  
9 some had major deficits -- how is the monthly or  
10 quarterly whatever building permits now with before the  
11 recession, and is that effectively -- you know, how far  
12 in the hole some of these funds are. Are we starting  
13 to see some of those deficits reducing as money comes  
14 in from developer fees?

15 MR. SCHIBLE: Sure. As new housing permits are  
16 issued, those are the derivatives -- those are the --  
17 where impact fees come from, whether they're traffic  
18 impact fees, or school fees, particularly school fees  
19 for residential projects, park fees, what have you.

20 The city's housing permit issuances have picked  
21 up significantly. It depends on what point before the  
22 recession that you want to pin.

23 Overall, on a historic growth rate level, we're  
24 about at our historic growth rate. If you take a  
25 10-year, 20-year, 30-year period, are we at the levels

1 of 2005 through 2007, not even close.

2 A SPEAKER: That's the problem.

3 MR. SCHIBLE: Right.

4 The general plan assumes a 2.6 percent growth  
5 rate. That equates to several hundred new housing  
6 units per year, give or take. Years fluctuate. But on  
7 average, 2.6 percent growth rate.

8 A SPEAKER: So are we getting back toward that  
9 general trend line?

10 MR. SCHIBLE: There is a trend line. We're not  
11 at 2.6 percent growth rate right now, and we're not at  
12 the growth rate before the bubble.

13 Are we at a historic trend line, sure, but  
14 another thing that you might recall from the early  
15 stages of the general plan update, as the city grows in  
16 population, its growth rate is understandably going to  
17 be reduced. Even though the population, the whole  
18 population and number of households continues to  
19 increase, even if it increased at a rate of 600 housing  
20 units per year, its rate of growth is compressed  
21 because the population is --

22 A SPEAKER: Right.

23 MR. SCHIBLE: So --

24 A SPEAKER: (Unintelligible) 2.6 sounds right,  
25 but there was a number -- and, again, 2.6 sounds right,



1 but it was based on a projection of good rate running  
2 against -- I think it's 2.6, isn't it?

3 MR. SCHIBLE: Yes.

4 A SPEAKER: So we're up from the trough, but  
5 we're not yet at that rate.

6 MR. SCHIBLE: That's my understanding.

7 A SPEAKER: All right. How is the status on  
8 the funds, the traffic, the schools, the so on? Some  
9 of those were pretty deep in the hole.

10 MR. SCHIBLE: I really don't know. I'm really  
11 not in a position to be able to respond to what the  
12 balances are in those. You certainly could call our  
13 finance department, and they would be able to tell you  
14 what the money total is at this point in time.

15 Generally speaking, and this is a major glimpse  
16 at the obvious, as permits are issued, then impact --  
17 the impact fee balances increase.

18 Where they stand rela -- you know, in their  
19 fiscal status, I don't know.

20 A SPEAKER: Housing specific, but if we're  
21 still below historic growth rate, then money coming in  
22 is going to be below --

23 MR. SCHIBLE: I really couldn't tell you. It's  
24 a pretty complicated formula as to where the funds are  
25 expended.

1 A SPEAKER: I'm talking about coming in.

2 Expended out is --

3 MR. SCHIBLE: The short answer is when housing  
4 unit starts increase, then those fund balances  
5 generally increase. Where they're at fiscally, I  
6 really don't know.

7 A SPEAKER: But we're still below the long-term  
8 trend line growth rate which then affects the amount  
9 coming in.

10 MR. SCHIBLE: For 20 -- I am not really in a  
11 position to say how that affects what the actual dollar  
12 amount repercussions of that is.

13 A SPEAKER: Well, if there were more permits,  
14 wouldn't there be more money coming in?

15 MR. SCHIBLE: Yeah, sure.

16 A SPEAKER: And with less permits, there is  
17 less money coming in?

18 MR. SCHIBLE: Exactly right.

19 A SPEAKER: And we're still at the less stage?

20 MR. SCHIBLE: Right.

21 A SPEAKER: Okay. That answers my question.

22 A SPEAKER: Can I piggy back to your question?  
23 Are we allowed to ask about the general plan as well as  
24 the EIR?

25 MR. SCHIBLE: Sure.

1           A SPEAKER: That's a good question I haven't  
2 heard asked before. I think your question if we're in  
3 a deficit relationship now on our school funds for the  
4 future, when does that deficit get caught up when you  
5 start reaching the -- let's say if we have a historic  
6 growth rate of 2.6 percent, some years it's higher,  
7 some years it's lower, so you're saying when the good  
8 years come, as they will probably, hopefully, one of  
9 these days, then how long does it take to catch up  
10 because of the bad year, the severest, the worst  
11 recession I've seen in my lifetime?

12           So is that what your question was? Because I  
13 want to follow up on that, too, I don't mean with Paul,  
14 but I'd like the numbers.

15           A SPEAKER: Yeah, because -- (unintelligible)  
16 there was at least -- I know it was eight or more of  
17 these separate funds, because there was traffic, there  
18 was schools, road improvements.

19           There was one developer offered to front the  
20 money to the city for the roads, curb, gutter, whatever  
21 for his access road, and the city wouldn't do it, and  
22 so he couldn't build what he wanted to build. It was  
23 down in the south end of town, just off of Mooney, in  
24 the general area of Costco, somewhere in there, and he  
25 couldn't do it, and the money wasn't there.

1           Now, when the houses get built, there are  
2 school kids, the schools got to get built real fast,  
3 that won't wait, and some of the funds went surplus,  
4 but some of the funds were pretty seriously in deficit,  
5 and then when building permits increase, well, how long  
6 after the building permit is the building up and  
7 running, and your traffic, and your this, that and the  
8 other, we're still behind the power curve on a lot of  
9 those funds.

10           A SPEAKER: Well, I don't --

11           A SPEAKER: He doesn't have the numbers.

12           A SPEAKER: I don't want to speak for Paul, but  
13 that's the planner's dilemma, I think, is the lagging  
14 on the infrastructure being built, and your alternative  
15 is you look at the wastewater treatment facilities or  
16 something, where you build out, say, for a 30-year  
17 bond, and so you actually got a whole lot more  
18 infrastructure capacity than you're using for quite a  
19 few years.

20           So you are balancing -- because you're going to  
21 end up paying as a user. I don't know mean to answer  
22 your question because that's for him to answer.

23           MR. SCHIBLE: What I can say, and you know a  
24 snapshot in time, the relative balances of those impact  
25 accounts are a matter of public record. I don't have

1 that information here. It's not really specifically  
2 germane to the general plan.

3           What I did want to say relative to the general  
4 plan, there is in the general plan a growth projection  
5 and land use map that shows where development is  
6 supposed to occur. It doesn't prescribe actual exactly  
7 when that happens.

8           There is another part of the general plan that  
9 prescribes the city's policies on providing  
10 infrastructure and services, most of which is paid  
11 for -- much of which is paid for by impact fees that  
12 are consistent with the growth.

13           How that works, that's what the general plan  
14 prescribes. That's what's in the general plan right  
15 now as discussed further in the EIR, the exact metrics  
16 on any given --

17           A SPEAKER: No, that's not what I'm asking. I  
18 am asking the trends. Are we starting to see the  
19 negative balances starting to recover with more money  
20 coming in as permits go up? I'm talking about trends,  
21 not the specific numbers. Obviously, you wouldn't have  
22 that at your fingertips.

23           MR. SCHIBLE: And I can say that 2013 was the  
24 best year that we had in terms of housing starts since  
25 the recession started. I can't tell you how that jives

1 with exactly historic growth trends. I think it's very  
2 consistent, and I couldn't tell you exactly where that  
3 lies with the city's -- with the plan, with the  
4 preferred plan's growth at 2.6 percent -- I couldn't  
5 tell you.

6 And I can tell you, once again, as you get  
7 housing starts, you get more money into these impact  
8 fee fund accounts. How solvent or insolvent they are  
9 today or at any given time, I couldn't say.

10 A SPEAKER: Like I say, that's not my question.  
11 My question is are trend lines starting to recover?

12 A SPEAKER: I have a couple comments. First of  
13 all, Richard Harriman for the record.

14 I had commented to Brandon before you got here,  
15 Paul, I thought your consultant and your staff on this  
16 process did a really good job in processing and being  
17 open and transparent and really appreciate that effort  
18 on the city's behalf and your consultant's behalf.

19 You have a very good consultant, and because of  
20 that my comments are going to be probably less  
21 extensive. I'll make written comments, too, but I  
22 wanted to ask some questions tonight if it's okay with  
23 you all.

24 I'll start with the easy ones first. I didn't  
25 see any firm commitments to mandatory requirement of

1 solar renewable energy as a mitigation measure for air  
2 quality impacts.

3           And I would like to suggest that -- I think  
4 that the literature and the technology is such now that  
5 they should be required as mandatory, meaning  
6 residential solar, but more importantly I think that  
7 the low hanging fruit and the easiest mitigation to get  
8 on reduction of fossil fuel energy, greenhouse gasses,  
9 and the like, and you mention those in the climate  
10 action plan, are if you're going to have warehouses,  
11 large industrial structures, retail commercial  
12 buildings that are hundreds of thousands of square  
13 feet, I would really like to see a mandatory condition  
14 that they have to put solar panels on the roof to serve  
15 their own needs and preferably to generate more  
16 electricity.

17           I know Wal-Mart, when they build the new super  
18 centers now, they do a solar treatment, which shows  
19 that it is in the realm of feasibility.

20           The second thing I wanted to comment on is I  
21 didn't see any specific mitigation measures or  
22 implementation measures for the general plan requiring  
23 electric vehicles or other non-fossil fuel vehicles  
24 being used, and I would like to urge that on you, and I  
25 will put that in writing in a more complex way, but I

1 wanted to T it up for you all, because I know the  
2 sooner you get it, the sooner you get working on it.

3 The other area under air quality that I wanted  
4 to touch on is that there is substantial information in  
5 a lot of the other general plans. If you go to the San  
6 Joaquin Valley Air Pollution Control District records,  
7 we know that the Rule 9510 regulation for new source  
8 review, even the district doesn't say, yeah, that's  
9 going to be 100 percent of the mitigation necessary to  
10 reach attainment. They say it's about 60 percent. And  
11 I wondered whether or not you could do an analysis on  
12 that percentage to try to pick up the rest of the 100  
13 percent. Are you tracking with me?

14 MR. SCHIBLE: Are you referring -- Rule 9510 is  
15 indirect source.

16 A SPEAKER: Did I say secondary source?  
17 Indirect source.

18 MR. SCHIBLE: And that's typically done on a  
19 project by project basis.

20 A SPEAKER: I understand that. But the point  
21 I'm putting out as an analysis point is even on a  
22 project by project basis, the air district doesn't say  
23 that the 9510 mitigates to 100 percent. It mitigates  
24 to about 60 percent. So there is still some left over.

25 You don't have to take my word on it. Talk



1 with the air district, see if they tell you different,  
2 but I think that should be addressed, because I think  
3 in this basin, even the air district is not saying that  
4 they're going to reach performance standards. They're  
5 not going to reach compliance until -- not even 2025 I  
6 don't think.

7 We're still in extreme noncompliance,  
8 non-performance, correct?

9 So I think that instead of just looking at the  
10 60 percent, even the 100 percent, if we could capture  
11 some of the last of that, say, 40 percent that's not  
12 getting caught under 9510, I think that would be  
13 something that would be useful in terms of air quality.

14 MR. SCHIBLE: Okay. Thanks for the comment.

15 A SPEAKER: And, by the way, I don't blame all  
16 the air quality problems on Visalia. I understand it's  
17 a regional issue.

18 The other area that I wanted to visit with you  
19 on, because I read general plans quite a bit, and have  
20 for years, and I had a hard time following on one area.

21 On your growth management plan, the old one  
22 under the '91 general plan, I think it was Mayor  
23 Collins at that time, they did a concentric growth  
24 plan, and it had phase-in time limits, you know that  
25 better than I do, but in this general plan I was having

1 trouble following how the mitigation took place through  
2 the policies, and what the mitigation measure says in  
3 the EIR on air quality is that there are a number of  
4 policies that are listed from the general plan as  
5 mitigative, vehicle miles traveled in particular, but I  
6 didn't see any numbers. In the general plan EIR, I  
7 didn't see any quantitative numbers done on those by  
8 policy. Am I right on that? I didn't see --

9 MR. SCHIBLE: I couldn't tell you.

10 A SPEAKER: Yeah. I didn't see any in there,  
11 and I think that, from a CEQA point of view, if you're  
12 going to use a self-mitigating general plan, and you're  
13 going to use the policies and the goals and objections  
14 and the implementation measures, and if you're going to  
15 say that's going to mitigate the potentially  
16 significant impacts, I think it needs to be quantified  
17 and stated. And I'll tell you why. I'm going there at  
18 this right now.

19 The area I had the most trouble following,  
20 Paul, was trying to understand how the new growth  
21 management policies worked, and the specific cites were  
22 at about pages 2.26 -- 2-26, 2-29, and 2-30. I think  
23 it's the 2.5 section.

24 And I'm familiar with the old concentric growth  
25 management plan that was developed when Greg was the

1 mayor. I thought it was very ingenious.

2 You know, I litigated on the west 198 plan,  
3 which I will tell you about later.

4 But in this one, the policies seemed to be  
5 internally inconsistent in this way. They're related  
6 to the core, and they define the core as being downtown  
7 and east of downtown. Have I got that right?

8 MR. SCHIBLE: I think that's right.

9 A SPEAKER: And I don't know -- there is not  
10 like a centroid. There is not a point there.

11 So if you're looking at -- Brandon, what's the  
12 figure number from the general plan that that  
13 circulation has?

14 A SPEAKER: This one here? This one?

15 A SPEAKER: The one that was right there, yeah,  
16 because that's on the land --

17 MR. SCHIBLE: That's the current general plan.

18 A SPEAKER: That's what I'm looking at here.

19 So, in this one, the central -- the core is  
20 downtown, and then east of downtown, where you're doing  
21 some really nice things.

22 But then in the growth management plan, it  
23 talks about the new tier one, and the new tier two, and  
24 the new tier three.

25 It says that you're going to be -- if you look

1 at the different timing on it, you've got new tier one  
2 growth to the northwest, which appears to be preceding  
3 other what would be tier one growth under the old plan  
4 closer into the downtown.

5           So that the policies, and I know you drafted  
6 them, so the policies that the consultant did, the  
7 policies say we're going to reduce air emissions by  
8 reducing vehicle miles traveled, that the core is where  
9 you're looking at in terms of your growth, your  
10 concentric growth.

11           And then I look at the maps, and what is not  
12 clear is how does it sequence, which new growth comes  
13 in first. There is no progression. There is no  
14 phasing other than to indicate tier one, tier two, tier  
15 three.

16           MR. SCHIBLE: I'll invite you to read the draft  
17 general plan, and it does provide some trigger  
18 mechanisms --

19           A SPEAKER: I did.

20           MR. SCHIBLE: -- that are not entirely  
21 population based. They are housing unit based.

22           And the first group tier recognizes the city  
23 boundaries along with some areas that are currently in  
24 what was referred to as the '98 housing growth  
25 boundary.

1           Now, there are also considerations to -- not  
2 only to the various types of land uses, including  
3 industrial growth, which is primarily located in the  
4 northwest part of the city's plan area.

5           A SPEAKER: But that's what --

6           MR. SCHIBLE: So that may explain what you  
7 observe to be --

8           A SPEAKER: Let me ask you this. Maybe it's  
9 better to ask you rather than to make my statement.  
10 How do you know where the new growth is going to take  
11 place? You're supposed to keep, what, a ten-year  
12 inventory of growth of land available for development,  
13 correct?

14           MR. SCHIBLE: Depending on the land use type.

15           A SPEAKER: What types do not go to the ten  
16 year?

17           MR. SCHIBLE: Some have different land bank in  
18 terms of years. Industrial is different than  
19 residential.

20           A SPEAKER: Okay. So it's ten year relevant to  
21 residential?

22           MR. SCHIBLE: Yes.

23           A SPEAKER: Okay. So if you're trying to do  
24 your residential closer to the core, so you're saying  
25 you're doing it close to the core, but also close to

1 industrial? How do we know? What I can't track is  
2 what's the chicken and the egg? Where do we start on  
3 this? We have a ten-year supply, if it drops below ten  
4 year supply for residential, and then how do we know  
5 where it goes next? Is there a queue? Is there a  
6 phasing so you know you could tell me at the end of the  
7 first -- the first time the ten year inventory drops  
8 below ten years, where would we be starting first? New  
9 tier one, correct?

10 MR. SCHIBLE: Correct.

11 A SPEAKER: Okay. Where in the new tier one  
12 would it go first? How do we know where it goes first?

13 MR. SCHIBLE: That's -- the city can't dictate  
14 the exact location of where the growth is going to  
15 occur. That's by and large a matter of market  
16 decisions.

17 It's the city's general plan policy to be able  
18 to have the capacity to provide infrastructure and  
19 services within that growth tier at the time  
20 development is proposed and approved.

21 So the exact location I can't -- it appears to  
22 be, unless I'm missing something in your question,  
23 that's really a question that's --

24 A SPEAKER: Listen, you're going down exactly  
25 the same analysis I am, except then the next policy

1 says you're going to focus on in-fill, which is part of  
2 SB 375, you're going to try to keep a compact urban  
3 forum, and you're going to do in-fill.

4 So shouldn't the in-fill areas be designated as  
5 the areas first to develop?

6 MR. SCHIBLE: I think that's the city's intent  
7 right now.

8 Again, this is still a draft document. It  
9 still has to go through the public hearing process, but  
10 the city's first growth tier is, in fact, the city's  
11 boundaries, which are, by definition, most of the  
12 in-fill property within the city.

13 A SPEAKER: One of the things that I think is a  
14 little confusing in the terminology is that tier one  
15 essentially means existing.

16 In the old, tier one was the first place we'd  
17 go next. Tier one in this plan is the core. The core  
18 and tier one are essentially synonyms in this plan.

19 A SPEAKER: No new land until -- and I think  
20 the interesting thing, one of our concerns, was that  
21 the triggers were actually more firm than they were in  
22 the past.

23 In the past, there was some conditional  
24 triggers, you know, it was this or this kind of a  
25 condition. Now, they're pretty much set on permits

1 issued. It's a hard number.

2 So there is no new growth until you hit that  
3 number out of the core, and then there is a small ring  
4 that goes around that that's the next. I think there  
5 is really only two exterior rings this time, if you  
6 will.

7 A SPEAKER: Where is that in the general plan?

8 MR. SCHIBLE: I would encourage you to look at  
9 the plan for growth. There is a discussion in the  
10 general plan update about the growth tiers.

11 A SPEAKER: I did. I read that. It still  
12 doesn't answer the question about where the in-fill is  
13 going to occur.

14 Let me raise another one, because I think it's  
15 another potential sequencing. I'm thinking of a  
16 process point of view. I'm trying to understand where  
17 the new growth is likely to go.

18 We know it's going to go at whatever the growth  
19 rate is by the market, because there are going to be  
20 boom times and less, but to try to understand where  
21 it's going to go, for example, let's say, for example,  
22 you get some amendments to the general plan land use  
23 element, and some zoning within the tier one, let's say  
24 the existing tier one, the new tier one, and right now  
25 maybe you're at five units per acre on some R-1 ground,



1 and somebody comes in and gets a general plan amendment  
2 and a rezone and changes it to apartments or something,  
3 four-plexes or whatever, so your density increases,  
4 which under SB 375 is a good thing, you got to deal  
5 with the traffic and circulation, but what that means  
6 is that your inventory of land may be used up quicker  
7 if you're with a higher population, which your density  
8 is going up, and so is that going to have an effect on  
9 when the next tier two --

10 MR. SCHIBLE: Mr. Harriman, I think I  
11 understand the gist of your question, and it sounds to  
12 me to be somewhat of a speculative or theoretical type  
13 question, a what-if type question. We're not really  
14 here to answer that type of question.

15 If something appears to be unclear, my  
16 encouragement to you is to go ahead and put it in  
17 writing. It will certainly be at the general plan  
18 public meeting to raise that question before the City  
19 Council and the planning commission, and by their  
20 direction that would be looked into further.

21 And if there seems to be a problem, then they  
22 would certainly clarify that or clear it up or change  
23 it. But I really -- this forum really isn't in any  
24 position to be able to respond to a speculative  
25 theoretical question.

1           A SPEAKER: Okay. I'll make it a comment  
2 rather than a question. That's fine.

3           The comment is that the general plan appears to  
4 have internally inconsistent policies relative to  
5 in-fill as part of the mitigation of urban sprawl and  
6 air quality impacts, and it's not quantified in the EIR  
7 as to how that is going to help other than the vehicle  
8 miles traveled, which again it's hard to follow the  
9 sequencing of where development is going to occur.

10           I'll give a specific comment, also. One of the  
11 policies is that you're going to square off the urban  
12 forum, and I look at the existing map right here that  
13 Brandon was kind enough to tell me is a current one,  
14 and it's pretty well squared off in that, and if you  
15 look at the next figure, I can't read it from here,  
16 2.3-1, which is the new forum, so much of the ground  
17 goes out on the northwest corner, and it doesn't look  
18 to me as though you've gone very far down in the  
19 southwest quadrant, but the policy was to balance the  
20 quadrants, and by my visual, and also reading of the  
21 plan, you have got new tiered growth, which is going to  
22 be fresh new growth out there in the northwest, but  
23 that's not balancing out the four.

24           So there are policies that are stated that  
25 appear to be internally inconsistent. It's also

1 farther away from the core. So I'm having trouble  
2 understanding those policies.

3 And then the last is I don't see how you figure  
4 out who goes first on -- as new growth -- as you  
5 exhaust the ten-year supply, who goes next in line?

6 And I think from what I see, it's kind of  
7 arbitrary as to how that takes place because I don't  
8 see any policy that says, well, there is going to be a  
9 list of people that are ready to go.

10 And the same thing with respect to the new  
11 specific plan areas. How large is a specific plan area  
12 going to have to be in order to go forward even though  
13 it's not in the current tier? How large will that  
14 specific plan area --

15 MR. SCHIBLE: That's not a question that we can  
16 answer here. There is not a specific size --

17 A SPEAKER: Okay. Then the statement is there  
18 is not a specific size of the specific plan area that  
19 is going to have -- be allowed to proceed with planning  
20 before it's actually in the next tier.

21 So can you do a 40-acre specific plan and get  
22 ahead? Or does it have to be 150? I couldn't find it  
23 in there. So that would be a comment I had on that.

24 MR. SCHIBLE: Okay. Thanks.

25 A SPEAKER: Okay.

1           A SPEAKER: Could I interject a question on  
2 that? (Unintelligible) I understand the plan.

3           Okay. Now, in terms of definitions, tier one  
4 is what's already up?

5           MR. SCHIBLE: Tier one is essentially the  
6 current city limits, along with a couple of minor  
7 additions that, while they're not in the city limits,  
8 they're still in the growth area.

9           A SPEAKER: Okay. Was there a tier two and a  
10 tier three?

11          MR. SCHIBLE: Yes, that is shown on the map.

12          A SPEAKER: Okay. And as I recall, development  
13 in, okay, tier three would not start until tier two has  
14 been filled to some certain percentage?

15          MR. SCHIBLE: That's correct.

16          A SPEAKER: All right.

17          A SPEAKER: Well, actually, based on permits  
18 pulled, number of permits pulled. I don't believe  
19 there is a percentage in the new plan.

20          A SPEAKER: Just number of permits regardless  
21 of size of the development? So three 40-acre permits  
22 would be --

23          MR. SCHIBLE: The growth tier -- the general  
24 plan growth expansion policy prescribes a certain  
25 number of permits, housing permits, to be issued.

1           A SPEAKER: Okay. Housing permits. I was  
2 thinking about general which would be business  
3 construction. That makes sense. All right.

4           A SPEAKER: There are certain square footages  
5 of building area for commercial and industrial land.

6           A SPEAKER: Oh, okay. All right. So for  
7 housing, it's number of permits because a house is a  
8 house.

9           MR. SCHIBLE: Number of units, yeah.

10          A SPEAKER: Okay. But for commercial, okay,  
11 then that plays back into my question. In other words,  
12 you would go to -- commercial would start building in  
13 tier three when the tier two development has reached a  
14 certain number of square feet, or a certain percentage  
15 of the square foot available?

16          A SPEAKER: When the criteria for permit  
17 issuance, be it housing units in the case of  
18 residential -- and thank you, Brandon, for clearing  
19 that up -- or a certain amount of square feet of  
20 commercial, then the criteria will have been met, and  
21 growth under that land use category could occur in the  
22 next tier out.

23          A SPEAKER: So once a certain percentage of the  
24 housing as defined by permits, or a certain percentage  
25 of the commercial space defined by square foot, square

1 feet, has occurred in the tier two, then that opens up  
2 tier three?

3 MR. SCHIBLE: That's correct.

4 A SPEAKER: Because I think that's somewhat --  
5 sounds like that's where you were going with your  
6 question.

7 A SPEAKER: Yeah.

8 The other thing is a lot of other general plans  
9 refer to a job housing balance. I didn't see any job  
10 housing balance set forth that way, but it sounds as  
11 though you tried to integrate them between commercial  
12 and industrial and residential?

13 MR. SCHIBLE: The general plan seeks to achieve  
14 a balance of growth and a preservation of positive jobs  
15 and housing balance.

16 A SPEAKER: Where is that set out in the  
17 general plan?

18 MR. SCHIBLE: I think it's in -- I can't point  
19 you to a specific page, but I think that's part of what  
20 you'll find in the overriding principles, the direction  
21 of the general plan.

22 A SPEAKER: Because that's the underlying idea  
23 that drives how they come up with the numbers for this  
24 much commercial, this much industrial, this much  
25 housing, right?

1 MR. SCHIBLE: Yes.

2 A SPEAKER: Okay.

3 A SPEAKER: The other thing is the west 198  
4 corridor plan still a viable document, still an  
5 existing document?

6 MR. SCHIBLE: Yes.

7 A SPEAKER: And is that integrated into this  
8 general plan in some way?

9 MR. SCHIBLE: I'm not sure what you mean.

10 A SPEAKER: Okay. Where in the general plan  
11 would I look to find a reference to the west 198  
12 corridor?

13 It was once a specific plan, wasn't it, Paul,  
14 with the corridor plan? It was adopted back in the  
15 '90s.

16 MR. SCHIBLE: Actually, I'm not positive that  
17 the west 198 plan was actually adopted as a specific  
18 plan. I'm not sure.

19 A SPEAKER: But how is it integrated into the  
20 general plan now that --

21 MR. SCHIBLE: There is a plan for the eventual  
22 urbanization of what you refer to as the west 198  
23 corridor.

24 A SPEAKER: Does it give a time frame?

25 MR. SCHIBLE: I believe it's primarily in

1 the --

2 A SPEAKER: I have bad hearing tonight.

3 MR. SCHIBLE: I believe that the west 198  
4 corridor -- its urbanization time frame is in the last  
5 growth tier.

6 A SPEAKER: It's actually in the -- it's  
7 divided between the second and the third growth tiers.

8 A SPEAKER: What are you citing there, Brandon?  
9 What section are you reading from?

10 A SPEAKER: I'm referring to the figure that  
11 shows the development by tier. It shows the tier one,  
12 tier two, tier three growth areas.

13 A SPEAKER: What's the cite of the figure?  
14 What's the number on it?

15 A SPEAKER: 2-3.

16 A SPEAKER: Thank you.

17 A SPEAKER: I had that one, and I looked at  
18 that closely, yeah, so is that contained in the land  
19 use element? Is that where it is, in the land use  
20 element?

21 A SPEAKER: Yes.

22 A SPEAKER: Last comment or question would be  
23 on the agricultural land, the mitigation to avoid  
24 sprawl on the agricultural land, is there a -- an  
25 offset or an acre-per-acre requirement for new growth



1 that takes place on ag ground?

2 A SPEAKER: There is a discussion of  
3 agricultural absorption. Right now, it's shown as a  
4 significant impact that can't be mitigated to a level  
5 of non-significance.

6 A SPEAKER: I'm sorry? Could you read that  
7 sentence?

8 MR. SCHIBLE: What I said was that agricultural  
9 -- loss of agricultural lands is shown in the draft EIR  
10 as an impact -- as a significant impact that cannot be  
11 mitigated to a level of non-significance. That's also  
12 in the current general plan.

13 A SPEAKER: It's also what?

14 MR. SCHIBLE: It's also in the current general  
15 plan EIR.

16 A SPEAKER: Okay. Then I would make a comment  
17 on that finding and say that the agricultural land  
18 conversion to urban development, I absolutely agree  
19 it's a significant cumulative impact, absolutely agree  
20 that it is an unavoidable impact of this general plan,  
21 but I respectfully submit that there is substantial  
22 evidence in the public record for other jurisdictions  
23 where up and down the valley many of them are doing a  
24 one-to-one acre mitigation to mitigate that.

25 And so I would suggest that that should be

1 analyzed in that manner by looking at the other  
2 jurisdictions that do it, Davis, the Butte County Board  
3 of Supervisors is doing that agricultural mitigation  
4 ordinance, Fresno City's general plan, done by the same  
5 consultant, has mitigation for ag land that is on an  
6 acre-to-acre basis. It's not just done by a sprawl  
7 policy. So I would urge you to do that in your  
8 response to comments.

9 MR. SCHIBLE: Thank you.

10 Do you have anything else, Mr. Harriman?

11 A SPEAKER: Yes, but I'll let the others step  
12 up that are waiting.

13 MR. SCHIBLE: Very good. Thank you.

14 A SPEAKER: You're welcome. Thanks for your  
15 response. I appreciate it.

16 A SPEAKER: I have a question on in-fill, but  
17 it's also to the ag land thing. The way you phrased  
18 the response, has the -- the way you phrased it, it  
19 seemed a little awkward, but what I understood you to  
20 be saying is that the plan accepts any land that is  
21 going to be lost, it can't be mitigated, period, next  
22 chapter.

23 MR. SCHIBLE: Sir, I didn't say that it can't  
24 be mitigated. What I said was it can't be mitigated to  
25 a level of non-significance.

1           A SPEAKER: Oh, okay. In other words,  
2 significant loss of ag land is accepted in the plan  
3 because it can't be mitigated to the point that it's  
4 not a significant loss?

5           MR. SCHIBLE: Yes, sir.

6           A SPEAKER: To the extent on that, it's a  
7 significant and unavoidable impact because it cannot be  
8 mitigated to a level of non-significance.

9           A SPEAKER: Paul, I apologize. I didn't hear  
10 you correctly. I have a blocked ear so I didn't hear  
11 you correctly.

12           So your statement was the ag land -- cumulative  
13 impacts of ag land conversion are significant, they are  
14 unavoidable, and they are not mitigable to a level of  
15 no significance, so, therefore, you are finding that  
16 they are significant and unmitigable.

17           MR. SCHIBLE: The specific text is contained in  
18 the draft EIR. That would be the most precise  
19 discussion of that impact, and I would refer you to  
20 that --

21           A SPEAKER: So in getting to that point, then,  
22 you're going to be making findings in the final  
23 resolution that there was substantial evidence that  
24 there was no way to mitigate it to a level of  
25 insignificance -- is that what you're saying -- in the

1 EIR?

2 A SPEAKER: No way to mitigate it to a level of  
3 less than significant.

4 MR. SCHIBLE: Remember, that's the draft EIR  
5 right now. The City Council ultimately is going to  
6 have to weigh testimony and consider alternatives  
7 before they make their final determination in that  
8 regard.

9 So there is a discussion on the unmitigable  
10 loss of agricultural land in the draft EIR right now.  
11 That's where we're at --

12 A SPEAKER: Okay.

13 MR. SCHIBLE: -- in the analysis.

14 A SPEAKER: So the answer to your question is  
15 that if you have information or data or evidence that  
16 you want to introduce into the city's record, then you  
17 have up until May 14th. You can put it in as a comment  
18 to the draft EIR, and you can make a comment on it  
19 later on. But what Mr. Schible is not going to do is  
20 he is not going to give you legal advice, and I can't  
21 either, but what I'm telling you is if you have  
22 information about how to mitigate ag land, such as like  
23 setting up an ag land trust or something like that, you  
24 want to get that in to the staff so that they learn  
25 about it as soon as possible. Is that a fair

1 statement?

2 MR. SCHIBLE: That's a fair statement.

3 A SPEAKER: You want to get it in as soon as  
4 possible.

5 A SPEAKER: What I'm getting at is how this  
6 relates to the in-fill because that was going to be my  
7 question. Because this is actually prefatory to my  
8 question on in-fill -- definition of in-fill.

9 It can't be mitigated to a level of  
10 insignificance sounds like a very convoluted of way of  
11 saying this plan assumes significant loss of ag land.  
12 Since it can't be mitigated to insignificance, it's  
13 going to be significant.

14 In other words, in plain English, the loss of  
15 ag land will be significant. Right?

16 MR. SCHIBLE: We said that.

17 A SPEAKER: Right. That goes to my question on  
18 in-fill.

19 Under the current plan, what's the definition  
20 of in-fill? What qualifies as in-fill?

21 Because at one point they were talking about  
22 any piece of bare land that had no curb, gutter,  
23 sidewalks, storm drains, lights, et cetera, would  
24 qualify as in-fill if it was adjacent to something that  
25 was developed.

1           What's the current definition of what would  
2 qualify as in-fill?

3           MR. SCHIBLE:  What I would encourage you to do  
4 is to review the general plan and see what the  
5 discussion is on in-fill.  I am not in any position to  
6 summarize it for you.

7           What I would encourage you to do is to read  
8 that definition.  If you find there is not an adequate  
9 definition of in-fill, certainly that is a comment for  
10 the general plan or the general plan EIR.

11          A SPEAKER:  So, in discussing in this meeting  
12 on the general plan -- environmental impact to the  
13 general plan, you can't say what the current -- what  
14 in-fill is?  Because that seems to be a pretty critical  
15 distinction.

16          Because, for example, take the southeast side  
17 of town, one of the things the general plan does in the  
18 next 20 years, the southeast side is slated for fairly  
19 substantial growth, although not in the next few years,  
20 but out five, 10, 15 years, I understand that's  
21 considered to be a major area of growth.

22          We have -- there is a number of open pieces of  
23 ground, Lovers Lane south of Walnut, both sides of  
24 Lovers Lane, south of Walnut, and there is no curbs,  
25 gutters, sidewalks, storm drains, lights, there is none

1 of that.

2 It sounded like you were saying at one point  
3 that if it's in the city limits it's in-fill?

4 MR. SCHIBLE: That would be the first growth  
5 tier and the in-fill land as the general plan is set up  
6 right now generally identifies the in-fill lands as  
7 being within the city limits right now.

8 A SPEAKER: Okay. Now, if a development is  
9 going on to in-fill land, for example, one of those big  
10 open lot areas that has no infrastructure, does -- if  
11 it's classified as in-fill, doesn't that mean that  
12 development gets some break on what they have to pay on  
13 developer fees? Because I thought there was an in-fill  
14 encouragement provision in the plan that gives --

15 A SPEAKER: Incentive?

16 A SPEAKER: Incentive, yeah, incentive, to get  
17 people to go to the parts of the city that already have  
18 the infrastructure.

19 And, hey, if go where we already got  
20 infrastructure, you don't have to pay for  
21 infrastructure, which seems eminently reasonable.

22 But if you can get the in-fill incentives on  
23 bare land that has no infrastructure, that is going to  
24 have a major negative effect on the various development  
25 funds. So that's why I'm asking about in-fill.

1           So if I, as a developer, want to put something  
2 on vacant land inside the city limits, like some of the  
3 lots on the southeast side, there is no curbs, gutters,  
4 sidewalks, storm drains, lights, but it's inside the  
5 city limits, do I get the in-fill incentives at reduced  
6 developer fees?

7           MR. SCHIBLE: Sir, that's really a speculative  
8 question right now.

9           A SPEAKER: No, no, under this plan. It's not  
10 speculative. The plan has a definition of in-fill, and  
11 that's how I read it. I'm trying to find out if I'm  
12 wrong.

13           MR. SCHIBLE: I can't generally answer to a  
14 theoretical parcel what the -- the only thing I can  
15 respond to you is there are -- there is an in-fill  
16 policy in the general plan. There are incentives in  
17 the general plan.

18           I can tell you that the first growth tier  
19 contains what would be the -- what would qualify as  
20 in-fill property.

21           The direction of your question, I'm --  
22 honestly, I don't have to try to be dumb -- I actually  
23 am -- but I am honestly --

24           A SPEAKER: Excuse me --

25           MR. SCHIBLE: -- am not in a position to answer



1 the question.

2 A SPEAKER: But, Paul, just to be clear, you're  
3 not making a blanket statement that every parcel in  
4 tier one automatically qualifies --

5 MR. SCHIBLE: No, I'm not.

6 A SPEAKER: -- as in-fill?

7 MR. SCHIBLE: No.

8 A SPEAKER: In-fill is in tier one, but not all  
9 tier one is in-fill.

10 A SPEAKER: Right. That's what I'm trying to  
11 find out.

12 A SPEAKER: You have to go to a parcel by  
13 parcel map.

14 A SPEAKER: Right. That's what I'm trying to  
15 find out is what is the definition of in-fill to  
16 qualify because what I read, as you say go read it, I  
17 read it, and what I thought I was reading, and what I  
18 thought was explained to me at a prior meeting when I  
19 was asking about in-fill, what I thought I was hearing  
20 was a parcel of bare land that has none of the  
21 infrastructure on it, but if it's adjacent to developed  
22 property, would qualify as in-fill.

23 And when I asked that question, the answer was  
24 yes. And is that still what the plan provides?

25 MR. SCHIBLE: Again, I don't think we're going

1 to answer that question to your satisfaction tonight.

2 I think --

3 A SPEAKER: It's not a question of  
4 satisfaction. It is what is the answer, whether it  
5 satisfies me or not.

6 MR. SCHIBLE: Again, for fear of sounding like  
7 a broken record, I don't intend to be disrespectful,  
8 but in your reading of the definition and the  
9 incentives for in-fill, if you have a specific concern  
10 about that, or a question about that, my recommendation  
11 is to put it in writing and let the staff analyze it to  
12 prepare an adequate response to you at the appropriate  
13 time or to address that concern if that -- if what you  
14 mention constitutes a concern on your part, as opposed  
15 to a clarification, I don't know. I don't presume to  
16 know, but that would be best addressed to the  
17 decisionmakers at the time or day that they take public  
18 testimony.

19 A SPEAKER: Could I ask a question? Because  
20 I was -- that was on my list of questions to ask.

21 But just for clarification, because I did read  
22 that there are in-fill sites and there are in-fill  
23 incentives.

24 My question was how are those in-fill  
25 incentives determined? Will there be some sort of

1 creation of an incentives list, or do you do that with  
2 applicants? Do you decide what the incentives will be  
3 on a case-by-case basis?

4 MR. SCHIBLE: I can't really answer that.

5 A SPEAKER: Okay. Because it's not addressed  
6 in the general plan, correct?

7 MR. SCHIBLE: No.

8 A SPEAKER: Okay. Thank you.

9 A SPEAKER: Can I make a comment, Paul? I  
10 can -- we can agree to differ or disagree in a  
11 civilized way, but I think since I've asked the  
12 question, he's basically made it clear he can't answer  
13 questions, he can accept comments today. I have asked  
14 some questions, too, for clarification, and to the  
15 extent he can or can't, he's probably been directed by  
16 his city attorney not to answer questions.

17 This is a comment session. So if I want to  
18 beat up Paul, I want to do it in a fair fight, not in  
19 somewhere he can't answer.

20 So what I would do is I would state that this  
21 gentleman here has a concern about the definition of  
22 in-fill if, in fact, it's a different definition than  
23 you might think it is, and you have to go look.

24 I'm doing the same thing. I'm looking to find  
25 out what the in-fill is.

1           And then my comment would be depending on the  
2 definition of the in-fill, is there going to be a  
3 prioritization of in-fill land that gets developed  
4 before other in-fill land gets done?

5           MR. SCHIBLE: Right.

6           A SPEAKER: In other words, the gentleman's  
7 definition of in-fill would be maybe surrounded in such  
8 a way where it's inside something, or does that get  
9 built out first before some of the tier one area that  
10 might be not considered in-fill in your definition?  
11 That's a concern I have as well in reading the  
12 document, and I will go back and reread it. Is that  
13 fair?

14          A SPEAKER: Yes.

15          A SPEAKER: The other question I had, or  
16 another statement I had is that -- can I ask you what  
17 the current million gallon per day treatment capacity  
18 is? That's in the EIR. I can find that myself,  
19 correct?

20          MR. SCHIBLE: Yes.

21          A SPEAKER: And is there intended to be any  
22 expansion of that treatment capacity within the next  
23 five years on the capital improvement plan?

24          MR. SCHIBLE: There is a substantial sewer  
25 treatment plant upgrade in process right now, the

1 capacity for which -- it's not really a capacity  
2 expansion project. It's a quality and distribution  
3 project. But the sewer capacity is adequate for a  
4 general plan, for this general plan going out.

5 A SPEAKER: We're running about 50 percent.

6 MR. SCHIBLE: About 50 percent right now?

7 A SPEAKER: We don't do any purple pipe or  
8 urban landscaping recirculation?

9 A SPEAKER: That's what they're doing right  
10 now.

11 A SPEAKER: Great.

12 A SPEAKER: I'll read that portion.

13 A SPEAKER: 50 percent of capacity on our sewer  
14 treatment.

15 MR. SCHIBLE: Any other comments or questions?

16 A SPEAKER: Did you ever talk about the Lovers  
17 Lane/198 traffic congestion problem issues, mitigation  
18 subject?

19 MR. SCHIBLE: There is a traffic model that was  
20 run in the draft general plan and for the EIR, and  
21 there are a number of traffic improvements for areas  
22 that are identified as potential mitigation. That's in  
23 the general plan EIR.

24 A SPEAKER: So that is one of the areas that is  
25 discussed?

1 MR. SCHIBLE: Yes.

2 A SPEAKER: Do you recall what that discussion  
3 is?

4 MR. SCHIBLE: I don't know the specifics.

5 A SPEAKER: I also had a traffic question, it's  
6 the far right diagram. In terms of upgrading arterials  
7 in the ten-year time frame, the Santa Fe north/south is  
8 one of them; is that right?

9 MR. SCHIBLE: I'm not sure.

10 A SPEAKER: Oh, I was going to ask --

11 A SPEAKER: I'll make one last comment. I was  
12 interested in the gentleman's question about the two  
13 point -- your statement was 2.6 percent growth rate,  
14 and the comment I would make is that that provides for  
15 a doubling time of approximately -- let's see -- so  
16 about 25 years, 24 years doubling time.

17 MR. SCHIBLE: Well, the general plan build out  
18 time frame is the year 2030. The project was begun in  
19 2010, so it is a 20-year growth projection.

20 A SPEAKER: So it's a doubling -- a 2.6 percent  
21 growth rate is a doubling time of somewhere around 24  
22 years?

23 Well, I'm going to make a statement it's a  
24 doubling time of approximately 24 or 25 years, and the  
25 way you calculate that is you divide the rate of growth

1 into the number 70. That gives you the doubling time  
2 in number of years.

3           So what I would like to -- the comment I would  
4 make is I would like to see in the draft EIR a  
5 calculation of the doubling time if you calculated  
6 growth only at arithmetic and not compound growth. You  
7 use the base right now of the current population, and  
8 you increase it 2.6 percent of that baseline current  
9 population, what would be the doubling time be?

10           It would be a lot less -- excuse me -- a lot  
11 more doubling time. So by adding new growth and  
12 building the baseline up, we keep growing faster and  
13 faster in terms of the absolute amount of  
14 infrastructure that we have to build. That's my  
15 comment.

16           MR. SCHIBLE: Thank you.

17           A SPEAKER: Thank you.

18           MR. SCHIBLE: Okay. Anybody else we haven't  
19 heard from yet?

20           A SPEAKER: I just wanted to put one comment  
21 on. I think we already sent you an e-mail on it, and  
22 we'll follow it up with details, but there is a concern  
23 in the overall introductory statement on coverage that  
24 this EIR -- this draft doesn't yet contain language  
25 defining the project types that are automatically

1 covered that won't require -- that can rely on this  
2 environmental document for project approval.

3 I think we sent one e-mail to Josh on that  
4 already. We'll follow up with more to come. I just  
5 wanted to keep that on the list of items to be  
6 evaluated.

7 MR. SCHIBLE: Thank you.

8 (The proceedings concluded.)

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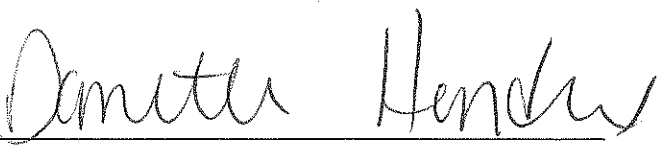
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I, DANETTE M. HENDRIX, a pro tempore Certified Shorthand Reporter of the Superior Court of the State of California, do hereby certify:

That the foregoing audio recording was taken down in stenographic shorthand writing and thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct transcript of said proceedings to the best of my ability.

Dated: June 2, 2014



DANETTE M. HENDRIX, CSR #6412

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Public Meeting in re: }  
DRAFT GENERAL PLAN and }  
DRAFT ENVIRONMENTAL IMPACT }  
REPORT }  
Visalia, California  
April 29, 2014

REPORTER'S TRANSCRIPT  
OF  
AUDIO RECORDING

DANETTE M. HENDRIX, CSR 6412

VISALIA, CALIFORNIA

TUESDAY, APRIL 29, 2014, 5:30 P.M.

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MR. SCHIBLE: Today is April 29th. It is 5:29 p.m., and this is Paul Schible from the Visalia Planning Division, along with Brandon Smith, Visalia Planning Division, at City Council chambers, Visalia City Council.

I think we have everybody here. Do a quick introduction and overview. The purpose of this meeting -- I'm Paul Schible from the City Planning Division. I am accompanied by Brandon Smith. We are two of the project planners on the general plan update and EIR.

This is a -- the purpose of this meeting -- I want to thank you all for attending, and this is a very informal meeting. Our ground rules are really, really simple.

And I do have a record -- I wanted to let everybody know that we have a recorder running so that we can get any comments verbally on the record.

And we also have some forms here for you to fill out if there is any questions or comments that you have on either the general plan update or the EIR at this time.

1 So this is kind of a -- under California CEQA  
2 law, an environmental impact report that becomes  
3 completed and is circulated for public review requires  
4 a 45-day review period.

5 The general plan update has an associated  
6 environmental impact report as you all know. It took a  
7 while to get the EIR finished up and circulated after  
8 the City Council had accepted a draft of the general  
9 plan update. It was about a year ago, and now we're  
10 ready to proceed with the -- we're in the middle of the  
11 public review period of the EIR.

12 This is not required -- this meeting is not  
13 required under CEQA. It's a matter of policy of the  
14 city to engage in outreach with the public to make  
15 comments.

16 The review period -- legally, the review period  
17 for the environmental impact report closes on the 14th  
18 of May if I'm not mistaken. That's the end of the  
19 45-day review period. So this is sort of a mid point  
20 informal review.

21 Brandon and I are here to receive any comments  
22 that the public may have at this time, either written  
23 or verbally -- written is always best -- I have these  
24 forms here that you can give us your name and how we  
25 can contact you. That's not required. It's obviously

1 helpful. And any comments or questions you have  
2 regarding the EIR or the general plan at this time.

3 By way of timeline, the next -- the review  
4 period for the EIR closes on the 14th of May. The next  
5 thing that happens after that is on the 20th of May,  
6 there is going to be a joint City Council/planning  
7 commission public meeting on the general plan and the  
8 EIR. That's not a formal public hearing. It's merely  
9 a public presentation of where we're at on the general  
10 plan and the EIR and an opportunity for the planning  
11 commission and City Council to hear public comments,  
12 assuming that the mayor invites the public to speak,  
13 and there is every indication that will happen. It's  
14 not a public hearing, but it's basically a public forum  
15 to discuss this.

16 At some point in the future, we don't have a  
17 date certain yet, when the review period is closed,  
18 we've had a chance to prepare a response and review all  
19 comments that come in on the EIR, as required by state  
20 law, we have to review those and provide responses to  
21 people and agencies that have comments on the EIR, and  
22 at that point we will have satisfied the requirements,  
23 we have a public hearing and consider adoption of the  
24 general plan update and the environmental impact  
25 report.

1 And at some point in time, we're looking at  
2 roughly in the summer, we should be in a position to be  
3 able to adopt the general plan and certify the EIR.  
4 So that's pretty much where we're at by way of  
5 the process right now. And we'll open ourselves up to  
6 any specific questions you may have.  
7 This really isn't a forum to engage in a debate  
8 about certain aspects of the EIR or in the general  
9 plan. You're more than welcome to make those comments.  
10 We're not really in a position to make any changes to  
11 the EIR or the general plan at this time. So everybody  
12 understands that, I'm sure.

13 A SPEAKER: One of the things in the general  
14 plan is projected growth rates over the 20-year period.

15 MR. SCHIBLE: Right.

16 A SPEAKER: Now, during the recession,  
17 obviously building permits and everything dropped  
18 drastically, which then fits the -- my question goes to  
19 schools -- the developer for the schools because of new  
20 residences going in, so on and so forth.

21 In reading the city's monthly whatever, I've  
22 seen comments that building permits have been picking  
23 up.

24 MR. SCHIBLE: Sure.

25 A SPEAKER: I guess I've been wondering -- how

5

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to phrase this -- how are we coming with growth rates  
2 picking up, you know, to where they were before the  
3 recession and then the developer fee accounts to pay  
4 for stuff like schools because I remember in some of  
5 the prior discussions there was this -- and I didn't  
6 bring it with me, but there are various kinds of  
7 transportation, curbs and gutters, and all these funds  
8 from developers, and some of it has small surpluses and  
9 some had major deficits -- how is the monthly or  
10 quarterly whatever building permits now with before the  
11 recession, and is that effectively -- you know, how far  
12 in the hole some of these funds are. Are we starting  
13 to see some of those deficits reducing as money comes  
14 in from developer fees?

15 MR. SCHIBLE: Sure. As new housing permits are  
16 issued, those are the derivatives -- those are the --  
17 where impact fees come from, whether they're traffic  
18 impact fees, or school fees, particularly school fees  
19 for residential projects, park fees, what have you.

20 The city's housing permit issuances have picked  
21 up significantly. It depends on what point before the  
22 recession that you want to pin.

23 Overall, on a historic growth rate level, we're  
24 about at our historic growth rate. If you take a  
25 10-year, 20-year, 30-year period, are we at the levels

6

MOORE COURT REPORTERS (559) 732-3225

1 of 2005 through 2007, not even close.

2 A SPEAKER: That's the problem.

3 MR. SCHIBLE: Right.

4 The general plan assumes a 2.6 percent growth  
5 rate. That equates to several hundred new housing  
6 units per year, give or take. Years fluctuate. But on  
7 average, 2.6 percent growth rate.

8 A SPEAKER: So are we getting back toward that  
9 general trend line?

10 MR. SCHIBLE: There is a trend line. We're not  
11 at 2.6 percent growth rate right now, and we're not at  
12 the growth rate before the bubble.

13 Are we at a historic trend line, sure, but  
14 another thing that you might recall from the early  
15 stages of the general plan update, as the city grows in  
16 population, its growth rate is understandably going to  
17 be reduced. Even though the population, the whole  
18 population and number of households continues to  
19 increase, even if it increased at a rate of 600 housing  
20 units per year, its rate of growth is compressed  
21 because the population is --

22 A SPEAKER: Right.

23 MR. SCHIBLE: So --

24 A SPEAKER: (Unintelligible) 2.6 sounds right,  
25 but there was a number -- and, again, 2.6 sounds right,

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MOORE COURT REPORTERS (559) 732-3225

1 but it was based on a projection of good rate running  
2 against -- I think it's 2.6, isn't it?

3 MR. SCHIBLE: Yes.

4 A SPEAKER: So we're up from the trough, but  
5 we're not yet at that rate.

6 MR. SCHIBLE: That's my understanding.

7 A SPEAKER: All right. How is the status on  
8 the funds, the traffic, the schools, the so on? Some  
9 of those were pretty deep in the hole.

10 MR. SCHIBLE: I really don't know. I'm really  
11 not in a position to be able to respond to what the  
12 balances are in those. You certainly could call our  
13 finance department, and they would be able to tell you  
14 what the money total is at this point in time.

15 Generally speaking, and this is a major glimpse  
16 at the obvious, as permits are issued, then impact --  
17 the impact fee balances increase.

18 Where they stand rela -- you know, in their  
19 fiscal status, I don't know.

20 A SPEAKER: Housing specific, but if we're  
21 still below historic growth rate, then money coming in  
22 is going to be below --

23 MR. SCHIBLE: I really couldn't tell you. It's  
24 a pretty complicated formula as to where the funds are  
25 expended.

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MOORE COURT REPORTERS (559) 732-3225

1 A SPEAKER: I'm talking about coming in.  
2 Expended out is --  
3 MR. SCHIBLE: The short answer is when housing  
4 unit starts increase, then those fund balances  
5 generally increase. Where they're at fiscally, I  
6 really don't know.  
7 A SPEAKER: But we're still below the long-term  
8 trend line growth rate which then affects the amount  
9 coming in.  
10 MR. SCHIBLE: For 20 -- I am not really in a  
11 position to say how that affects what the actual dollar  
12 amount repercussions of that is.  
13 A SPEAKER: Well, if there were more permits,  
14 wouldn't there be more money coming in?  
15 MR. SCHIBLE: Yeah, sure.  
16 A SPEAKER: And with less permits, there is  
17 less money coming in?  
18 MR. SCHIBLE: Exactly right.  
19 A SPEAKER: And we're still at the less stage?  
20 MR. SCHIBLE: Right.  
21 A SPEAKER: Okay. That answers my question.  
22 A SPEAKER: Can I piggy back to your question?  
23 Are we allowed to ask about the general plan as well as  
24 the EIR?  
25 MR. SCHIBLE: Sure.

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MOORE COURT REPORTERS (559) 732-3225

A SPEAKER: That's a good question I haven't  
2 heard asked before. I think your question if we're in  
3 a deficit relationship now on our school funds for the  
4 future, when does that deficit get caught up when you  
5 start reaching the -- let's say if we have a historic  
6 growth rate of 2.6 percent, some years it's higher,  
7 some years it's lower, so you're saying when the good  
8 years come, as they will probably, hopefully, one of  
9 these days, then how long does it take to catch up  
10 because of the bad year, the severest, the worst  
11 recession I've seen in my lifetime?  
12 So is that what your question was? Because I  
13 want to follow up on that, too, I don't mean with Paul,  
14 but I'd like the numbers.  
15 A SPEAKER: Yeah, because -- (unintelligible)  
16 there was at least -- I know it was eight or more of  
17 these separate funds, because there was traffic, there  
18 was schools, road improvements.  
19 There was one developer offered to front the  
20 money to the city for the roads, curb, gutter, whatever  
21 for his access road, and the city wouldn't do it, and  
22 so he couldn't build what he wanted to build. It was  
23 down in the south end of town, just off of Mooney, in  
24 the general area of Costco, somewhere in there, and he  
25 couldn't do it, and the money wasn't there.

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MOORE COURT REPORTERS (559) 732-3225

1 Now, when the houses get built, there are  
2 school kids, the schools got to get built real fast,  
3 that won't wait, and some of the funds went surplus,  
4 but some of the funds were pretty seriously in deficit,  
5 and then when building permits increase, well, how long  
6 after the building permit is the building up and  
7 running, and your traffic, and your this, that and the  
8 other, we're still behind the power curve on a lot of  
9 those funds.  
10 A SPEAKER: Well, I don't --  
11 A SPEAKER: He doesn't have the numbers.  
12 A SPEAKER: I don't want to speak for Paul, but  
13 that's the planner's dilemma, I think, is the lagging  
14 on the infrastructure being built, and your alternative  
15 is you look at the wastewater treatment facilities or  
16 something, where you build out, say, for a 30-year  
17 bond, and so you actually got a whole lot more  
18 infrastructure capacity than you're using for quite a  
19 few years.  
20 So you are balancing -- because you're going to  
21 end up paying as a user. I don't know mean to answer  
22 your question because that's for him to answer.  
23 MR. SCHIBLE: What I can say, and you know a  
24 snapshot in time, the relative balances of those impact  
25 accounts are a matter of public record. I don't have

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MOORE COURT REPORTERS (559) 732-3225

1 that information here. It's not really specifically  
2 germane to the general plan.  
3 What I did want to say relative to the general  
4 plan, there is in the general plan a growth projection  
5 and land use map that shows where development is  
6 supposed to occur. It doesn't prescribe actual exactly  
7 when that happens.  
8 There is another part of the general plan that  
9 prescribes the city's policies on providing  
10 infrastructure and services, most of which is paid  
11 for -- much of which is paid for by impact fees that  
12 are consistent with the growth.  
13 How that works, that's what the general plan  
14 prescribes. That's what's in the general plan right  
15 now as discussed further in the EIR, the exact metrics  
16 on any given --  
17 A SPEAKER: No, that's not what I'm asking. I  
18 am asking the trends. Are we starting to see the  
19 negative balances starting to recover with more money  
20 coming in as permits go up? I'm talking about trends,  
21 not the specific numbers. Obviously, you wouldn't have  
22 that at your fingertips.  
23 MR. SCHIBLE: And I can say that 2013 was the  
24 best year that we had in terms of housing starts since  
25 the recession started. I can't tell you how that jives

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MOORE COURT REPORTERS (559) 732-3225

1 with exactly historic growth trends. I think it's very  
2 consistent, and I couldn't tell you exactly where that  
3 lies with the city's -- with the plan, with the  
4 preferred plan's growth at 2.6 percent -- I couldn't  
tell you.

And I can tell you, once again, as you get  
7 housing starts, you get more money into these impact  
8 fee fund accounts. How solvent or insolvent they are  
9 today or at any given time, I couldn't say.

A SPEAKER: Like I say, that's not my question.  
10 My question is are trend lines starting to recover?

A SPEAKER: I have a couple comments. First of  
12 all, Richard Harriman for the record.

I had commented to Brandon before you got here,  
14 Paul, I thought your consultant and your staff on this  
15 process did a really good job in processing and being  
16 open and transparent and really appreciate that effort  
17 on the city's behalf and your consultant's behalf.

You have a very good consultant, and because of  
19 that my comments are going to be probably less  
20 extensive. I'll make written comments, too, but I  
21 wanted to ask some questions tonight if it's okay with  
22 you all.

I'll start with the easy ones first. I didn't  
24 see any firm commitments to mandatory requirement of

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MOORE COURT REPORTERS (559) 732-3225

solar renewable energy as a mitigation measure for air  
2 quality impacts.

And I would like to suggest that -- I think  
4 that the literature and the technology is such now that  
5 they should be required as mandatory, meaning  
6 residential solar, but more importantly I think that  
7 the low hanging fruit and the easiest mitigation to get  
8 on reduction of fossil fuel energy, greenhouse gasses,  
9 and the like, and you mention those in the climate  
10 action plan, are if you're going to have warehouses,  
11 large industrial structures, retail commercial  
12 buildings that are hundreds of thousands of square  
13 feet, I would really like to see a mandatory condition  
14 that they have to put solar panels on the roof to serve  
15 their own needs and preferably to generate more  
16 electricity.

I know Wal-Mart, when they build the new super  
17 centers now, they do a solar treatment, which shows  
18 that it is in the realm of feasibility.

The second thing I wanted to comment on is I  
21 didn't see any specific mitigation measures or  
22 implementation measures for the general plan requiring  
23 electric vehicles or other non-fossil fuel vehicles  
24 being used, and I would like to urge that on you, and I  
25 will put that in writing in a more complex way, but I

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1 wanted to T it up for you all, because I know the  
2 sooner you get it, the sooner you get working on it.

The other area under air quality that I wanted  
3 to touch on is that there is substantial information in  
4 a lot of the other general plans. If you go to the San  
5 Joaquin Valley Air Pollution Control District records,  
6 we know that the Rule 9510 regulation for new source  
7 review, even the district doesn't say, yeah, that's  
8 going to be 100 percent of the mitigation necessary to  
9 reach attainment. They say it's about 60 percent. And  
10 I wondered whether or not you could do an analysis on  
11 that percentage to try to pick up the rest of the 100  
12 percent. Are you tracking with me?

MR. SCHIBLE: Are you referring -- Rule 9510 is  
14 indirect source.

A SPEAKER: Did I say secondary source?  
16 Indirect source.

MR. SCHIBLE: And that's typically done on a  
18 project by project basis.

A SPEAKER: I understand that. But the point  
20 I'm putting out as an analysis point is even on a  
21 project by project basis, the air district doesn't say  
22 that the 9510 mitigates to 100 percent. It mitigates  
23 to about 60 percent. So there is still some left over.

You don't have to take my word on it. Talk

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MOORE COURT REPORTERS (559) 732-3225

1 with the air district, see if they tell you different,  
2 but I think that should be addressed, because I think  
3 in this basin, even the air district is not saying that  
4 they're going to reach performance standards. They're  
5 not going to reach compliance until -- not even 2025 I  
6 don't think.

We're still in extreme noncompliance,  
7 non-performance, correct?

So I think that instead of just looking at the  
9 60 percent, even the 100 percent, if we could capture  
10 some of the last of that, say, 40 percent that's not  
11 getting caught under 9510, I think that would be  
12 something that would be useful in terms of air quality.

MR. SCHIBLE: Okay. Thanks for the comment.

A SPEAKER: And, by the way, I don't blame all  
15 the air quality problems on Visalia. I understand it's  
16 a regional issue.

The other area that I wanted to visit with you  
18 on, because I read general plans quite a bit, and have  
19 for years, and I had a hard time following on one area.

On your growth management plan, the old one  
21 under the '91 general plan, I think it was Mayor  
22 Collins at that time, they did a concentric growth  
23 plan, and it had phase-in time limits, you know that  
24 better than I do, but in this general plan I was having

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MOORE COURT REPORTERS (559) 732-3225

1 trouble following how the mitigation took place through  
2 the policies, and what the mitigation measure says in  
3 the EIR on air quality is that there are a number of  
4 policies that are listed from the general plan as  
5 mitigative, vehicle miles traveled in particular, but I  
6 didn't see any numbers. In the general plan EIR, I  
7 didn't see any quantitative numbers done on those by  
8 policy. Am I right on that? I didn't see --  
9 MR. SCHIBLE: I couldn't tell you.  
10 A SPEAKER: Yeah. I didn't see any in there,  
11 and I think that, from a CEQA point of view, if you're  
12 going to use a self-mitigating general plan, and you're  
13 going to use the policies and the goals and objections  
14 and the implementation measures, and if you're going to  
15 say that's going to mitigate the potentially  
16 significant impacts, I think it needs to be quantified  
17 and stated. And I'll tell you why. I'm going there at  
18 this right now.  
19 The area I had the most trouble following,  
20 Paul, was trying to understand how the new growth  
21 management policies worked, and the specific cites were  
22 at about pages 2.26 -- 2-26, 2-29, and 2-30. I think  
23 it's the 2.5 section.  
24 And I'm familiar with the old concentric growth  
25 management plan that was developed when Greg was the

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MOORE COURT REPORTERS (559) 732-3225

mayor. I thought it was very ingenious.  
2 You know, I litigated on the west 198 plan,  
3 which I will tell you about later.  
4 But in this one, the policies seemed to be  
5 internally inconsistent in this way. They're related  
6 to the core, and they define the core as being downtown  
7 and east of downtown. Have I got that right?  
8 MR. SCHIBLE: I think that's right.  
9 A SPEAKER: And I don't know -- there is not  
10 like a centroid. There is not a point there.  
11 So if you're looking at -- Brandon, what's the  
12 figure number from the general plan that that  
13 circulation has?  
14 A SPEAKER: This one here? This one?  
15 A SPEAKER: The one that was right there, yeah,  
16 because that's on the land --  
17 MR. SCHIBLE: That's the current general plan.  
18 A SPEAKER: That's what I'm looking at here.  
19 So, in this one, the central -- the core is  
20 downtown, and then east of downtown, where you're doing  
21 some really nice things.  
22 But then in the growth management plan, it  
23 talks about the new tier one, and the new tier two, and  
24 the new tier three.  
25 It says that you're going to be -- if you look

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1 at the different timing on it, you've got new tier one  
2 growth to the northwest, which appears to be preceding  
3 other what would be tier one growth under the old plan  
4 closer into the downtown.  
5 So that the policies, and I know you drafted  
6 them, so the policies that the consultant did, the  
7 policies say we're going to reduce air emissions by  
8 reducing vehicle miles traveled, that the core is where  
9 you're looking at in terms of your growth, your  
10 concentric growth.  
11 And then I look at the maps, and what is not  
12 clear is how does it sequence, which new growth comes  
13 in first. There is no progression. There is no  
14 phasing other than to indicate tier one, tier two, tier  
15 three.  
16 MR. SCHIBLE: I'll invite you to read the draft  
17 general plan, and it does provide some trigger  
18 mechanisms --  
19 A SPEAKER: I did.  
20 MR. SCHIBLE: -- that are not entirely  
21 population based. They are housing unit based.  
22 And the first group tier recognizes the city  
23 boundaries along with some areas that are currently in  
24 what was referred to as the '98 housing growth  
25 boundary.

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MOORE COURT REPORTERS (559) 732-3225

1 Now, there are also considerations to -- not  
2 only to the various types of land uses, including  
3 industrial growth, which is primarily located in the  
4 northwest part of the city's plan area.  
5 A SPEAKER: But that's what --  
6 MR. SCHIBLE: So that may explain what you  
7 observe to be --  
8 A SPEAKER: Let me ask you this. Maybe it's  
9 better to ask you rather than to make my statement.  
10 How do you know where the new growth is going to take  
11 place? You're supposed to keep, what, a ten-year  
12 inventory of growth of land available for development,  
13 correct?  
14 MR. SCHIBLE: Depending on the land use type.  
15 A SPEAKER: What types do not go to the ten  
16 year?  
17 MR. SCHIBLE: Some have different land bank in  
18 terms of years. Industrial is different than  
19 residential.  
20 A SPEAKER: Okay. So it's ten year relevant to  
21 residential?  
22 MR. SCHIBLE: Yes.  
23 A SPEAKER: Okay. So if you're trying to do  
24 your residential closer to the core, so you're saying  
25 you're doing it close to the core, but also close to

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MOORE COURT REPORTERS (559) 732-3225

1 industrial? How do we know? What I can't track is  
2 what's the chicken and the egg? Where do we start on  
3 this? We have a ten-year supply, if it drops below ten  
4 year supply for residential, and then how do we know  
5 where it goes next? Is there a queue? Is there a  
6 phasing so you know you could tell me at the end of the  
7 first -- the first time the ten year inventory drops  
8 below ten years, where would we be starting first? New  
9 tier one, correct?

10 MR. SCHIBLE: Correct.

11 A SPEAKER: Okay. Where in the new tier one  
12 would it go first? How do we know where it goes first?

13 MR. SCHIBLE: That's -- the city can't dictate  
14 the exact location of where the growth is going to  
15 occur. That's by and large a matter of market  
16 decisions.

17 It's the city's general plan policy to be able  
18 to have the capacity to provide infrastructure and  
19 services within that growth tier at the time  
20 development is proposed and approved.

21 So the exact location I can't -- it appears to  
22 be, unless I'm missing something in your question,  
23 that's really a question that's --

24 A SPEAKER: Listen, you're going down exactly  
25 the same analysis I am, except then the next policy

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MOORE COURT REPORTERS (559) 732-3225

1 says you're going to focus on in-fill, which is part of  
2 SB 375, you're going to try to keep a compact urban  
3 forum, and you're going to do in-fill.

4 So shouldn't the in-fill areas be designated as  
5 the areas first to develop?

6 MR. SCHIBLE: I think that's the city's intent  
7 right now.

8 Again, this is still a draft document. It  
9 still has to go through the public hearing process, but  
10 the city's first growth tier is, in fact, the city's  
11 boundaries, which are, by definition, most of the  
12 in-fill property within the city.

13 A SPEAKER: One of the things that I think is a  
14 little confusing in the terminology is that tier one  
15 essentially means existing.

16 In the old, tier one was the first place we'd  
17 go next. Tier one in this plan is the core. The core  
18 and tier one are essentially synonyms in this plan.

19 A SPEAKER: No new land until -- and I think  
20 the interesting thing, one of our concerns, was that  
21 the triggers were actually more firm than they were in  
22 the past.

23 In the past, there was some conditional  
24 triggers, you know, it was this or this kind of a  
25 condition. Now, they're pretty much set on permits

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MOORE COURT REPORTERS (559) 732-3225

1 issued. It's a hard number.

2 So there is no new growth until you hit that  
3 number out of the core, and then there is a small ring  
4 that goes around that that's the next. I think there  
5 is really only two exterior rings this time, if you  
6 will.

7 A SPEAKER: Where is that in the general plan?

8 MR. SCHIBLE: I would encourage you to look at  
9 the plan for growth. There is a discussion in the  
10 general plan update about the growth tiers.

11 A SPEAKER: I did. I read that. It still  
12 doesn't answer the question about where the in-fill is  
13 going to occur.

14 Let me raise another one, because I think it's  
15 another potential sequencing. I'm thinking of a  
16 process point of view. I'm trying to understand where  
17 the new growth is likely to go.

18 We know it's going to go at whatever the growth  
19 rate is by the market, because there are going to be  
20 boom times and less, but to try to understand where  
21 it's going to go, for example, let's say, for example,  
22 you get some amendments to the general plan land use  
23 element, and some zoning within the tier one, let's say  
24 the existing tier one, the new tier one, and right now  
25 maybe you're at five units per acre on some R-1 ground,

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MOORE COURT REPORTERS (559) 732-3225

1 and somebody comes in and gets a general plan amendment  
2 and a rezone and changes it to apartments or something,  
3 four-plexes or whatever, so your density increases,  
4 which under SB 375 is a good thing, you got to deal  
5 with the traffic and circulation, but what that means  
6 is that your inventory of land may be used up quicker  
7 if you're with a higher population, which your density  
8 is going up, and so is that going to have an effect on  
9 when the next tier two --

10 MR. SCHIBLE: Mr. Harriman, I think I  
11 understand the gist of your question, and it sounds to  
12 me to be somewhat of a speculative or theoretical type  
13 question, a what-if type question. We're not really  
14 here to answer that type of question.

15 If something appears to be unclear, my  
16 encouragement to you is to go ahead and put it in  
17 writing. It will certainly be at the general plan  
18 public meeting to raise that question before the City  
19 Council and the planning commission, and by their  
20 direction that would be looked into further.

21 And if there seems to be a problem, then they  
22 would certainly clarify that or clear it up or change  
23 it. But I really -- this forum really isn't in any  
24 position to be able to respond to a speculative  
25 theoretical question.

24

MOORE COURT REPORTERS (559) 732-3225

1 A SPEAKER: Okay. I'll make it a comment  
2 rather than a question. That's fine.  
3 The comment is that the general plan appears to  
4 have internally inconsistent policies relative to  
5 in-fill as part of the mitigation of urban sprawl and  
6 air quality impacts, and it's not quantified in the EIR  
7 as to how that is going to help other than the vehicle  
8 miles traveled, which again it's hard to follow the  
9 sequencing of where development is going to occur.  
10 I'll give a specific comment, also. One of the  
11 policies is that you're going to square off the urban  
12 forum, and I look at the existing map right here that  
13 Brandon was kind enough to tell me is a current one,  
14 and it's pretty well squared off in that, and if you  
15 look at the next figure, I can't read it from here,  
16 2.3-1, which is the new forum, so much of the ground  
17 goes out on the northwest corner, and it doesn't look  
18 to me as though you've gone very far down in the  
19 southwest quadrant, but the policy was to balance the  
20 quadrants, and by my visual, and also reading of the  
21 plan, you have got new tiered growth, which is going to  
22 be fresh new growth out there in the northwest, but  
23 that's not balancing out the four.  
24 So there are policies that are stated that  
25 appear to be internally inconsistent. It's also

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MOORE COURT REPORTERS (559) 732-3225

1 farther away from the core. So I'm having trouble  
2 understanding those policies.  
3 And then the last is I don't see how you figure  
4 out who goes first on -- as new growth -- as you  
5 exhaust the ten-year supply, who goes next in line?  
6 And I think from what I see, it's kind of  
7 arbitrary as to how that takes place because I don't  
8 see any policy that says, well, there is going to be a  
9 list of people that are ready to go.  
10 And the same thing with respect to the new  
11 specific plan areas. How large is a specific plan area  
12 going to have to be in order to go forward even though  
13 it's not in the current tier? How large will that  
14 specific plan area --  
15 MR. SCHIBLE: That's not a question that we can  
16 answer here. There is not a specific size --  
17 A SPEAKER: Okay. Then the statement is there  
18 is not a specific size of the specific plan area that  
19 is going to have -- be allowed to proceed with planning  
20 before it's actually in the next tier.  
21 So can you do a 40-acre specific plan and get  
22 ahead? Or does it have to be 150? I couldn't find it  
23 in there. So that would be a comment I had on that.  
24 MR. SCHIBLE: Okay. Thanks.  
25 A SPEAKER: Okay.

26

MOORE COURT REPORTERS (559) 732-3225

1 A SPEAKER: Could I interject a question on  
2 that? (Unintelligible) I understand the plan.  
3 Okay. Now, in terms of definitions, tier one  
4 is what's already up?  
5 MR. SCHIBLE: Tier one is essentially the  
6 current city limits, along with a couple of minor  
7 additions that, while they're not in the city limits,  
8 they're still in the growth area.  
9 A SPEAKER: Okay. Was there a tier two and a  
10 tier three?  
11 MR. SCHIBLE: Yes, that is shown on the map.  
12 A SPEAKER: Okay. And as I recall, development  
13 in, okay, tier three would not start until tier two has  
14 been filled to some certain percentage?  
15 MR. SCHIBLE: That's correct.  
16 A SPEAKER: All right.  
17 A SPEAKER: Well, actually, based on permits  
18 pulled, number of permits pulled. I don't believe  
19 there is a percentage in the new plan.  
20 A SPEAKER: Just number of permits regardless  
21 of size of the development? So three 40-acre permits  
22 would be --  
23 MR. SCHIBLE: The growth tier -- the general  
24 plan growth expansion policy prescribes a certain  
25 number of permits, housing permits, to be issued.

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MOORE COURT REPORTERS (559) 732-3225

1 A SPEAKER: Okay. Housing permits. I was  
2 thinking about general which would be business  
3 construction. That makes sense. All right.  
4 A SPEAKER: There are certain square footages  
5 of building area for commercial and industrial land.  
6 A SPEAKER: Oh, okay. All right. So for  
7 housing, it's number of permits because a house is a  
8 house.  
9 MR. SCHIBLE: Number of units, yeah.  
10 A SPEAKER: Okay. But for commercial, okay,  
11 then that plays back into my question. In other words,  
12 you would go to -- commercial would start building in  
13 tier three when the tier two development has reached a  
14 certain number of square feet, or a certain percentage  
15 of the square foot available?  
16 A SPEAKER: When the criteria for permit  
17 issuance, be it housing units in the case of  
18 residential -- and thank you, Brandon, for clearing  
19 that up -- or a certain amount of square feet of  
20 commercial, then the criteria will have been met, and  
21 growth under that land use category could occur in the  
22 next tier out.  
23 A SPEAKER: So once a certain percentage of the  
24 housing as defined by permits, or a certain percentage  
25 of the commercial space defined by square foot, square

28

MOORE COURT REPORTERS (559) 732-3225



1 feet, has occurred in the tier two, then that opens up  
2 tier three?  
3 MR. SCHIBLE: That's correct.  
4 A SPEAKER: Because I think that's somewhat --  
5 sounds like that's where you were going with your  
6 question.  
7 A SPEAKER: Yeah.  
8 The other thing is a lot of other general plans  
9 refer to a job housing balance. I didn't see any job  
10 housing balance set forth that way, but it sounds as  
11 though you tried to integrate them between commercial  
12 and industrial and residential?  
13 MR. SCHIBLE: The general plan seeks to achieve  
14 a balance of growth and a preservation of positive jobs  
15 and housing balance.  
16 A SPEAKER: Where is that set out in the  
17 general plan?  
18 MR. SCHIBLE: I think it's in -- I can't point  
19 you to a specific page, but I think that's part of what  
20 you'll find in the overriding principles, the direction  
21 of the general plan.  
22 A SPEAKER: Because that's the underlying idea  
23 that drives how they come up with the numbers for this  
24 much commercial, this much industrial, this much  
25 housing, right?

29

MOORE COURT REPORTERS (559) 732-3225

1 MR. SCHIBLE: Yes.  
2 A SPEAKER: Okay.  
3 A SPEAKER: The other thing is the west 198  
4 corridor plan still a viable document, still an  
5 existing document?  
6 MR. SCHIBLE: Yes.  
7 A SPEAKER: And is that integrated into this  
8 general plan in some way?  
9 MR. SCHIBLE: I'm not sure what you mean.  
10 A SPEAKER: Okay. Where in the general plan  
11 would I look to find a reference to the west 198  
12 corridor?  
13 It was once a specific plan, wasn't it, Paul,  
14 with the corridor plan? It was adopted back in the  
15 '90s.  
16 MR. SCHIBLE: Actually, I'm not positive that  
17 the west 198 plan was actually adopted as a specific  
18 plan. I'm not sure.  
19 A SPEAKER: But how is it integrated into the  
20 general plan now that --  
21 MR. SCHIBLE: There is a plan for the eventual  
22 urbanization of what you refer to as the west 198  
23 corridor.  
24 A SPEAKER: Does it give a time frame?  
25 MR. SCHIBLE: I believe it's primarily in

30

MOORE COURT REPORTERS (559) 732-3225

1 the --  
2 A SPEAKER: I have bad hearing tonight.  
3 MR. SCHIBLE: I believe that the west 198  
4 corridor -- its urbanization time frame is in the last  
5 growth tier.  
6 A SPEAKER: It's actually in the -- it's  
7 divided between the second and the third growth tiers.  
8 A SPEAKER: What are you citing there, Brandon?  
9 What section are you reading from?  
10 A SPEAKER: I'm referring to the figure that  
11 shows the development by tier. It shows the tier one,  
12 tier two, tier three growth areas.  
13 A SPEAKER: What's the cite of the figure?  
14 What's the number on it?  
15 A SPEAKER: 2-3.  
16 A SPEAKER: Thank you.  
17 A SPEAKER: I had that one, and I looked at  
18 that closely, yeah, so is that contained in the land  
19 use element? Is that where it is, in the land use  
20 element?  
21 A SPEAKER: Yes.  
22 A SPEAKER: Last comment or question would be  
23 on the agricultural land, the mitigation to avoid  
24 sprawl on the agricultural land, is there a -- an  
25 offset or an acre-per-acre requirement for new growth

31

MOORE COURT REPORTERS (559) 732-3225

1 that takes place on ag ground?  
2 A SPEAKER: There is a discussion of  
3 agricultural absorption. Right now, it's shown as a  
4 significant impact that can't be mitigated to a level  
5 of non-significance.  
6 A SPEAKER: I'm sorry? Could you read that  
7 sentence?  
8 MR. SCHIBLE: What I said was that agricultural  
9 -- loss of agricultural lands is shown in the draft EIR  
10 as an impact -- as a significant impact that cannot be  
11 mitigated to a level of non-significance. That's also  
12 in the current general plan.  
13 A SPEAKER: It's also what?  
14 MR. SCHIBLE: It's also in the current general  
15 plan EIR.  
16 A SPEAKER: Okay. Then I would make a comment  
17 on that finding and say that the agricultural land  
18 conversion to urban development, I absolutely agree  
19 it's a significant cumulative impact, absolutely agree  
20 that it is an unavoidable impact of this general plan,  
21 but I respectfully submit that there is substantial  
22 evidence in the public record for other jurisdictions  
23 where up and down the valley many of them are doing a  
24 one-to-one acre mitigation to mitigate that.  
25 And so I would suggest that that should be

32

MOORE COURT REPORTERS (559) 732-3225

1 analyzed in that manner by looking at the other  
2 jurisdictions that do it, Davis, the Butte County Board  
3 of Supervisors is doing that agricultural mitigation  
4 ordinance, Fresno City's general plan, done by the same  
5 consultant, has mitigation for ag land that is on an  
6 acre-to-acre basis. It's not just done by a sprawl  
7 policy. So I would urge you to do that in your  
8 response to comments.

9 MR. SCHIBLE: Thank you.

10 Do you have anything else, Mr. Harriman?

11 A SPEAKER: Yes, but I'll let the others step  
12 up that are waiting.

13 MR. SCHIBLE: Very good. Thank you.

14 A SPEAKER: You're welcome. Thanks for your  
15 response. I appreciate it.

16 A SPEAKER: I have a question on in-fill, but  
17 it's also to the ag land thing. The way you phrased  
18 the response, has the -- the way you phrased it, it  
19 seemed a little awkward, but what I understood you to  
20 be saying is that the plan accepts any land that is  
21 going to be lost, it can't be mitigated, period, next  
22 chapter.

23 MR. SCHIBLE: Sir, I didn't say that it can't  
24 be mitigated. What I said was it can't be mitigated to  
25 a level of non-significance.

33

MOORE COURT REPORTERS (559) 732-3225

A SPEAKER: Oh, okay. In other words,  
2 significant loss of ag land is accepted in the plan  
3 because it can't be mitigated to the point that it's  
4 not a significant loss?

5 MR. SCHIBLE: Yes, sir.

6 A SPEAKER: To the extent on that, it's a  
7 significant and unavoidable impact because it cannot be  
8 mitigated to a level of non-significance.

9 A SPEAKER: Paul, I apologize. I didn't hear  
10 you correctly. I have a blocked ear so I didn't hear  
11 you correctly.

12 So your statement was the ag land -- cumulative  
13 impacts of ag land conversion are significant, they are  
14 unavoidable, and they are not mitigable to a level of  
15 no significance, so, therefore, you are finding that  
16 they are significant and unmitigable.

17 MR. SCHIBLE: The specific text is contained in  
18 the draft EIR. That would be the most precise  
19 discussion of that impact, and I would refer you to  
20 that --

21 A SPEAKER: So in getting to that point, then,  
22 you're going to be making findings in the final  
23 resolution that there was substantial evidence that  
24 there was no way to mitigate it to a level of  
25 insignificance -- is that what you're saying -- in the

34

MOORE COURT REPORTERS (559) 732-3225

1 EIR?

2 A SPEAKER: No way to mitigate it to a level of  
3 less than significant.

4 MR. SCHIBLE: Remember, that's the draft EIR  
5 right now. The City Council ultimately is going to  
6 have to weigh testimony and consider alternatives  
7 before they make their final determination in that  
8 regard.

9 So there is a discussion on the unmitigable  
10 loss of agricultural land in the draft EIR right now.

11 That's where we're at --

12 A SPEAKER: Okay.

13 MR. SCHIBLE: -- in the analysis.

14 A SPEAKER: So the answer to your question is  
15 that if you have information or data or evidence that  
16 you want to introduce into the city's record, then you  
17 have up until May 14th. You can put it in as a comment  
18 to the draft EIR, and you can make a comment on it  
19 later on. But what Mr. Schible is not going to do is  
20 he is not going to give you legal advice, and I can't  
21 either, but what I'm telling you is if you have  
22 information about how to mitigate ag land, such as like  
23 setting up an ag land trust or something like that, you  
24 want to get that in to the staff so that they learn  
25 about it as soon as possible. Is that a fair

35

MOORE COURT REPORTERS (559) 732-3225

1 statement?

2 MR. SCHIBLE: That's a fair statement.

3 A SPEAKER: You want to get it in as soon as  
4 possible.

5 A SPEAKER: What I'm getting at is how this  
6 relates to the in-fill because that was going to be my  
7 question. Because this is actually prefatory to my  
8 question on in-fill -- definition of in-fill.

9 It can't be mitigated to a level of  
10 insignificance sounds like a very convoluted of way of  
11 saying this plan assumes significant loss of ag land.  
12 Since it can't be mitigated to insignificance, it's  
13 going to be significant.

14 In other words, in plain English, the loss of  
15 ag land will be significant. Right?

16 MR. SCHIBLE: We said that.

17 A SPEAKER: Right. That goes to my question on  
18 in-fill.

19 Under the current plan, what's the definition  
20 of in-fill? What qualifies as in-fill?

21 Because at one point they were talking about  
22 any piece of bare land that had no curb, gutter,  
23 sidewalks, storm drains, lights, et cetera, would  
24 qualify as in-fill if it was adjacent to something that  
25 was developed.

36

MOORE COURT REPORTERS (559) 732-3225

1 What's the current definition of what would  
2 qualify as in-fill?  
3 MR. SCHIBLE: What I would encourage you to do  
4 is to review the general plan and see what the  
5 discussion is on in-fill. I am not in any position to  
6 summarize it for you.  
7 What I would encourage you to do is to read  
8 that definition. If you find there is not an adequate  
9 definition of in-fill, certainly that is a comment for  
10 the general plan or the general plan EIR.  
11 A SPEAKER: So, in discussing in this meeting  
12 on the general plan -- environmental impact to the  
13 general plan, you can't say what the current -- what  
14 in-fill is? Because that seems to be a pretty critical  
15 distinction.  
16 Because, for example, take the southeast side  
17 of town, one of the things the general plan does in the  
18 next 20 years, the southeast side is slated for fairly  
19 substantial growth, although not in the next few years,  
20 but out five, 10, 15 years, I understand that's  
21 considered to be a major area of growth.  
22 We have -- there is a number of open pieces of  
23 ground, Lovers Lane south of Walnut, both sides of  
24 Lovers Lane, south of Walnut, and there is no curbs,  
25 gutters, sidewalks, storm drains, lights, there is none

37

MOORE COURT REPORTERS (559) 732-3225

of that.  
2 It sounded like you were saying at one point  
3 that if it's in the city limits it's in-fill?  
4 MR. SCHIBLE: That would be the first growth  
5 tier and the in-fill land as the general plan is set up  
6 right now generally identifies the in-fill lands as  
7 being within the city limits right now.  
8 A SPEAKER: Okay. Now, if a development is  
9 going on to in-fill land, for example, one of those big  
10 open lot areas that has no infrastructure, does -- if  
11 it's classified as in-fill, doesn't that mean that  
12 development gets some break on what they have to pay on  
13 developer fees? Because I thought there was an in-fill  
14 encouragement provision in the plan that gives --  
15 A SPEAKER: Incentive?  
16 A SPEAKER: Incentive, yeah, incentive, to get  
17 people to go to the parts of the city that already have  
18 the infrastructure.  
19 And, hey, if go where we already got  
20 infrastructure, you don't have to pay for  
21 infrastructure, which seems eminently reasonable.  
22 But if you can get the in-fill incentives on  
23 bare land that has no infrastructure, that is going to  
24 have a major negative effect on the various development  
25 funds. So that's why I'm asking about in-fill.

38

MOORE COURT REPORTERS (559) 732-3225

1 So if I, as a developer, want to put something  
2 on vacant land inside the city limits, like some of the  
3 lots on the southeast side, there is no curbs, gutters,  
4 sidewalks, storm drains, lights, but it's inside the  
5 city limits, do I get the in-fill incentives at reduced  
6 developer fees?  
7 MR. SCHIBLE: Sir, that's really a speculative  
8 question right now.  
9 A SPEAKER: No, no, under this plan. It's not  
10 speculative. The plan has a definition of in-fill, and  
11 that's how I read it. I'm trying to find out if I'm  
12 wrong.  
13 MR. SCHIBLE: I can't generally answer to a  
14 theoretical parcel what the -- the only thing I can  
15 respond to you is there are -- there is an in-fill  
16 policy in the general plan. There are incentives in  
17 the general plan.  
18 I can tell you that the first growth tier  
19 contains what would be the -- what would qualify as  
20 in-fill property.  
21 The direction of your question, I'm --  
22 honestly, I don't have to try to be dumb -- I actually  
23 am -- but I am honestly --  
24 A SPEAKER: Excuse me --  
25 MR. SCHIBLE: -- am not in a position to answer

39

MOORE COURT REPORTERS (559) 732-3225

1 the question.  
2 A SPEAKER: But, Paul, just to be clear, you're  
3 not making a blanket statement that every parcel in  
4 tier one automatically qualifies --  
5 MR. SCHIBLE: No, I'm not.  
6 A SPEAKER: -- as in-fill?  
7 MR. SCHIBLE: No.  
8 A SPEAKER: In-fill is in tier one, but not all  
9 tier one is in-fill.  
10 A SPEAKER: Right. That's what I'm trying to  
11 find out.  
12 A SPEAKER: You have to go to a parcel by  
13 parcel map.  
14 A SPEAKER: Right. That's what I'm trying to  
15 find out is what is the definition of in-fill to  
16 qualify because what I read, as you say go read it, I  
17 read it, and what I thought I was reading, and what I  
18 thought was explained to me at a prior meeting when I  
19 was asking about in-fill, what I thought I was hearing  
20 was a parcel of bare land that has none of the  
21 infrastructure on it, but if it's adjacent to developed  
22 property, would qualify as in-fill.  
23 And when I asked that question, the answer was  
24 yes. And is that still what the plan provides?  
25 MR. SCHIBLE: Again, I don't think we're going

40

MOORE COURT REPORTERS (559) 732-3225

1 to answer that question to your satisfaction tonight.  
2 I think --  
3 A SPEAKER: It's not a question of  
4 satisfaction. It is what is the answer, whether it  
5 satisfies me or not.  
6 MR. SCHIBLE: Again, for fear of sounding like  
7 a broken record, I don't intend to be disrespectful,  
8 but in your reading of the definition and the  
9 incentives for in-fill, if you have a specific concern  
10 about that, or a question about that, my recommendation  
11 is to put it in writing and let the staff analyze it to  
12 prepare an adequate response to you at the appropriate  
13 time or to address that concern if that -- if what you  
14 mention constitutes a concern on your part, as opposed  
15 to a clarification, I don't know. I don't presume to  
16 know, but that would be best addressed to the  
17 decisionmakers at the time or day that they take public  
18 testimony.  
19 A SPEAKER: Could I ask a question? Because  
20 I was -- that was on my list of questions to ask.  
21 But just for clarification, because I did read  
22 that there are in-fill sites and there are in-fill  
23 incentives.  
24 My question was how are those in-fill  
25 incentives determined? Will there be some sort of

41

MOORE COURT REPORTERS (559) 732-3225

creation of an incentives list, or do you do that with  
2 applicants? Do you decide what the incentives will be  
3 on a case-by-case basis?  
4 MR. SCHIBLE: I can't really answer that.  
5 A SPEAKER: Okay. Because it's not addressed  
6 in the general plan, correct?  
7 MR. SCHIBLE: No.  
8 A SPEAKER: Okay. Thank you.  
9 A SPEAKER: Can I make a comment, Paul? I  
10 can -- we can agree to differ or disagree in a  
11 civilized way, but I think since I've asked the  
12 question, he's basically made it clear he can't answer  
13 questions, he can accept comments today. I have asked  
14 some questions, too, for clarification, and to the  
15 extent he can or can't, he's probably been directed by  
16 his city attorney not to answer questions.  
17 This is a comment session. So if I want to  
18 beat up Paul, I want to do it in a fair fight, not in  
19 somewhere he can't answer.  
20 So what I would do is I would state that this  
21 gentleman here has a concern about the definition of  
22 in-fill if, in fact, it's a different definition than  
23 you might think it is, and you have to go look.  
24 I'm doing the same thing. I'm looking to find  
25 out what the in-fill is.

42

MOORE COURT REPORTERS (559) 732-3225

1 And then my comment would be depending on the  
2 definition of the in-fill, is there going to be a  
3 prioritization of in-fill land that gets developed  
4 before other in-fill land gets done?  
5 MR. SCHIBLE: Right.  
6 A SPEAKER: In other words, the gentleman's  
7 definition of in-fill would be maybe surrounded in such  
8 a way where it's inside something, or does that get  
9 built out first before some of the tier one area that  
10 might be not considered in-fill in your definition?  
11 That's a concern I have as well in reading the  
12 document, and I will go back and reread it. Is that  
13 fair?  
14 A SPEAKER: Yes.  
15 A SPEAKER: The other question I had, or  
16 another statement I had is that -- can I ask you what  
17 the current million gallon per day treatment capacity  
18 is? That's in the EIR. I can find that myself,  
19 correct?  
20 MR. SCHIBLE: Yes.  
21 A SPEAKER: And is there intended to be any  
22 expansion of that treatment capacity within the next  
23 five years on the capital improvement plan?  
24 MR. SCHIBLE: There is a substantial sewer  
25 treatment plant upgrade in process right now, the

43

MOORE COURT REPORTERS (559) 732-3225

1 capacity for which -- it's not really a capacity  
2 expansion project. It's a quality and distribution  
3 project. But the sewer capacity is adequate for a  
4 general plan, for this general plan going out.  
5 A SPEAKER: We're running about 50 percent.  
6 MR. SCHIBLE: About 50 percent right now?  
7 A SPEAKER: We don't do any purple pipe or  
8 urban landscaping recirculation?  
9 A SPEAKER: That's what they're doing right  
10 now.  
11 A SPEAKER: Great.  
12 A SPEAKER: I'll read that portion.  
13 A SPEAKER: 50 percent of capacity on our sewer  
14 treatment.  
15 MR. SCHIBLE: Any other comments or questions?  
16 A SPEAKER: Did you ever talk about the Lovers  
17 Lane/198 traffic congestion problem issues, mitigation  
18 subject?  
19 MR. SCHIBLE: There is a traffic model that was  
20 run in the draft general plan and for the EIR, and  
21 there are a number of traffic improvements for areas  
22 that are identified as potential mitigation. That's in  
23 the general plan EIR.  
24 A SPEAKER: So that is one of the areas that is  
25 discussed?

44

MOORE COURT REPORTERS (559) 732-3225

1 MR. SCHIBLE: Yes.  
 2 A SPEAKER: Do you recall what that discussion  
 3 is?  
 4 MR. SCHIBLE: I don't know the specifics.  
 5 A SPEAKER: I also had a traffic question, it's  
 6 the far right diagram. In terms of upgrading arterials  
 7 in the ten-year time frame, the Santa Fe north/south is  
 8 one of them; is that right?  
 9 MR. SCHIBLE: I'm not sure.  
 10 A SPEAKER: Oh, I was going to ask --  
 11 A SPEAKER: I'll make one last comment. I was  
 12 interested in the gentleman's question about the two  
 13 point -- your statement was 2.6 percent growth rate,  
 14 and the comment I would make is that that provides for  
 15 a doubling time of approximately -- let's see -- so  
 16 about 25 years, 24 years doubling time.  
 17 MR. SCHIBLE: Well, the general plan build out  
 18 time frame is the year 2030. The project was begun in  
 19 2010, so it is a 20-year growth projection.  
 20 A SPEAKER: So it's a doubling -- a 2.6 percent  
 21 growth rate is a doubling time of somewhere around 24  
 22 years?  
 23 Well, I'm going to make a statement it's a  
 24 doubling time of approximately 24 or 25 years, and the  
 25 way you calculate that is you divide the rate of growth

45

MOORE COURT REPORTERS (559) 732-3225

into the number 70. That gives you the doubling time  
 2 in number of years.  
 3 So what I would like to -- the comment I would  
 4 make is I would like to see in the draft EIR a  
 5 calculation of the doubling time if you calculated  
 6 growth only at arithmetic and not compound growth. You  
 7 use the base right now of the current population, and  
 8 you increase it 2.6 percent of that baseline current  
 9 population, what would be the doubling time be?  
 10 It would be a lot less -- excuse me -- a lot  
 11 more doubling time. So by adding new growth and  
 12 building the baseline up, we keep growing faster and  
 13 faster in terms of the absolute amount of  
 14 infrastructure that we have to build. That's my  
 15 comment.  
 16 MR. SCHIBLE: Thank you.  
 17 A SPEAKER: Thank you.  
 18 MR. SCHIBLE: Okay. Anybody else we haven't  
 19 heard from yet?  
 20 A SPEAKER: I just wanted to put one comment  
 21 on. I think we already sent you an e-mail on it, and  
 22 we'll follow it up with details, but there is a concern  
 23 in the overall introductory statement on coverage that  
 24 this EIR -- this draft doesn't yet contain language  
 25 defining the project types that are automatically

46

MOORE COURT REPORTERS (559) 732-3225

1 covered that won't require -- that can rely on this  
 2 environmental document for project approval.  
 3 I think we sent one e-mail to Josh on that  
 4 already. We'll follow up with more to come. I just  
 5 wanted to keep that on the list of items to be  
 6 evaluated.  
 7 MR. SCHIBLE: Thank you.  
 8 (The proceedings concluded.)  
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47

MOORE COURT REPORTERS (559) 732-3225

1 STATE OF CALIFORNIA )  
 ) ss.  
 2 COUNTY OF TULARE )  
 3  
 4  
 5 I, DANETTE M. HENDRIX, a pro tempore Certified  
 6 Shorthand Reporter of the Superior Court of the State  
 7 of California, do hereby certify:  
 8 That the foregoing audio recording was taken  
 9 down in stenographic shorthand writing and thereafter  
 10 transcribed into typewriting, and that the foregoing  
 11 transcript constitutes a full, true, and correct  
 12 transcript of said proceedings to the best of my  
 13 ability.  
 14 Dated: June 2, 2014  
 15  
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 17  
 18  
 19  
 20 DANETTE M. HENDRIX, CSR #6412  
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48

MOORE COURT REPORTERS (559) 732-3225

#	3			
#6412 [1] - 48:20	30-year [2] - 6:25, 11:16 375 [2] - 22:2, 24:4	acre [6] - 23:25, 31:25, 32:24, 33:6 acre-per-acre [1] - 31:25 acre-to-acre [1] - 33:6 action [1] - 14:10 actual [2] - 9:11, 12:6 adding [1] - 46:11 additions [1] - 27:7 address [1] - 41:13 addressed [3] - 16:2, 41:16, 42:5 adequate [3] - 37:8, 41:12, 44:3 adjacent [2] - 36:24, 40:21 adopt [1] - 5:3 adopted [2] - 30:14, 30:17 adoption [1] - 4:23 advice [1] - 35:20 affects [2] - 9:8, 9:11 ag [10] - 32:1, 33:5, 33:17, 34:2, 34:12, 34:13, 35:22, 35:23, 36:11, 36:15 agencies [1] - 4:21 ago [1] - 3:9 agree [3] - 32:18, 32:19, 42:10 agricultural [8] - 31:23, 31:24, 32:3, 32:8, 32:9, 32:17, 33:3, 35:10 ahead [2] - 24:16, 26:22 air [11] - 14:1, 15:3, 15:6, 15:22, 16:1, 16:3, 16:13, 16:16, 17:3, 19:7, 25:6 allowed [2] - 9:23, 26:19 alternative [1] - 11:14 alternatives [1] - 35:6 amendment [1] - 24:1 amendments [1] - 23:22 amount [4] - 9:8, 9:12, 28:19, 46:13 analysis [4] - 15:11, 15:21, 21:25, 35:13 analyze [1] - 41:11 analyzed [1] - 33:1 answer [16] - 9:3, 11:21, 11:22, 23:12, 24:14, 26:16, 35:14, 39:13, 39:25, 40:23, 41:1, 41:4, 42:4, 42:12, 42:16, 42:19 answers [1] - 9:21	apartments [1] - 24:2 apologize [1] - 34:9 appear [1] - 25:25 applicants [1] - 42:2 appreciate [2] - 13:17, 33:15 appropriate [1] - 41:12 approval [1] - 47:2 approved [1] - 21:20 April [2] - 1:8, 2:4 APRIL [1] - 2:2 arbitrary [1] - 26:7 area [13] - 10:24, 15:3, 16:18, 16:20, 17:19, 20:4, 26:11, 26:14, 26:18, 27:8, 28:5, 37:21, 43:9 areas [8] - 19:23, 22:4, 22:5, 26:11, 31:12, 38:10, 44:21, 44:24 arithmetic [1] - 46:6 arterials [1] - 45:6 aspects [1] - 5:8 associated [1] - 3:5 assumes [2] - 7:4, 36:11 assuming [1] - 4:12 attainment [1] - 15:10 attending [1] - 2:16 attorney [1] - 42:16 audio [1] - 48:8 AUDIO [1] - 1:15 automatically [2] - 40:4, 46:25 available [2] - 20:12, 28:15 average [1] - 7:7 avoid [1] - 31:23 awkward [1] - 33:19	46:12 basin [1] - 16:3 basis [4] - 15:19, 15:22, 33:6, 42:3 beat [1] - 42:18 becomes [1] - 3:2 begun [1] - 45:18 behalf [2] - 13:18 behind [1] - 11:8 below [5] - 8:21, 8:22, 9:7, 21:3, 21:8 best [4] - 3:23, 12:24, 41:16, 48:12 better [2] - 16:25, 20:9 between [2] - 29:11, 31:7 big [1] - 38:9 bit [1] - 16:19 blame [1] - 16:15 blanket [1] - 40:3 blocked [1] - 34:10 board [1] - 33:2 bond [1] - 11:17 boom [1] - 23:20 boundaries [2] - 19:23, 22:11 boundary [1] - 19:25 Brandon [8] - 2:6, 2:12, 3:21, 13:14, 18:11, 25:13, 28:18, 31:8 break [1] - 38:12 bring [1] - 6:6 broken [1] - 41:7 bubble [1] - 7:12 build [6] - 10:22, 11:16, 14:17, 45:17, 46:14 building [9] - 5:17, 5:22, 6:10, 11:5, 11:6, 28:5, 28:12, 46:12 buildings [1] - 14:12 built [4] - 11:1, 11:2, 11:14, 43:9 business [1] - 28:2 Butte [1] - 33:2
'90s [1] - 30:15 '91 [1] - 16:22 '98 [1] - 19:24	4	40 [1] - 16:11 40-acre [2] - 26:21, 27:21 45-day [2] - 3:4, 3:19		
1	5	50 [3] - 44:5, 44:6, 44:13 5:29 [1] - 2:4 5:30 [1] - 2:2		
10 [1] - 37:20 10-year [1] - 6:25 100 [4] - 15:9, 15:12, 15:23, 16:10 14th [3] - 3:17, 4:4, 35:17 15 [1] - 37:20 150 [1] - 26:22 198 [6] - 18:2, 30:3, 30:11, 30:17, 30:22, 31:3	6	60 [3] - 15:10, 15:24, 16:10 600 [1] - 7:19 6412 [1] - 1:25		
2	7	70 [1] - 46:1		
2 [1] - 48:14 2-26 [1] - 17:22 2-29 [1] - 17:22 2-3 [1] - 31:15 2-30 [1] - 17:22 2.26 [1] - 17:22 2.3-1 [1] - 25:16 2.5 [1] - 17:23 2.6 [1] - 7:4, 7:7, 7:11, 7:24, 7:25, 8:2, 10:6, 13:4, 45:13, 45:20, 46:8 20 [2] - 9:10, 37:18 20-year [3] - 5:14, 6:25, 45:19 2005 [1] - 7:1 2007 [1] - 7:1 2010 [1] - 45:19 2013 [1] - 12:23 2014 [3] - 1:8, 2:2, 48:14 2025 [1] - 16:5 2030 [1] - 45:18 20th [1] - 4:5 24 [3] - 45:16, 45:21, 45:24 25 [2] - 45:16, 45:24 29 [2] - 1:8, 2:2 29th [1] - 2:4	9	9510 [4] - 15:7, 15:14, 15:23, 16:12		
	A	ability [1] - 48:13 able [5] - 5:3, 8:11, 8:13, 21:17, 24:24 absolute [1] - 46:13 absolutely [2] - 32:18, 32:19 absorption [1] - 32:3 accept [1] - 42:13 accepted [2] - 3:8, 34:2 accepts [1] - 33:20 access [1] - 10:21 accompanied [1] - 2:12 accounts [3] - 6:3, 11:25, 13:8 achieve [1] - 29:13		
	B	bad [2] - 10:10, 31:2 balance [5] - 25:19, 29:9, 29:10, 29:14, 29:15 balances [5] - 8:12, 8:17, 9:4, 11:24, 12:19 balancing [2] - 11:20, 25:23 bank [1] - 20:17 bare [3] - 36:22, 38:23, 40:20 base [1] - 46:7 based [4] - 8:1, 19:21, 27:17 baseline [2] - 46:8,		
	C	calculate [1] - 45:25 calculated [1] - 46:5 calculation [1] - 46:5 California [3] - 1:7, 3:1, 48:7 CALIFORNIA [2] - 2:1, 48:1 cannot [2] - 32:10, 34:7		

<p><b>capacity</b> [8] - 11:18, 21:18, 43:17, 43:22, 44:1, 44:3, 44:13</p> <p><b>capital</b> [1] - 43:23</p> <p><b>capture</b> [1] - 16:10</p> <p><b>case</b> [3] - 28:17, 42:3</p> <p><b>case-by-case</b> [1] - 42:3</p> <p><b>catch</b> [1] - 10:9</p> <p><b>category</b> [1] - 28:21</p> <p><b>caught</b> [2] - 10:4, 16:12</p> <p><b>centers</b> [1] - 14:18</p> <p><b>central</b> [1] - 18:19</p> <p><b>centroid</b> [1] - 18:10</p> <p><b>CEQA</b> [3] - 3:1, 3:13, 17:11</p> <p><b>certain</b> [10] - 4:17, 5:8, 27:14, 27:24, 28:4, 28:14, 28:19, 28:23, 28:24</p> <p><b>certainly</b> [4] - 8:12, 24:17, 24:22, 37:9</p> <p><b>Certified</b> [1] - 48:5</p> <p><b>certify</b> [2] - 5:3, 48:7</p> <p><b>cetera</b> [1] - 36:23</p> <p><b>chambers</b> [1] - 2:7</p> <p><b>chance</b> [1] - 4:18</p> <p><b>change</b> [1] - 24:22</p> <p><b>changes</b> [2] - 5:10, 24:2</p> <p><b>chapter</b> [1] - 33:22</p> <p><b>chicken</b> [1] - 21:2</p> <p><b>circulated</b> [2] - 3:3, 3:7</p> <p><b>circulation</b> [2] - 18:13, 24:5</p> <p><b>cite</b> [1] - 31:13</p> <p><b>cites</b> [1] - 17:21</p> <p><b>citing</b> [1] - 31:8</p> <p><b>CITY</b> [1] - 1:1</p> <p><b>City</b> [7] - 2:7, 2:8, 3:8, 4:6, 4:11, 24:18, 35:5</p> <p><b>city</b> [16] - 2:11, 3:14, 7:15, 10:20, 10:21, 19:22, 21:13, 22:12, 27:6, 27:7, 38:3, 38:7, 38:17, 39:2, 39:5, 42:16</p> <p><b>city's</b> [12] - 5:21, 6:20, 12:9, 13:3, 13:18, 20:4, 21:17, 22:6, 22:10, 33:4, 35:16</p> <p><b>civilized</b> [1] - 42:11</p> <p><b>clarification</b> [3] - 41:15, 41:21, 42:14</p> <p><b>clarify</b> [1] - 24:22</p> <p><b>classified</b> [1] - 38:11</p> <p><b>clear</b> [4] - 19:12, 24:22, 40:2, 42:12</p> <p><b>clearing</b> [1] - 28:18</p> <p><b>climate</b> [1] - 14:9</p> <p><b>close</b> [3] - 7:1, 20:25</p> <p><b>closed</b> [1] - 4:17</p> <p><b>closely</b> [1] - 31:18</p> <p><b>closer</b> [2] - 19:4, 20:24</p> <p><b>closes</b> [2] - 3:17, 4:4</p> <p><b>Collins</b> [1] - 16:23</p> <p><b>coming</b> [7] - 6:1, 8:21, 9:1, 9:9, 9:14, 9:17, 12:20</p> <p><b>comment</b> [19] - 14:20, 16:14, 25:1, 25:3, 25:10, 26:23, 31:22, 32:16, 35:17, 35:18, 37:9, 42:9, 42:17, 43:1, 45:11, 45:14, 46:3, 46:15, 46:20</p> <p><b>commented</b> [1] - 13:14</p> <p><b>comments</b> [16] - 2:21, 2:23, 3:15, 3:21, 4:1, 4:11, 4:19, 4:21, 5:9, 5:22, 13:12, 13:20, 13:21, 33:8, 42:13, 44:15</p> <p><b>commercial</b> [8] - 14:11, 28:5, 28:10, 28:12, 28:20, 28:25, 29:11, 29:24</p> <p><b>commission</b> [3] - 4:7, 4:11, 24:19</p> <p><b>commitments</b> [1] - 13:25</p> <p><b>compact</b> [1] - 22:2</p> <p><b>completed</b> [1] - 3:3</p> <p><b>complex</b> [1] - 14:25</p> <p><b>compliance</b> [1] - 16:5</p> <p><b>complicated</b> [1] - 8:24</p> <p><b>compound</b> [1] - 46:6</p> <p><b>compressed</b> [1] - 7:20</p> <p><b>concentric</b> [3] - 16:23, 17:24, 19:10</p> <p><b>concern</b> [6] - 41:9, 41:13, 41:14, 42:21, 43:11, 46:22</p> <p><b>concerns</b> [1] - 22:20</p> <p><b>concluded</b> [1] - 47:8</p> <p><b>condition</b> [2] - 14:13, 22:25</p> <p><b>conditional</b> [1] - 22:23</p> <p><b>confusing</b> [1] - 22:14</p> <p><b>congestion</b> [1] - 44:17</p> <p><b>consider</b> [2] - 4:23, 35:6</p> <p><b>considerations</b> [1] - 20:1</p> <p><b>considered</b> [2] - 37:21, 43:10</p> <p><b>consistent</b> [2] - 12:12, 13:2</p> <p><b>constitutes</b> [2] - 41:14, 48:11</p> <p><b>construction</b> [1] - 28:3</p> <p><b>consultant</b> [4] - 13:15, 13:19, 19:6, 33:5</p> <p><b>consultant's</b> [1] - 13:18</p> <p><b>contact</b> [1] - 3:25</p> <p><b>contain</b> [1] - 46:24</p> <p><b>contained</b> [2] - 31:18, 34:17</p> <p><b>contains</b> [1] - 39:19</p> <p><b>continues</b> [1] - 7:18</p> <p><b>control</b> [1] - 15:6</p> <p><b>conversion</b> [2] - 32:18, 34:13</p> <p><b>convoluted</b> [1] - 36:10</p> <p><b>core</b> [10] - 18:6, 18:19, 19:8, 20:24, 20:25, 22:17, 23:3, 26:1</p> <p><b>corner</b> [1] - 25:17</p> <p><b>correct</b> [9] - 16:8, 20:13, 21:9, 21:10, 27:15, 29:3, 42:6, 43:19, 48:11</p> <p><b>correctly</b> [2] - 34:10, 34:11</p> <p><b>corridor</b> [5] - 30:4, 30:12, 30:14, 30:23, 31:4</p> <p><b>Costco</b> [1] - 10:24</p> <p><b>Council</b> [6] - 2:7, 2:8, 3:8, 4:11, 24:19, 35:5</p> <p><b>Council/planning</b> [1] - 4:6</p> <p><b>cOUNTY</b> [1] - 48:2</p> <p><b>County</b> [1] - 33:2</p> <p><b>couple</b> [2] - 13:12, 27:6</p> <p><b>Court</b> [1] - 48:6</p> <p><b>coverage</b> [1] - 46:23</p> <p><b>covered</b> [1] - 47:1</p> <p><b>creation</b> [1] - 42:1</p> <p><b>criteria</b> [2] - 28:16, 28:20</p> <p><b>critical</b> [1] - 37:14</p> <p><b>CSR</b> [2] - 1:25, 48:20</p> <p><b>cumulative</b> [2] - 32:19, 34:12</p> <p><b>curb</b> [2] - 10:20, 36:22</p> <p><b>curbs</b> [3] - 6:7, 37:24, 39:3</p> <p><b>current</b> [12] - 18:17, 25:13, 26:13, 27:6, 32:12, 32:14, 36:19, 37:1, 37:13, 43:17, 46:7, 46:8</p> <p><b>curve</b> [1] - 11:8</p>	<p style="text-align: center;"><b>D</b></p> <p><b>DANETTE</b> [3] - 1:25, 48:5, 48:20</p> <p><b>data</b> [1] - 35:15</p> <p><b>date</b> [1] - 4:17</p> <p><b>Dated</b> [1] - 48:14</p> <p><b>Davis</b> [1] - 33:2</p> <p><b>days</b> [1] - 10:9</p> <p><b>deal</b> [1] - 24:4</p> <p><b>debate</b> [1] - 5:7</p> <p><b>decide</b> [1] - 42:2</p> <p><b>decisionmakers</b> [1] - 41:17</p> <p><b>decisions</b> [1] - 21:16</p> <p><b>deep</b> [1] - 8:9</p> <p><b>deficit</b> [3] - 10:3, 10:4, 11:4</p> <p><b>deficits</b> [2] - 6:9, 6:13</p> <p><b>define</b> [1] - 18:6</p> <p><b>defined</b> [2] - 28:24, 28:25</p> <p><b>defining</b> [1] - 46:25</p> <p><b>definition</b> [14] - 22:11, 36:8, 36:19, 37:1, 37:8, 37:9, 39:10, 40:15, 41:8, 42:21, 42:22, 43:2, 43:7, 43:10</p> <p><b>definitions</b> [1] - 27:3</p> <p><b>density</b> [2] - 24:3, 24:7</p> <p><b>department</b> [1] - 8:13</p> <p><b>derivatives</b> [1] - 6:16</p> <p><b>designated</b> [1] - 22:4</p> <p><b>details</b> [1] - 46:22</p> <p><b>determination</b> [1] - 35:7</p> <p><b>determined</b> [1] - 41:25</p> <p><b>develop</b> [1] - 22:5</p> <p><b>developed</b> [4] - 17:25, 36:25, 40:21, 43:3</p> <p><b>developer</b> [7] - 5:19, 6:3, 6:14, 10:19, 38:13, 39:1, 39:6</p> <p><b>developers</b> [1] - 6:8</p> <p><b>development</b> [12] - 12:5, 20:12, 21:20, 25:9, 27:12, 27:21, 28:13, 31:11, 32:18, 38:8, 38:12, 38:24</p> <p><b>diagram</b> [1] - 45:6</p> <p><b>dictate</b> [1] - 21:13</p> <p><b>differ</b> [1] - 42:10</p> <p><b>different</b> [5] - 16:1, 19:1, 20:17, 20:18, 42:22</p> <p><b>dilemma</b> [1] - 11:13</p> <p><b>directed</b> [1] - 42:15</p> <p><b>direction</b> [3] - 24:20, 29:20, 39:21</p> <p><b>disagree</b> [1] - 42:10</p> <p><b>discuss</b> [1] - 4:15</p> <p><b>discussed</b> [2] - 12:15, 44:25</p> <p><b>discussing</b> [1] - 37:11</p> <p><b>discussion</b> [6] - 23:9, 32:2, 34:19, 35:9, 37:5, 45:2</p> <p><b>discussions</b> [1] - 6:5</p> <p><b>disrespectful</b> [1] - 41:7</p> <p><b>distinction</b> [1] - 37:15</p> <p><b>distribution</b> [1] - 44:2</p> <p><b>district</b> [5] - 15:6, 15:8, 15:22, 16:1, 16:3</p> <p><b>divide</b> [1] - 45:25</p> <p><b>divided</b> [1] - 31:7</p> <p><b>Division</b> [2] - 2:6, 2:7</p> <p><b>division</b> [1] - 2:12</p> <p><b>document</b> [5] - 22:8, 30:4, 30:5, 43:12, 47:2</p> <p><b>dollar</b> [1] - 9:11</p> <p><b>done</b> [5] - 15:18, 17:7, 33:4, 33:6, 43:4</p> <p><b>doubling</b> [9] - 45:15, 45:16, 45:20, 45:21, 45:24, 46:1, 46:5, 46:9, 46:11</p> <p><b>down</b> [5] - 10:23, 21:24, 25:18, 32:23, 48:9</p> <p><b>downtown</b> [5] - 18:6, 18:7, 18:20, 19:4</p> <p><b>draft</b> [11] - 3:8, 19:16, 22:8, 32:9, 34:18, 35:4, 35:10, 35:16, 44:20, 46:4, 46:24</p> <p><b>DRAFT</b> [2] - 1:5, 1:5</p> <p><b>drafted</b> [1] - 19:5</p> <p><b>drains</b> [3] - 36:23, 37:25, 39:4</p> <p><b>drastically</b> [1] - 5:18</p> <p><b>drives</b> [1] - 29:23</p> <p><b>dropped</b> [1] - 5:17</p> <p><b>drops</b> [2] - 21:3, 21:7</p> <p><b>dumb</b> [1] - 39:22</p> <p><b>during</b> [1] - 5:16</p>
	<p style="text-align: center;"><b>E</b></p> <p><b>e-mail</b> [2] - 46:21, 47:3</p> <p><b>ear</b> [1] - 34:10</p>

<p><b>early</b> [1] - 7:14  <b>easiest</b> [1] - 14:7  <b>east</b> [2] - 18:7, 18:20  <b>easy</b> [1] - 13:24  <b>effect</b> [2] - 24:8, 38:24  <b>effectively</b> [1] - 6:11  <b>effort</b> [1] - 13:17  <b>egg</b> [1] - 21:2  <b>eight</b> [1] - 10:16  <b>EIR</b> [31] - 2:14, 2:24, 3:7, 3:11, 4:2, 4:4, 4:8, 4:10, 4:19, 4:21, 5:3, 5:8, 5:11, 9:24, 12:15, 17:3, 17:6, 25:6, 32:9, 32:15, 34:18, 35:1, 35:4, 35:10, 35:18, 37:10, 43:18, 44:20, 44:23, 46:4, 46:24  <b>either</b> [3] - 2:24, 3:22, 35:21  <b>electric</b> [1] - 14:23  <b>electricity</b> [1] - 14:16  <b>element</b> [3] - 23:23, 31:19, 31:20  <b>eminently</b> [1] - 38:21  <b>emissions</b> [1] - 19:7  <b>encourage</b> [3] - 23:8, 37:3, 37:7  <b>encouragement</b> [2] - 24:16, 38:14  <b>end</b> [4] - 3:18, 10:23, 11:21, 21:6  <b>energy</b> [2] - 14:1, 14:8  <b>engage</b> [2] - 3:14, 5:7  <b>English</b> [1] - 36:14  <b>entirely</b> [1] - 19:20  <b>ENVIRONMENTAL</b> [1] - 1:5  <b>environmental</b> [6] - 3:2, 3:6, 3:17, 4:24, 37:12, 47:2  <b>equates</b> [1] - 7:5  <b>essentially</b> [3] - 22:15, 22:18, 27:5  <b>et</b> [1] - 36:23  <b>evaluated</b> [1] - 47:6  <b>eventual</b> [1] - 30:21  <b>evidence</b> [3] - 32:22, 34:23, 35:15  <b>exact</b> [3] - 12:15, 21:14, 21:21  <b>exactly</b> [5] - 9:18, 12:6, 13:1, 13:2, 21:24  <b>example</b> [4] - 23:21, 37:16, 38:9  <b>except</b> [1] - 21:25  <b>excuse</b> [2] - 39:24, 46:10</p>	<p><b>exhaust</b> [1] - 26:5  <b>existing</b> [4] - 22:15, 23:24, 25:12, 30:5  <b>expansion</b> [3] - 27:24, 43:22, 44:2  <b>expended</b> [1] - 8:25  <b>Expended</b> [1] - 9:2  <b>explain</b> [1] - 20:6  <b>explained</b> [1] - 40:18  <b>extensive</b> [1] - 13:21  <b>extent</b> [2] - 34:6, 42:15  <b>exterior</b> [1] - 23:5  <b>extreme</b> [1] - 16:7</p>	<p><b>final</b> [2] - 34:22, 35:7  <b>finance</b> [1] - 8:13  <b>findings</b> [1] - 34:22  <b>fine</b> [1] - 25:2  <b>fingerprints</b> [1] - 12:22  <b>finished</b> [1] - 3:7  <b>firm</b> [2] - 13:25, 22:21  <b>first</b> [16] - 13:12, 13:24, 19:13, 19:22, 21:7, 21:8, 21:12, 22:5, 22:10, 22:16, 26:4, 38:4, 39:18, 43:9  <b>fiscal</b> [1] - 8:19  <b>fiscally</b> [1] - 9:5  <b>fits</b> [1] - 5:18  <b>five</b> [3] - 23:25, 37:20, 43:23  <b>fluctuate</b> [1] - 7:6  <b>focus</b> [1] - 22:1  <b>follow</b> [4] - 10:13, 25:8, 46:22, 47:4  <b>following</b> [3] - 16:20, 17:1, 17:19  <b>foot</b> [2] - 28:15, 28:25  <b>footages</b> [1] - 28:4  <b>foregoing</b> [2] - 48:8, 48:10  <b>formal</b> [1] - 4:8  <b>forms</b> [2] - 2:22, 3:24  <b>formula</b> [1] - 8:24  <b>forth</b> [2] - 5:20, 29:10  <b>forum</b> [6] - 4:14, 5:7, 22:3, 24:23, 25:12, 25:16  <b>forward</b> [1] - 26:12  <b>fossil</b> [2] - 14:8, 14:23  <b>four</b> [2] - 24:3, 25:23  <b>four-plexes</b> [1] - 24:3  <b>frame</b> [4] - 30:24, 31:4, 45:7, 45:18  <b>fresh</b> [1] - 25:22  <b>Fresno</b> [1] - 33:4  <b>front</b> [1] - 10:19  <b>fruit</b> [1] - 14:7  <b>fuel</b> [2] - 14:8, 14:23  <b>full</b> [1] - 48:11  <b>fund</b> [2] - 9:4, 13:8  <b>funds</b> [10] - 6:7, 6:12, 8:8, 8:24, 10:3, 10:17, 11:3, 11:4, 11:9, 38:25  <b>future</b> [2] - 4:16, 10:4</p>	<p><b>general</b> [69] - 2:13, 2:24, 3:5, 3:8, 4:2, 4:7, 4:9, 4:24, 5:3, 5:8, 5:11, 5:13, 7:4, 7:9, 7:15, 9:23, 10:24, 12:2, 12:3, 12:4, 12:8, 12:13, 12:14, 14:22, 15:5, 16:19, 16:22, 16:25, 17:4, 17:6, 17:12, 18:12, 18:17, 19:17, 21:17, 23:7, 23:10, 23:22, 24:1, 24:17, 25:3, 27:23, 28:2, 29:8, 29:13, 29:17, 29:21, 30:8, 30:10, 30:20, 32:12, 32:14, 32:20, 33:4, 37:4, 37:10, 37:12, 37:13, 37:17, 38:5, 39:16, 39:17, 42:6, 44:4, 44:20, 44:23, 45:17  <b>generally</b> [4] - 8:15, 9:5, 38:6, 39:13  <b>generate</b> [1] - 14:15  <b>gentleman</b> [1] - 42:21  <b>gentleman's</b> [2] - 43:6, 45:12  <b>germane</b> [1] - 12:2  <b>gist</b> [1] - 24:11  <b>given</b> [2] - 12:16, 13:9  <b>glimpse</b> [1] - 8:15  <b>goals</b> [1] - 17:13  <b>great</b> [1] - 44:11  <b>greenhouse</b> [1] - 14:8  <b>Greg</b> [1] - 17:25  <b>ground</b> [5] - 2:17, 23:25, 25:16, 32:1, 37:23  <b>group</b> [1] - 19:22  <b>growing</b> [1] - 46:12  <b>grows</b> [1] - 7:15  <b>growth</b> [52] - 5:14, 6:1, 6:23, 6:24, 7:4, 7:7, 7:11, 7:12, 7:16, 7:20, 8:21, 9:8, 10:6, 12:4, 12:12, 13:1, 13:4, 16:21, 16:23, 17:20, 17:24, 18:22, 19:2, 19:3, 19:9, 19:10, 19:12, 19:24, 20:3, 20:10, 20:12, 21:14, 21:19, 22:10, 23:2, 23:9, 23:10, 23:17, 23:18, 25:21, 25:22, 26:4, 27:8, 27:23, 27:24, 28:21, 29:14, 31:5, 31:7, 31:12, 31:25, 37:19, 37:21, 38:4, 39:18,</p>	<p>45:13, 45:19, 45:21, 45:25, 46:6, 46:11  <b>guess</b> [1] - 5:25  <b>gutter</b> [2] - 10:20, 36:22  <b>gutters</b> [3] - 6:7, 37:25, 39:3</p>
<b>F</b>				<b>H</b>
<p><b>facilities</b> [1] - 11:15  <b>fact</b> [2] - 22:10, 42:22  <b>fair</b> [4] - 35:25, 36:2, 42:18, 43:13  <b>fairly</b> [1] - 37:18  <b>familiar</b> [1] - 17:24  <b>far</b> [3] - 6:11, 25:18, 45:6  <b>fast</b> [1] - 11:2  <b>faster</b> [2] - 46:12, 46:13  <b>Fe</b> [1] - 45:7  <b>fear</b> [1] - 41:6  <b>feasibility</b> [1] - 14:19  <b>fee</b> [3] - 6:3, 8:17, 13:8  <b>fees</b> [9] - 6:14, 6:17, 6:18, 6:19, 12:11, 38:13, 39:6  <b>feet</b> [4] - 14:13, 28:14, 28:19, 29:1  <b>few</b> [2] - 11:19, 37:19  <b>fight</b> [1] - 42:18  <b>figure</b> [5] - 18:12, 25:15, 26:3, 31:10, 31:13  <b>fill</b> [48] - 2:23, 22:1, 22:3, 22:4, 22:12, 23:12, 25:5, 33:16, 36:6, 36:8, 36:18, 36:20, 36:24, 37:2, 37:5, 37:9, 37:14, 38:3, 38:5, 38:6, 38:9, 38:11, 38:13, 38:22, 38:25, 39:5, 39:10, 39:15, 39:20, 40:6, 40:8, 40:9, 40:15, 40:19, 40:22, 41:9, 41:22, 41:24, 42:22, 42:25, 43:2, 43:3, 43:4, 43:7, 43:10  <b>filled</b> [1] - 27:14</p>		<p><b>gallon</b> [1] - 43:17  <b>gasses</b> [1] - 14:8  <b>GENERAL</b> [1] - 1:5</p>		<p><b>hanging</b> [1] - 14:7  <b>hard</b> [3] - 16:20, 23:1, 25:8  <b>Harriman</b> [3] - 13:13, 24:10, 33:10  <b>hear</b> [3] - 4:11, 34:9, 34:10  <b>heard</b> [2] - 10:2, 46:19  <b>hearing</b> [6] - 4:8, 4:14, 4:23, 22:9, 31:2, 40:19  <b>help</b> [1] - 25:7  <b>helpful</b> [1] - 4:1  <b>HENDRIX</b> [3] - 1:25, 48:5, 48:20  <b>hereby</b> [1] - 48:7  <b>higher</b> [2] - 10:6, 24:7  <b>historic</b> [6] - 6:23, 6:24, 7:13, 8:21, 10:5, 13:1  <b>hit</b> [1] - 23:2  <b>hole</b> [2] - 6:12, 8:9  <b>honestly</b> [2] - 39:22, 39:23  <b>hopefully</b> [1] - 10:8  <b>house</b> [2] - 28:7, 28:8  <b>households</b> [1] - 7:18  <b>houses</b> [1] - 11:1  <b>housing</b> [19] - 6:15, 6:20, 7:5, 7:19, 8:20, 9:3, 12:24, 13:7, 19:21, 19:24, 27:25, 28:1, 28:7, 28:17, 28:24, 29:9, 29:10, 29:15, 29:25  <b>hundred</b> [1] - 7:5  <b>hundreds</b> [1] - 14:12</p>
<b>G</b>				<b>I</b>
				<p><b>idea</b> [1] - 29:22  <b>identified</b> [1] - 44:22  <b>identifies</b> [1] - 38:6  <b>IMPACT</b> [1] - 1:5  <b>impact</b> [19] - 3:2, 3:6, 3:17, 4:24, 6:17, 6:18, 8:16, 8:17, 11:24, 12:11, 13:7,</p>



<p>32:4, 32:10, 32:19, 32:20, 34:7, 34:19, 37:12</p> <p><b>impacts</b> [4] - 14:2, 17:16, 25:6, 34:13</p> <p><b>implementation</b> [2] - 14:22, 17:14</p> <p><b>importantly</b> [1] - 14:6</p> <p><b>improvement</b> [1] - 43:23</p> <p><b>improvements</b> [2] - 10:18, 44:21</p> <p><b>in-fill</b> [47] - 22:1, 22:3, 22:4, 22:12, 23:12, 25:5, 33:16, 36:6, 36:8, 36:18, 36:20, 36:24, 37:2, 37:5, 37:9, 37:14, 38:3, 38:5, 38:6, 38:9, 38:11, 38:13, 38:22, 38:25, 39:5, 39:10, 39:15, 39:20, 40:6, 40:8, 40:9, 40:15, 40:19, 40:22, 41:9, 41:22, 41:24, 42:22, 42:25, 43:2, 43:3, 43:4, 43:7, 43:10</p> <p><b>incentive</b> [3] - 38:15, 38:16</p> <p><b>incentives</b> [9] - 38:22, 39:5, 39:16, 41:9, 41:23, 41:25, 42:1, 42:2</p> <p><b>including</b> [1] - 20:2</p> <p><b>inconsistent</b> [3] - 18:5, 25:4, 25:25</p> <p><b>increase</b> [6] - 7:19, 8:17, 9:4, 9:5, 11:5, 46:8</p> <p><b>increased</b> [1] - 7:19</p> <p><b>increases</b> [1] - 24:3</p> <p><b>indicate</b> [1] - 19:14</p> <p><b>indication</b> [1] - 4:13</p> <p><b>indirect</b> [2] - 15:15, 15:17</p> <p><b>industrial</b> [7] - 14:11, 20:3, 20:18, 21:1, 28:5, 29:12, 29:24</p> <p><b>informal</b> [2] - 2:17, 3:20</p> <p><b>information</b> [4] - 12:1, 15:4, 35:15, 35:22</p> <p><b>infrastructure</b> [11] - 11:14, 11:18, 12:10, 21:18, 38:10, 38:18, 38:20, 38:21, 38:23, 40:21, 46:14</p> <p><b>ingenious</b> [1] - 18:1</p> <p><b>inside</b> [3] - 39:2, 39:4, 43:8</p>	<p><b>insignificance</b> [3] - 34:25, 36:10, 36:12</p> <p><b>insolvent</b> [1] - 13:8</p> <p><b>instead</b> [1] - 16:9</p> <p><b>integrate</b> [1] - 29:11</p> <p><b>integrated</b> [2] - 30:7, 30:19</p> <p><b>intend</b> [1] - 41:7</p> <p><b>intended</b> [1] - 43:21</p> <p><b>intent</b> [1] - 22:6</p> <p><b>interested</b> [1] - 45:12</p> <p><b>interesting</b> [1] - 22:20</p> <p><b>interject</b> [1] - 27:1</p> <p><b>internally</b> [3] - 18:5, 25:4, 25:25</p> <p><b>introduce</b> [1] - 35:16</p> <p><b>introduction</b> [1] - 2:10</p> <p><b>introductory</b> [1] - 46:23</p> <p><b>inventory</b> [3] - 20:12, 21:7, 24:6</p> <p><b>invite</b> [1] - 19:16</p> <p><b>invites</b> [1] - 4:12</p> <p><b>issuance</b> [1] - 28:17</p> <p><b>issuances</b> [1] - 6:20</p> <p><b>issue</b> [1] - 16:17</p> <p><b>issued</b> [4] - 6:16, 8:16, 23:1, 27:25</p> <p><b>issues</b> [1] - 44:17</p> <p><b>items</b> [1] - 47:5</p>	<p>24:6, 28:5, 28:21, 31:18, 31:19, 31:23, 31:24, 32:17, 33:5, 33:17, 33:20, 34:2, 34:12, 34:13, 35:10, 35:22, 35:23, 36:11, 36:15, 36:22, 38:5, 38:9, 38:23, 39:2, 40:20, 43:3, 43:4</p> <p><b>lands</b> [2] - 32:9, 38:6</p> <p><b>landscaping</b> [1] - 44:8</p> <p><b>Lane</b> [2] - 37:23, 37:24</p> <p><b>lane/198</b> [1] - 44:17</p> <p><b>language</b> [1] - 46:24</p> <p><b>large</b> [4] - 14:11, 21:15, 26:11, 26:13</p> <p><b>last</b> [5] - 16:11, 26:3, 31:4, 31:22, 45:11</p> <p><b>law</b> [2] - 3:2, 4:20</p> <p><b>learn</b> [1] - 35:24</p> <p><b>least</b> [1] - 10:16</p> <p><b>left</b> [1] - 15:24</p> <p><b>legal</b> [1] - 35:20</p> <p><b>legally</b> [1] - 3:16</p> <p><b>less</b> [7] - 9:16, 9:17, 9:19, 13:20, 23:20, 35:3, 46:10</p> <p><b>level</b> [9] - 6:23, 32:4, 32:11, 33:25, 34:8, 34:14, 34:24, 35:2, 36:9</p> <p><b>levels</b> [1] - 6:25</p> <p><b>lies</b> [1] - 13:3</p> <p><b>lifetime</b> [1] - 10:11</p> <p><b>lights</b> [9] - 36:23, 37:25, 39:4</p> <p><b>likely</b> [1] - 23:17</p> <p><b>limits</b> [7] - 16:24, 27:6, 27:7, 38:3, 38:7, 39:2, 39:5</p> <p><b>line</b> [5] - 7:9, 7:10, 7:13, 9:8, 26:5</p> <p><b>lines</b> [1] - 13:11</p> <p><b>list</b> [4] - 26:9, 41:20, 42:1, 47:5</p> <p><b>listed</b> [1] - 17:4</p> <p><b>listen</b> [1] - 21:24</p> <p><b>literature</b> [1] - 14:4</p> <p><b>litigated</b> [1] - 18:2</p> <p><b>located</b> [1] - 20:3</p> <p><b>location</b> [2] - 21:14, 21:21</p> <p><b>long-term</b> [1] - 9:7</p> <p><b>look</b> [9] - 11:15, 18:25, 19:11, 23:8, 25:12, 25:15, 25:17, 30:11, 42:23</p> <p><b>looked</b> [2] - 24:20, 31:17</p> <p><b>looking</b> [7] - 5:1, 16:9,</p>	<p>18:11, 18:18, 19:9, 33:1, 42:24</p> <p><b>loss</b> [6] - 32:9, 34:2, 34:4, 35:10, 36:11, 36:14</p> <p><b>lost</b> [1] - 33:21</p> <p><b>lovers</b> [2] - 37:23, 44:16</p> <p><b>Lovers</b> [1] - 37:24</p> <p><b>low</b> [1] - 14:7</p> <p><b>lower</b> [1] - 10:7</p>	<p><b>million</b> [1] - 43:17</p> <p><b>minor</b> [1] - 27:6</p> <p><b>missing</b> [1] - 21:22</p> <p><b>mistaken</b> [1] - 3:18</p> <p><b>mitigable</b> [1] - 34:14</p> <p><b>mitigate</b> [5] - 17:15, 32:24, 34:24, 35:2, 35:22</p> <p><b>mitigated</b> [9] - 32:4, 32:11, 33:21, 33:24, 34:3, 34:8, 36:9, 36:12</p> <p><b>mitigates</b> [2] - 15:23</p> <p><b>mitigating</b> [1] - 17:12</p> <p><b>mitigation</b> [13] - 14:1, 14:7, 14:21, 15:9, 17:1, 17:2, 25:5, 31:23, 32:24, 33:3, 33:5, 44:17, 44:22</p> <p><b>mitigative</b> [1] - 17:5</p> <p><b>model</b> [1] - 44:19</p> <p><b>money</b> [9] - 6:13, 8:14, 8:21, 9:14, 9:17, 10:20, 10:25, 12:19, 13:7</p> <p><b>monthly</b> [2] - 5:21, 6:9</p> <p><b>Mooney</b> [1] - 10:23</p> <p><b>most</b> [4] - 12:10, 17:19, 22:11, 34:18</p> <p><b>MR</b> [68] - 2:4, 5:15, 5:24, 6:15, 7:3, 7:10, 7:23, 8:3, 8:6, 8:10, 8:23, 9:3, 9:10, 9:15, 9:18, 9:20, 9:25, 11:23, 12:23, 15:14, 15:18, 16:14, 17:9, 18:8, 18:17, 19:16, 19:20, 20:6, 20:14, 20:17, 20:22, 21:10, 21:13, 22:6, 23:8, 24:10, 26:15, 26:24, 27:5, 27:11, 27:15, 27:23, 28:9, 29:3, 29:13, 29:18, 30:1, 30:6, 30:9, 30:16, 30:21, 30:25, 31:3, 32:8, 32:14, 33:9, 33:13, 33:23, 34:5, 34:17, 35:4, 35:13, 36:2, 36:16, 37:3, 38:4, 39:7, 39:13, 39:25, 40:5, 40:7, 40:25, 41:6, 42:4, 42:7, 43:5, 43:20, 43:24, 44:6, 44:15, 44:19, 45:1, 45:4, 45:9, 45:17, 46:16, 46:18, 47:7</p>
<p><b>insignificance</b> [3] - 34:25, 36:10, 36:12</p> <p><b>insolvent</b> [1] - 13:8</p> <p><b>instead</b> [1] - 16:9</p> <p><b>integrate</b> [1] - 29:11</p> <p><b>integrated</b> [2] - 30:7, 30:19</p> <p><b>intend</b> [1] - 41:7</p> <p><b>intended</b> [1] - 43:21</p> <p><b>intent</b> [1] - 22:6</p> <p><b>interested</b> [1] - 45:12</p> <p><b>interesting</b> [1] - 22:20</p> <p><b>interject</b> [1] - 27:1</p> <p><b>internally</b> [3] - 18:5, 25:4, 25:25</p> <p><b>introduce</b> [1] - 35:16</p> <p><b>introduction</b> [1] - 2:10</p> <p><b>introductory</b> [1] - 46:23</p> <p><b>inventory</b> [3] - 20:12, 21:7, 24:6</p> <p><b>invite</b> [1] - 19:16</p> <p><b>invites</b> [1] - 4:12</p> <p><b>issuance</b> [1] - 28:17</p> <p><b>issuances</b> [1] - 6:20</p> <p><b>issue</b> [1] - 16:17</p> <p><b>issued</b> [4] - 6:16, 8:16, 23:1, 27:25</p> <p><b>issues</b> [1] - 44:17</p> <p><b>items</b> [1] - 47:5</p>	<p><b>J</b></p> <p><b>jives</b> [1] - 12:25</p> <p><b>Joaquin</b> [1] - 15:6</p> <p><b>job</b> [3] - 13:16, 29:9</p> <p><b>jobs</b> [1] - 29:14</p> <p><b>joint</b> [1] - 4:6</p> <p><b>Josh</b> [1] - 47:3</p> <p><b>June</b> [1] - 48:14</p> <p><b>jurisdictions</b> [2] - 32:22, 33:2</p>	<p><b>K</b></p> <p><b>keep</b> [4] - 20:11, 22:2, 46:12, 47:5</p> <p><b>kids</b> [1] - 11:2</p> <p><b>kind</b> [4] - 3:1, 22:24, 25:13, 26:6</p> <p><b>kinds</b> [1] - 6:6</p>	<p><b>L</b></p> <p><b>lagging</b> [1] - 11:13</p> <p><b>land</b> [35] - 12:5, 18:16, 20:2, 20:12, 20:14, 20:17, 22:19, 23:22,</p>	<p><b>M</b></p> <p><b>mail</b> [2] - 46:21, 47:3</p> <p><b>major</b> [4] - 6:9, 8:15, 37:21, 38:24</p> <p><b>management</b> [4] - 16:21, 17:21, 17:25, 18:22</p> <p><b>mandatory</b> [3] - 13:25, 14:5, 14:13</p> <p><b>manner</b> [1] - 33:1</p> <p><b>map</b> [4] - 12:5, 25:12, 27:11, 40:13</p> <p><b>maps</b> [1] - 19:11</p> <p><b>market</b> [2] - 21:15, 23:19</p> <p><b>Mart</b> [1] - 14:17</p> <p><b>matter</b> [3] - 3:13, 11:25, 21:15</p> <p><b>Mayor</b> [1] - 16:22</p> <p><b>mayor</b> [2] - 4:12, 18:1</p> <p><b>mean</b> [4] - 10:13, 11:21, 30:9, 38:11</p> <p><b>meaning</b> [1] - 14:5</p> <p><b>means</b> [2] - 22:15, 24:5</p> <p><b>measure</b> [2] - 14:1, 17:2</p> <p><b>measures</b> [3] - 14:21, 14:22, 17:14</p> <p><b>mechanisms</b> [1] - 19:18</p> <p><b>Meeting</b> [1] - 1:4</p> <p><b>meeting</b> [9] - 2:11, 2:15, 2:17, 3:12, 4:7, 24:18, 37:11, 40:18</p> <p><b>mention</b> [2] - 14:9, 41:14</p> <p><b>merely</b> [1] - 4:8</p> <p><b>met</b> [1] - 28:20</p> <p><b>metrics</b> [1] - 12:15</p> <p><b>mid</b> [1] - 3:19</p> <p><b>middle</b> [1] - 3:10</p> <p><b>might</b> [3] - 7:14, 42:23, 43:10</p> <p><b>miles</b> [3] - 17:5, 19:8, 25:8</p>

N	21:15, 23:13, 25:9, 28:21	particularly [1] - 6:18	5:11, 5:14, 7:4, 7:15, 9:23, 12:2, 12:4,	portion [1] - 44:12
<p><b>name</b> [1] - 3:24</p> <p><b>necessary</b> [1] - 15:9</p> <p><b>needs</b> [2] - 14:15, 17:16</p> <p><b>negative</b> [2] - 12:19, 38:24</p> <p><b>new</b> [26] - 5:19, 6:15, 7:5, 14:17, 15:7, 17:20, 18:23, 18:24, 19:1, 19:12, 20:10, 21:8, 21:11, 22:19, 23:2, 23:17, 23:24, 25:16, 25:21, 25:22, 26:4, 26:10, 27:19, 31:25, 46:11</p> <p><b>next</b> [15] - 4:3, 4:4, 21:5, 21:25, 22:17, 23:4, 24:9, 25:15, 26:5, 26:20, 28:22, 33:21, 37:18, 37:19, 43:22</p> <p><b>nice</b> [1] - 18:21</p> <p><b>non</b> [6] - 14:23, 16:8, 32:5, 32:11, 33:25, 34:8</p> <p><b>non-fossil</b> [1] - 14:23</p> <p><b>non-performance</b> [1] - 16:8</p> <p><b>non-significance</b> [4] - 32:5, 32:11, 33:25, 34:8</p> <p><b>noncompliance</b> [1] - 16:7</p> <p><b>none</b> [2] - 37:25, 40:20</p> <p><b>north/south</b> [1] - 45:7</p> <p><b>northwest</b> [4] - 19:2, 20:4, 25:17, 25:22</p> <p><b>number</b> [17] - 7:18, 7:25, 17:3, 18:12, 23:1, 23:3, 27:18, 27:20, 27:25, 28:7, 28:9, 28:14, 31:14, 37:22, 44:21, 46:1, 46:2</p> <p><b>numbers</b> [6] - 10:14, 11:11, 12:21, 17:6, 17:7, 29:23</p>	<p><b>occurred</b> [1] - 29:1</p> <p><b>OF</b> [4] - 1:1, 1:14, 48:1, 48:2</p> <p><b>offered</b> [1] - 10:19</p> <p><b>offset</b> [1] - 31:25</p> <p><b>old</b> [4] - 16:21, 17:24, 19:3, 22:16</p> <p><b>once</b> [3] - 13:6, 28:23, 30:13</p> <p><b>one</b> [47] - 5:13, 10:8, 10:19, 16:20, 16:21, 18:4, 18:14, 18:15, 18:19, 18:23, 19:1, 19:3, 19:14, 21:9, 21:11, 22:13, 22:14, 22:16, 22:17, 22:18, 22:20, 23:14, 23:23, 23:24, 25:10, 25:13, 27:3, 27:5, 31:11, 31:17, 32:24, 36:21, 37:17, 38:2, 38:9, 40:4, 40:8, 40:9, 43:9, 44:24, 45:8, 45:11, 46:20, 47:3</p> <p><b>one-to-one</b> [1] - 32:24</p> <p><b>ones</b> [1] - 13:24</p> <p><b>open</b> [4] - 5:5, 13:17, 37:22, 38:10</p> <p><b>opens</b> [1] - 29:1</p> <p><b>opportunity</b> [1] - 4:10</p> <p><b>opposed</b> [1] - 41:14</p> <p><b>order</b> [1] - 26:12</p> <p><b>ordinance</b> [1] - 33:4</p> <p><b>ourselves</b> [1] - 5:5</p> <p><b>outreach</b> [1] - 3:14</p> <p><b>overall</b> [2] - 6:23, 46:23</p> <p><b>overriding</b> [1] - 29:20</p> <p><b>overview</b> [1] - 2:10</p> <p><b>own</b> [1] - 14:15</p>	<p><b>parts</b> [1] - 38:17</p> <p><b>past</b> [2] - 22:22, 22:23</p> <p><b>Paul</b> [11] - 2:5, 2:11, 10:13, 11:12, 13:15, 17:20, 30:13, 34:9, 40:2, 42:9, 42:18</p> <p><b>pay</b> [3] - 6:3, 38:12, 38:20</p> <p><b>paying</b> [1] - 11:21</p> <p><b>people</b> [3] - 4:21, 26:9, 38:17</p> <p><b>per</b> [5] - 7:6, 7:20, 23:25, 31:25, 43:17</p> <p><b>percent</b> [19] - 7:4, 7:7, 7:11, 10:6, 13:4, 15:9, 15:10, 15:13, 15:23, 15:24, 16:10, 16:11, 44:5, 44:6, 44:13, 45:13, 45:20, 46:8</p> <p><b>percentage</b> [6] - 15:12, 27:14, 27:19, 28:14, 28:23, 28:24</p> <p><b>performance</b> [2] - 16:4, 16:8</p> <p><b>period</b> [10] - 3:4, 3:11, 3:16, 3:19, 4:4, 4:17, 5:14, 6:25, 33:21</p> <p><b>permit</b> [3] - 6:20, 11:6, 28:16</p> <p><b>permits</b> [19] - 5:17, 5:22, 6:10, 6:15, 8:16, 9:13, 9:16, 11:5, 12:20, 22:25, 27:17, 27:18, 27:20, 27:21, 27:25, 28:1, 28:7, 28:24</p> <p><b>phase</b> [1] - 16:24</p> <p><b>phase-in</b> [1] - 16:24</p> <p><b>phasing</b> [2] - 19:14, 21:6</p> <p><b>phrase</b> [1] - 6:1</p> <p><b>phrased</b> [2] - 33:17, 33:18</p> <p><b>pick</b> [1] - 15:12</p> <p><b>picked</b> [1] - 6:20</p> <p><b>picking</b> [2] - 5:22, 6:2</p> <p><b>piece</b> [1] - 36:22</p> <p><b>pieces</b> [1] - 37:22</p> <p><b>piggy</b> [1] - 9:22</p> <p><b>pin</b> [1] - 6:22</p> <p><b>pipe</b> [1] - 44:7</p> <p><b>place</b> [5] - 17:1, 20:11, 22:16, 26:7, 32:1</p> <p><b>plain</b> [1] - 36:14</p> <p><b>PLAN</b> [1] - 1:5</p> <p><b>plan</b> [98] - 2:13, 2:24, 3:5, 3:9, 4:2, 4:7, 4:10, 4:24, 5:3, 5:9,</p>	<p>5:11, 5:14, 7:4, 7:15, 9:23, 12:2, 12:4, 12:8, 12:13, 12:14, 13:3, 14:10, 14:22, 16:21, 16:22, 16:24, 16:25, 17:4, 17:6, 17:12, 17:25, 18:2, 18:12, 18:17, 18:22, 19:3, 19:17, 20:4, 21:17, 22:17, 22:18, 23:7, 23:9, 23:10, 23:22, 24:1, 24:17, 25:3, 25:21, 26:11, 26:14, 26:18, 26:21, 27:2, 27:19, 27:24, 29:13, 29:17, 29:21, 30:4, 30:8, 30:10, 30:13, 30:14, 30:17, 30:18, 30:20, 30:21, 32:12, 32:15, 32:20, 33:4, 33:20, 34:2, 36:11, 36:19, 37:4, 37:10, 37:12, 37:13, 37:17, 38:5, 38:14, 39:9, 39:10, 39:16, 39:17, 40:24, 42:6, 43:23, 44:4, 44:20, 44:23, 45:17</p> <p><b>plan's</b> [1] - 13:4</p> <p><b>planner's</b> [1] - 11:13</p> <p><b>planners</b> [1] - 2:13</p> <p><b>Planning</b> [1] - 2:6</p> <p><b>planning</b> [5] - 2:7, 2:11, 4:10, 24:19, 26:19</p> <p><b>plans</b> [3] - 15:5, 16:19, 29:8</p> <p><b>plant</b> [1] - 43:25</p> <p><b>plays</b> [1] - 28:11</p> <p><b>plexes</b> [1] - 24:3</p> <p><b>point</b> [17] - 3:19, 4:16, 4:22, 5:1, 6:21, 8:14, 15:20, 15:21, 17:11, 18:10, 23:16, 29:18, 34:3, 34:21, 36:21, 38:2, 45:13</p> <p><b>policies</b> [13] - 12:9, 17:2, 17:4, 17:13, 17:21, 18:4, 19:5, 19:6, 19:7, 25:4, 25:11, 25:24, 26:2</p> <p><b>policy</b> [9] - 3:13, 17:8, 21:17, 21:25, 25:19, 26:8, 27:24, 33:7, 39:16</p> <p><b>pollution</b> [1] - 15:6</p> <p><b>population</b> [8] - 7:16, 7:17, 7:18, 7:21, 19:21, 24:7, 46:7, 46:9</p>	<p><b>position</b> [7] - 5:2, 5:10, 8:11, 9:11, 24:24, 37:5, 39:25</p> <p><b>positive</b> [2] - 29:14, 30:16</p> <p><b>possible</b> [2] - 35:25, 36:4</p> <p><b>potential</b> [2] - 23:15, 44:22</p> <p><b>potentially</b> [1] - 17:15</p> <p><b>power</b> [1] - 11:8</p> <p><b>preceding</b> [1] - 19:2</p> <p><b>precise</b> [1] - 34:18</p> <p><b>prefatory</b> [1] - 36:7</p> <p><b>preferably</b> [1] - 14:15</p> <p><b>preferred</b> [1] - 13:4</p> <p><b>prepare</b> [2] - 4:18, 41:12</p> <p><b>prescribe</b> [1] - 12:6</p> <p><b>prescribes</b> [3] - 12:9, 12:14, 27:24</p> <p><b>presentation</b> [1] - 4:9</p> <p><b>preservation</b> [1] - 29:14</p> <p><b>presume</b> [1] - 41:15</p> <p><b>pretty</b> [7] - 5:4, 8:9, 8:24, 11:4, 22:25, 25:14, 37:14</p> <p><b>primarily</b> [2] - 20:3, 30:25</p> <p><b>principles</b> [1] - 29:20</p> <p><b>prioritization</b> [1] - 43:3</p> <p><b>pro</b> [1] - 48:5</p> <p><b>problem</b> [3] - 7:2, 24:21, 44:17</p> <p><b>problems</b> [1] - 16:16</p> <p><b>proceed</b> [2] - 3:10, 26:19</p> <p><b>proceedings</b> [2] - 47:8, 48:12</p> <p><b>process</b> [5] - 5:5, 13:16, 22:9, 23:16, 43:25</p> <p><b>processing</b> [1] - 13:16</p> <p><b>progression</b> [1] - 19:13</p> <p><b>project</b> [10] - 2:13, 15:19, 15:22, 44:2, 44:3, 45:18, 46:25, 47:2</p> <p><b>projected</b> [1] - 5:14</p> <p><b>projection</b> [3] - 8:1, 12:4, 45:19</p> <p><b>projects</b> [1] - 6:19</p> <p><b>property</b> [3] - 22:12, 39:20, 40:22</p> <p><b>proposed</b> [1] - 21:20</p> <p><b>provide</b> [3] - 4:20,</p>
O	P			
<p><b>objections</b> [1] - 17:13</p> <p><b>observe</b> [1] - 20:7</p> <p><b>obvious</b> [1] - 8:16</p> <p><b>obviously</b> [3] - 3:25, 5:17, 12:21</p> <p><b>occur</b> [5] - 12:6,</p>	<p><b>P.M</b> [1] - 2:2</p> <p><b>p.m</b> [1] - 2:5</p> <p><b>page</b> [1] - 29:19</p> <p><b>pages</b> [1] - 17:22</p> <p><b>paid</b> [2] - 12:10, 12:11</p> <p><b>panels</b> [1] - 14:14</p> <p><b>parcel</b> [5] - 39:14, 40:3, 40:12, 40:13, 40:20</p> <p><b>park</b> [1] - 6:19</p> <p><b>part</b> [6] - 12:8, 20:4, 22:1, 25:5, 29:19, 41:14</p> <p><b>particular</b> [1] - 17:5</p>	<p><b>pick</b> [1] - 15:12</p> <p><b>picked</b> [1] - 6:20</p> <p><b>picking</b> [2] - 5:22, 6:2</p> <p><b>piece</b> [1] - 36:22</p> <p><b>pieces</b> [1] - 37:22</p> <p><b>piggy</b> [1] - 9:22</p> <p><b>pin</b> [1] - 6:22</p> <p><b>pipe</b> [1] - 44:7</p> <p><b>place</b> [5] - 17:1, 20:11, 22:16, 26:7, 32:1</p> <p><b>plain</b> [1] - 36:14</p> <p><b>PLAN</b> [1] - 1:5</p> <p><b>plan</b> [98] - 2:13, 2:24, 3:5, 3:9, 4:2, 4:7, 4:10, 4:24, 5:3, 5:9,</p>	<p>5:11, 5:14, 7:4, 7:15, 9:23, 12:2, 12:4, 12:8, 12:13, 12:14, 13:3, 14:10, 14:22, 16:21, 16:22, 16:24, 16:25, 17:4, 17:6, 17:12, 17:25, 18:2, 18:12, 18:17, 18:22, 19:3, 19:17, 20:4, 21:17, 22:17, 22:18, 23:7, 23:9, 23:10, 23:22, 24:1, 24:17, 25:3, 25:21, 26:11, 26:14, 26:18, 26:21, 27:2, 27:19, 27:24, 29:13, 29:17, 29:21, 30:4, 30:8, 30:10, 30:13, 30:14, 30:17, 30:18, 30:20, 30:21, 32:12, 32:15, 32:20, 33:4, 33:20, 34:2, 36:11, 36:19, 37:4, 37:10, 37:12, 37:13, 37:17, 38:5, 38:14, 39:9, 39:10, 39:16, 39:17, 40:24, 42:6, 43:23, 44:4, 44:20, 44:23, 45:17</p> <p><b>plan's</b> [1] - 13:4</p> <p><b>planner's</b> [1] - 11:13</p> <p><b>planners</b> [1] - 2:13</p> <p><b>Planning</b> [1] - 2:6</p> <p><b>planning</b> [5] - 2:7, 2:11, 4:10, 24:19, 26:19</p> <p><b>plans</b> [3] - 15:5, 16:19, 29:8</p> <p><b>plant</b> [1] - 43:25</p> <p><b>plays</b> [1] - 28:11</p> <p><b>plexes</b> [1] - 24:3</p> <p><b>point</b> [17] - 3:19, 4:16, 4:22, 5:1, 6:21, 8:14, 15:20, 15:21, 17:11, 18:10, 23:16, 29:18, 34:3, 34:21, 36:21, 38:2, 45:13</p> <p><b>policies</b> [13] - 12:9, 17:2, 17:4, 17:13, 17:21, 18:4, 19:5, 19:6, 19:7, 25:4, 25:11, 25:24, 26:2</p> <p><b>policy</b> [9] - 3:13, 17:8, 21:17, 21:25, 25:19, 26:8, 27:24, 33:7, 39:16</p> <p><b>pollution</b> [1] - 15:6</p> <p><b>population</b> [8] - 7:16, 7:17, 7:18, 7:21, 19:21, 24:7, 46:7, 46:9</p>	<p><b>portion</b> [1] - 44:12</p> <p><b>position</b> [7] - 5:2, 5:10, 8:11, 9:11, 24:24, 37:5, 39:25</p> <p><b>positive</b> [2] - 29:14, 30:16</p> <p><b>possible</b> [2] - 35:25, 36:4</p> <p><b>potential</b> [2] - 23:15, 44:22</p> <p><b>potentially</b> [1] - 17:15</p> <p><b>power</b> [1] - 11:8</p> <p><b>preceding</b> [1] - 19:2</p> <p><b>precise</b> [1] - 34:18</p> <p><b>prefatory</b> [1] - 36:7</p> <p><b>preferably</b> [1] - 14:15</p> <p><b>preferred</b> [1] - 13:4</p> <p><b>prepare</b> [2] - 4:18, 41:12</p> <p><b>prescribe</b> [1] - 12:6</p> <p><b>prescribes</b> [3] - 12:9, 12:14, 27:24</p> <p><b>presentation</b> [1] - 4:9</p> <p><b>preservation</b> [1] - 29:14</p> <p><b>presume</b> [1] - 41:15</p> <p><b>pretty</b> [7] - 5:4, 8:9, 8:24, 11:4, 22:25, 25:14, 37:14</p> <p><b>primarily</b> [2] - 20:3, 30:25</p> <p><b>principles</b> [1] - 29:20</p> <p><b>prioritization</b> [1] - 43:3</p> <p><b>pro</b> [1] - 48:5</p> <p><b>problem</b> [3] - 7:2, 24:21, 44:17</p> <p><b>problems</b> [1] - 16:16</p> <p><b>proceed</b> [2] - 3:10, 26:19</p> <p><b>proceedings</b> [2] - 47:8, 48:12</p> <p><b>process</b> [5] - 5:5, 13:16, 22:9, 23:16, 43:25</p> <p><b>processing</b> [1] - 13:16</p> <p><b>progression</b> [1] - 19:13</p> <p><b>project</b> [10] - 2:13, 15:19, 15:22, 44:2, 44:3, 45:18, 46:25, 47:2</p> <p><b>projected</b> [1] - 5:14</p> <p><b>projection</b> [3] - 8:1, 12:4, 45:19</p> <p><b>projects</b> [1] - 6:19</p> <p><b>property</b> [3] - 22:12, 39:20, 40:22</p> <p><b>proposed</b> [1] - 21:20</p> <p><b>provide</b> [3] - 4:20,</p>

<p>19:17, 21:18  <b>provides</b> [2] - 40:24, 45:14  <b>providing</b> [1] - 12:9  <b>provision</b> [1] - 38:14  <b>public</b> [17] - 3:3, 3:11, 3:14, 3:22, 4:7, 4:8, 4:9, 4:11, 4:12, 4:14, 4:23, 11:25, 22:9, 24:18, 32:22, 41:17  <b>Public</b> [1] - 1:4  <b>pulled</b> [2] - 27:18  <b>purple</b> [1] - 44:7  <b>purpose</b> [2] - 2:10, 2:15  <b>put</b> [7] - 14:14, 14:25, 24:16, 35:17, 39:1, 41:11, 46:20  <b>putting</b> [1] - 15:21</p> <p style="text-align: center;"><b>Q</b></p> <p><b>quadrant</b> [1] - 25:19  <b>quadrants</b> [1] - 25:20  <b>qualifies</b> [2] - 36:20, 40:4  <b>qualify</b> [5] - 36:24, 37:2, 39:19, 40:16, 40:22  <b>quality</b> [7] - 14:2, 15:3, 16:13, 16:16, 17:3, 25:6, 44:2  <b>quantified</b> [2] - 17:16, 25:6  <b>quantitative</b> [1] - 17:7  <b>quarterly</b> [1] - 6:10  <b>questions</b> [9] - 2:23, 4:1, 5:6, 13:22, 41:20, 42:13, 42:14, 42:16, 44:15  <b>queue</b> [1] - 21:5  <b>quick</b> [1] - 2:9  <b>quicker</b> [1] - 24:6  <b>quite</b> [2] - 11:18, 16:19</p>	<p><b>re</b> [1] - 1:4  <b>reach</b> [3] - 15:10, 16:4, 16:5  <b>reached</b> [1] - 28:13  <b>reaching</b> [1] - 10:5  <b>read</b> [12] - 16:19, 19:16, 23:11, 25:15, 32:6, 37:7, 39:11, 40:16, 40:17, 41:21, 44:12  <b>reading</b> [6] - 5:21, 25:20, 31:9, 40:17, 41:8, 43:11  <b>ready</b> [2] - 3:10, 26:9  <b>real</b> [1] - 11:2  <b>really</b> [22] - 2:17, 5:7, 5:10, 8:10, 8:23, 9:6, 9:10, 12:1, 13:16, 13:17, 14:13, 18:21, 21:23, 23:5, 24:13, 24:23, 39:7, 42:4, 44:1  <b>realm</b> [1] - 14:19  <b>reasonable</b> [1] - 38:21  <b>receive</b> [1] - 3:21  <b>recession</b> [5] - 5:16, 6:3, 6:11, 6:22, 10:11, 12:25  <b>recirculation</b> [1] - 44:8  <b>recognizes</b> [1] - 19:22  <b>recommendation</b> [1] - 41:10  <b>record</b> [7] - 2:19, 2:21, 11:25, 13:13, 32:22, 35:16, 41:7  <b>recorder</b> [1] - 2:20  <b>recording</b> [1] - 48:8  <b>RECORDING</b> [1] - 1:15  <b>records</b> [1] - 15:6  <b>recover</b> [2] - 12:19, 13:11  <b>reduce</b> [1] - 19:7  <b>reduced</b> [2] - 7:17, 39:5  <b>reducing</b> [2] - 6:13, 19:8  <b>reduction</b> [1] - 14:8  <b>refer</b> [3] - 29:9, 30:22, 34:19  <b>reference</b> [1] - 30:11  <b>referred</b> [1] - 19:24  <b>referring</b> [2] - 15:14, 31:10  <b>regard</b> [1] - 35:8  <b>regarding</b> [1] - 4:2  <b>regardless</b> [1] - 27:20  <b>regional</b> [1] - 16:17  <b>regulation</b> [1] - 15:7</p>	<p><b>rela</b> [1] - 8:18  <b>related</b> [1] - 18:5  <b>relates</b> [1] - 36:6  <b>relationship</b> [1] - 10:3  <b>relative</b> [3] - 11:24, 12:3, 25:4  <b>relevant</b> [1] - 20:20  <b>rely</b> [1] - 47:1  <b>remember</b> [2] - 6:4, 35:4  <b>renewable</b> [1] - 14:1  <b>repercussions</b> [1] - 9:12  <b>report</b> [4] - 3:2, 3:6, 3:17, 4:25  <b>REPORT</b> [1] - 1:6  <b>Reporter</b> [1] - 48:6  <b>REPORTER'S</b> [1] - 1:13  <b>require</b> [1] - 47:1  <b>required</b> [5] - 3:12, 3:13, 3:25, 4:19, 14:5  <b>requirement</b> [2] - 13:25, 31:25  <b>requirements</b> [1] - 4:22  <b>requires</b> [1] - 3:3  <b>requiring</b> [1] - 14:22  <b>reread</b> [1] - 43:12  <b>residences</b> [1] - 5:20  <b>residential</b> [8] - 6:19, 14:6, 20:19, 20:21, 20:24, 21:4, 28:18, 29:12  <b>resolution</b> [1] - 34:23  <b>respect</b> [1] - 26:10  <b>respectfully</b> [1] - 32:21  <b>respond</b> [3] - 8:11, 24:24, 39:15  <b>response</b> [5] - 4:18, 33:8, 33:15, 33:18, 41:12  <b>responses</b> [1] - 4:20  <b>rest</b> [1] - 15:12  <b>retail</b> [1] - 14:11  <b>review</b> [13] - 3:3, 3:4, 3:11, 3:16, 3:19, 3:20, 4:3, 4:17, 4:18, 4:20, 15:8, 37:4  <b>rezone</b> [1] - 24:2  <b>Richard</b> [1] - 13:13  <b>ring</b> [1] - 23:3  <b>rings</b> [1] - 23:5  <b>road</b> [2] - 10:18, 10:21  <b>roads</b> [1] - 10:20  <b>roof</b> [1] - 14:14  <b>roughly</b> [1] - 5:2</p>	<p><b>Rule</b> [2] - 15:7, 15:14  <b>rules</b> [1] - 2:17  <b>run</b> [1] - 44:20  <b>running</b> [4] - 2:20, 8:1, 11:7, 44:5</p> <p style="text-align: center;"><b>S</b></p> <p><b>San</b> [1] - 15:5  <b>Santa</b> [1] - 45:7  <b>satisfaction</b> [2] - 41:1, 41:4  <b>satisfied</b> [1] - 4:22  <b>satisfies</b> [1] - 41:5  <b>SB</b> [2] - 22:2, 24:4  <b>SCHIBLE</b> [88] - 2:4, 5:15, 5:24, 6:15, 7:3, 7:10, 7:23, 8:3, 8:6, 8:10, 8:23, 9:3, 9:10, 9:15, 9:18, 9:20, 9:25, 11:23, 12:23, 15:14, 15:18, 16:14, 17:9, 18:8, 18:17, 19:16, 19:20, 20:6, 20:14, 20:17, 20:22, 21:10, 21:13, 22:6, 23:8, 24:10, 26:15, 26:24, 27:5, 27:11, 27:15, 27:23, 28:9, 29:3, 29:13, 29:18, 30:1, 30:6, 30:9, 30:16, 30:21, 30:25, 31:3, 32:8, 32:14, 33:9, 33:13, 33:23, 34:5, 34:17, 35:4, 35:13, 36:2, 36:16, 37:3, 38:4, 39:7, 39:13, 39:25, 40:5, 40:7, 40:25, 41:6, 42:4, 42:7, 43:5, 43:20, 43:24, 44:6, 44:15, 44:19, 45:1, 45:4, 45:9, 45:17, 46:16, 46:18, 47:7  <b>Schible</b> [3] - 2:5, 2:11, 35:19  <b>school</b> [4] - 6:18, 10:3, 11:2  <b>schools</b> [6] - 5:19, 6:4, 8:8, 10:18, 11:2  <b>second</b> [2] - 14:20, 31:7  <b>secondary</b> [1] - 15:16  <b>section</b> [2] - 17:23, 31:9  <b>see</b> [17] - 6:13, 12:18, 13:25, 14:13, 14:21, 16:1, 17:6, 17:7, 17:8, 17:10, 26:3,</p>	<p>26:6, 26:8, 29:9, 37:4, 45:15, 46:4  <b>seeks</b> [1] - 29:13  <b>self</b> [1] - 17:12  <b>self-mitigating</b> [1] - 17:12  <b>sense</b> [1] - 28:3  <b>sent</b> [2] - 46:21, 47:3  <b>sentence</b> [1] - 32:7  <b>separate</b> [1] - 10:17  <b>sequence</b> [1] - 19:12  <b>sequencing</b> [2] - 23:15, 25:9  <b>seriously</b> [1] - 11:4  <b>serve</b> [1] - 14:14  <b>services</b> [2] - 12:10, 21:19  <b>session</b> [1] - 42:17  <b>set</b> [4] - 22:25, 29:10, 29:16, 38:5  <b>setting</b> [1] - 35:23  <b>several</b> [1] - 7:5  <b>severest</b> [1] - 10:10  <b>sewer</b> [3] - 43:24, 44:3, 44:13  <b>short</b> [1] - 9:3  <b>Shorthand</b> [1] - 48:6  <b>shorthand</b> [1] - 48:9  <b>shown</b> [3] - 27:11, 32:3, 32:9  <b>shows</b> [4] - 12:5, 14:18, 31:11  <b>side</b> [3] - 37:16, 37:18, 39:3  <b>sides</b> [1] - 37:23  <b>sidewalks</b> [3] - 36:23, 37:25, 39:4  <b>significance</b> [5] - 32:5, 32:11, 33:25, 34:8, 34:15  <b>significant</b> [13] - 17:16, 32:4, 32:10, 32:19, 34:2, 34:4, 34:7, 34:13, 34:16, 35:3, 36:11, 36:13, 36:15  <b>significantly</b> [1] - 6:21  <b>simple</b> [1] - 2:18  <b>sites</b> [1] - 41:22  <b>size</b> [3] - 26:16, 26:18, 27:21  <b>slated</b> [1] - 37:18  <b>small</b> [2] - 6:8, 23:3  <b>Smith</b> [2] - 2:6, 2:12  <b>snapshot</b> [1] - 11:24  <b>solar</b> [4] - 14:1, 14:6, 14:14, 14:18  <b>solvent</b> [1] - 13:8  <b>somewhat</b> [2] - 24:12, 29:4</p>
<p style="text-align: center;"><b>R</b></p> <p><b>R-1</b> [1] - 23:25  <b>raise</b> [2] - 23:14, 24:18  <b>rate</b> [18] - 6:23, 6:24, 7:5, 7:7, 7:11, 7:12, 7:16, 7:19, 7:20, 8:1, 8:5, 8:21, 9:8, 10:6, 23:19, 45:13, 45:21, 45:25  <b>rates</b> [2] - 5:14, 6:1  <b>rather</b> [2] - 20:9, 25:2</p>				

<p><b>somewhere</b> [3] - 10:24, 42:19, 45:21  <b>soon</b> [2] - 35:25, 36:3  <b>sooner</b> [2] - 15:2  <b>sorry</b> [1] - 32:6  <b>sort</b> [2] - 3:19, 41:25  <b>sounded</b> [1] - 38:2  <b>sounding</b> [1] - 41:6  <b>sounds</b> [6] - 7:24, 7:25, 24:11, 29:5, 29:10, 36:10  <b>source</b> [4] - 15:7, 15:15, 15:16, 15:17  <b>south</b> [3] - 10:23, 37:23, 37:24  <b>southeast</b> [3] - 37:16, 37:18, 39:3  <b>southwest</b> [1] - 25:19  <b>space</b> [1] - 28:25  <b>SPEAKER</b> [133] - 5:13, 5:16, 5:25, 7:2, 7:8, 7:22, 7:24, 8:4, 8:7, 8:20, 9:1, 9:7, 9:13, 9:16, 9:19, 9:21, 9:22, 10:1, 10:15, 11:10, 11:11, 11:12, 12:17, 13:10, 13:12, 15:16, 15:20, 16:15, 17:10, 18:9, 18:14, 18:15, 18:18, 19:19, 20:5, 20:8, 20:15, 20:20, 20:23, 21:11, 21:24, 22:13, 22:19, 23:7, 23:11, 25:1, 26:17, 26:25, 27:1, 27:9, 27:12, 27:16, 27:17, 27:20, 28:1, 28:4, 28:6, 28:10, 28:16, 28:23, 29:4, 29:7, 29:16, 29:22, 30:2, 30:3, 30:7, 30:10, 30:19, 30:24, 31:2, 31:6, 31:8, 31:10, 31:13, 31:15, 31:16, 31:17, 31:21, 31:22, 32:2, 32:6, 32:13, 32:16, 33:11, 33:14, 33:16, 34:1, 34:6, 34:9, 34:21, 35:2, 35:12, 35:14, 36:3, 36:5, 36:17, 37:11, 38:8, 38:15, 38:16, 39:9, 39:24, 40:2, 40:6, 40:8, 40:10, 40:12, 40:14, 41:3, 41:19, 42:5, 42:8, 42:9, 43:6, 43:14, 43:15, 43:21, 44:5, 44:7, 44:9, 44:11, 44:12, 44:13,</p>	<p>44:16, 44:24, 45:2, 45:5, 45:10, 45:11, 45:20, 46:17, 46:20  <b>speaking</b> [1] - 8:15  <b>specific</b> [18] - 5:6, 8:20, 12:21, 14:21, 17:21, 25:10, 26:11, 26:14, 26:16, 26:18, 26:21, 29:19, 30:13, 30:17, 34:17, 41:9  <b>specifically</b> [1] - 12:1  <b>specifics</b> [1] - 45:4  <b>speculative</b> [4] - 24:12, 24:24, 39:7, 39:10  <b>sprawl</b> [3] - 25:5, 31:24, 33:6  <b>square</b> [8] - 14:12, 25:11, 28:4, 28:14, 28:15, 28:19, 28:25  <b>squared</b> [1] - 25:14  <b>ss</b> [1] - 48:1  <b>staff</b> [3] - 13:15, 35:24, 41:11  <b>stage</b> [1] - 9:19  <b>stages</b> [1] - 7:15  <b>stand</b> [1] - 8:18  <b>standards</b> [1] - 16:4  <b>start</b> [5] - 10:5, 13:24, 21:2, 27:13, 28:12  <b>started</b> [1] - 12:25  <b>starting</b> [5] - 6:12, 12:18, 12:19, 13:11, 21:8  <b>starts</b> [3] - 9:4, 12:24, 13:7  <b>STATE</b> [1] - 48:1  <b>State</b> [1] - 48:6  <b>state</b> [2] - 4:19, 42:20  <b>statement</b> [10] - 20:9, 26:17, 34:12, 36:1, 36:2, 40:3, 43:16, 45:13, 45:23, 46:23  <b>status</b> [2] - 8:7, 8:19  <b>stenographic</b> [1] - 48:9  <b>step</b> [1] - 33:11  <b>still</b> [13] - 8:21, 9:7, 9:19, 11:8, 15:24, 16:7, 22:8, 22:9, 23:11, 27:8, 30:4, 40:24  <b>storm</b> [3] - 36:23, 37:25, 39:4  <b>structures</b> [1] - 14:11  <b>stuff</b> [1] - 6:4  <b>subject</b> [1] - 44:18  <b>submit</b> [1] - 32:21  <b>substantial</b> [5] - 15:4, 32:21, 34:23, 37:19,</p>	<p>43:24  <b>suggest</b> [2] - 14:3, 32:25  <b>summarize</b> [1] - 37:6  <b>summer</b> [1] - 5:2  <b>super</b> [1] - 14:17  <b>Superior</b> [1] - 48:6  <b>supervisors</b> [1] - 33:3  <b>supply</b> [3] - 21:3, 21:4, 26:5  <b>supposed</b> [2] - 12:6, 20:11  <b>surplus</b> [1] - 11:3  <b>surpluses</b> [1] - 6:8  <b>surrounded</b> [1] - 43:7  <b>synonyms</b> [1] - 22:18</p> <p style="text-align: center;"><b>T</b></p> <p><b>talks</b> [1] - 18:23  <b>technology</b> [1] - 14:4  <b>tempore</b> [1] - 48:5  <b>ten</b> [9] - 20:11, 20:15, 20:20, 21:3, 21:7, 21:8, 26:5, 45:7  <b>ten-year</b> [4] - 20:11, 21:3, 26:5, 45:7  <b>term</b> [1] - 9:7  <b>terminology</b> [1] - 22:14  <b>terms</b> [7] - 12:24, 16:13, 19:9, 20:18, 27:3, 45:6, 46:13  <b>testimony</b> [2] - 35:6, 41:18  <b>text</b> [1] - 34:17  <b>theoretical</b> [3] - 24:12, 24:25, 39:14  <b>thereafter</b> [1] - 48:9  <b>therefore</b> [1] - 34:15  <b>thinking</b> [2] - 23:15, 28:2  <b>third</b> [1] - 31:7  <b>thousands</b> [1] - 14:12  <b>three</b> [8] - 18:24, 19:15, 27:10, 27:13, 27:21, 28:13, 29:2, 31:12  <b>tier</b> [46] - 18:23, 18:24, 19:1, 19:3, 19:14, 19:22, 21:9, 21:11, 21:19, 22:10, 22:14, 22:16, 22:17, 22:18, 23:23, 23:24, 24:9, 26:13, 26:20, 27:3, 27:5, 27:9, 27:10, 27:13, 27:23, 28:13, 28:22, 29:1, 29:2, 31:5, 31:11, 31:12,</p>	<p>38:5, 39:18, 40:4, 40:8, 40:9, 43:9  <b>tiered</b> [1] - 25:21  <b>tiers</b> [2] - 23:10, 31:7  <b>timeline</b> [1] - 4:3  <b>timing</b> [1] - 19:1  <b>today</b> [2] - 13:9, 42:13  <b>Today</b> [1] - 2:4  <b>tonight</b> [3] - 13:22, 31:2, 41:1  <b>took</b> [2] - 3:6, 17:1  <b>total</b> [1] - 8:14  <b>touch</b> [1] - 15:4  <b>toward</b> [1] - 7:8  <b>town</b> [2] - 10:23, 37:17  <b>track</b> [1] - 21:1  <b>tracking</b> [1] - 15:13  <b>traffic</b> [9] - 6:17, 8:8, 10:17, 11:7, 24:5, 44:17, 44:19, 44:21, 45:5  <b>transcribed</b> [1] - 48:10  <b>TRANSCRIPT</b> [1] - 1:13  <b>transcript</b> [2] - 48:11, 48:12  <b>transparent</b> [1] - 13:17  <b>transportation</b> [1] - 6:7  <b>traveled</b> [3] - 17:5, 19:8, 25:8  <b>treatment</b> [6] - 11:15, 14:18, 43:17, 43:22, 43:25, 44:14  <b>trend</b> [5] - 7:9, 7:10, 7:13, 9:8, 13:11  <b>trends</b> [3] - 12:18, 12:20, 13:1  <b>tried</b> [1] - 29:11  <b>trigger</b> [1] - 19:17  <b>triggers</b> [2] - 22:21, 22:24  <b>trouble</b> [3] - 17:1, 17:19, 26:1  <b>trough</b> [1] - 8:4  <b>true</b> [1] - 48:11  <b>trust</b> [1] - 35:23  <b>try</b> [4] - 15:12, 22:2, 23:20, 39:22  <b>trying</b> [6] - 17:20, 20:23, 23:16, 39:11, 40:10, 40:14  <b>TUESDAY</b> [1] - 2:2  <b>TULARE</b> [1] - 48:2  <b>two</b> [11] - 2:13, 18:23, 19:14, 23:5, 24:9, 27:9, 27:13, 28:13, 29:1, 31:12, 45:12  <b>type</b> [4] - 20:14, 24:12,</p>	<p>24:13, 24:14  <b>types</b> [3] - 20:2, 20:15, 46:25  <b>typewriting</b> [1] - 48:10  <b>typically</b> [1] - 15:18</p> <p style="text-align: center;"><b>U</b></p> <p><b>ultimately</b> [1] - 35:5  <b>unavoidable</b> [3] - 32:20, 34:7, 34:14  <b>unclear</b> [1] - 24:15  <b>under</b> [10] - 3:1, 3:13, 15:3, 16:12, 16:22, 19:3, 24:4, 28:21, 36:19, 39:9  <b>underlying</b> [1] - 29:22  <b>understandably</b> [1] - 7:16  <b>understood</b> [1] - 33:19  <b>unintelligible</b> [3] - 7:24, 10:15, 27:2  <b>unit</b> [2] - 9:4, 19:21  <b>units</b> [5] - 7:6, 7:20, 23:25, 28:9, 28:17  <b>unless</b> [1] - 21:22  <b>unmitigable</b> [2] - 34:16, 35:9  <b>up</b> [30] - 3:7, 5:5, 5:23, 6:2, 6:21, 8:4, 10:4, 10:9, 10:13, 11:6, 11:21, 12:20, 15:1, 15:12, 24:6, 24:8, 24:22, 27:4, 28:19, 29:1, 29:23, 32:23, 33:12, 35:17, 35:23, 38:5, 42:18, 46:12, 46:22, 47:4  <b>update</b> [7] - 2:13, 2:24, 3:5, 3:9, 4:24, 7:15, 23:10  <b>upgrade</b> [1] - 43:25  <b>upgrading</b> [1] - 45:6  <b>urban</b> [5] - 22:2, 25:5, 25:11, 32:18, 44:8  <b>urbanization</b> [2] - 30:22, 31:4  <b>urge</b> [2] - 14:24, 33:7  <b>useful</b> [1] - 16:13  <b>user</b> [1] - 11:21  <b>uses</b> [1] - 20:2</p> <p style="text-align: center;"><b>V</b></p> <p><b>vacant</b> [1] - 39:2  <b>Valley</b> [1] - 15:6  <b>valley</b> [1] - 32:23</p>
---	---	---	---	---

<p><b>various</b> [3] - 6:6, 20:2, 38:24</p> <p><b>vehicle</b> [3] - 17:5, 19:8, 25:7</p> <p><b>vehicles</b> [2] - 14:23</p> <p><b>verbally</b> [2] - 2:21, 3:23</p> <p><b>viable</b> [1] - 30:4</p> <p><b>view</b> [2] - 17:11, 23:16</p> <p><b>VISALIA</b> [2] - 1:1, 2:1</p> <p><b>Visalia</b> [5] - 1:7, 2:5, 2:6, 2:7, 16:16</p> <p><b>visit</b> [1] - 16:18</p> <p><b>visual</b> [1] - 25:20</p>	<p>45:24, 46:2</p> <p style="text-align: center;"><b>Z</b></p> <p><b>zoning</b> [1] - 23:23</p>
<b>W</b>	
<p><b>wait</b> [1] - 11:3</p> <p><b>waiting</b> [1] - 33:12</p> <p><b>Wal</b> [1] - 14:17</p> <p><b>Wal-Mart</b> [1] - 14:17</p> <p><b>walnut</b> [2] - 37:23, 37:24</p> <p><b>warehouses</b> [1] - 14:10</p> <p><b>wastewater</b> [1] - 11:15</p> <p><b>weigh</b> [1] - 35:6</p> <p><b>welcome</b> [2] - 5:9, 33:14</p> <p><b>west</b> [6] - 18:2, 30:3, 30:11, 30:17, 30:22, 31:3</p> <p><b>what-if</b> [1] - 24:13</p> <p><b>whole</b> [2] - 7:17, 11:17</p> <p><b>wondered</b> [1] - 15:11</p> <p><b>wondering</b> [1] - 5:25</p> <p><b>word</b> [1] - 15:25</p> <p><b>words</b> [4] - 28:11, 34:1, 36:14, 43:6</p> <p><b>works</b> [1] - 12:13</p> <p><b>worst</b> [1] - 10:10</p> <p><b>writing</b> [4] - 14:25, 24:17, 41:11, 48:9</p> <p><b>written</b> [3] - 3:22, 3:23, 13:21</p>	
<b>Y</b>	
<p><b>year</b> [14] - 3:9, 7:6, 7:20, 10:10, 12:24, 20:11, 20:16, 20:20, 21:3, 21:4, 21:7, 26:5, 45:7, 45:18</p> <p><b>years</b> [17] - 7:6, 10:6, 10:7, 10:8, 11:19, 16:20, 20:18, 21:8, 37:18, 37:19, 37:20, 43:23, 45:16, 45:22,</p>	

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